



City of
Joondalup

**MINUTES OF COUNCIL MEETING
HELD ON 26 MARCH 2002**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 26 MARCH 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1902 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2037 hrs to 2038 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	
Cr A NIXON	North Coastal Ward	<i>Absent from 2024 hrs to 2030 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>to 2035 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2035 hrs to 2036 hrs</i>
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>from 1933 hrs</i>
Cr J HURST	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director, Corporate Services and Resource Management:	J TURKINGTON
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Manager, Audit & Executive Services:	K ROBINSON
Manager, Marketing, Communications & Council Support:	M SMITH
Acting Manager, Strategic and Corporate Planning:	R HARDY
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 18 members of the Public and 1 member of the Press in attendance.

In Attendance

Pastor David Snell, Lake Joondalup Baptist Church

The Mayor welcomed Pastor David Snell as tonight's invited guest.

Pastor Snell advised Lake Joondalup Baptist Church began approximately 13 years ago when three families mortgaged their homes to plan an open enrolment christian college adjacent to Arena Joondalup. Today the college has an enrolment of approximately 1,000 students from Pre-School to Year 12.

Pastor Snell stated he was Chairman of the Board of Lake Joondalup Baptist College. In addition he advised he is senior Pastor of the Church, which on a Sunday has up to 400 attendees over three different services.

The Baptist Church currently runs a counselling ministry, a strong youth group, as well as a newly launched recovery ministry which deals with people who have had destructive family pasts.

Pastor Snell stated the Church had an involvement in "Carols by Candlelight" at Christmas with other local Churches and thanked the City for its support of this event.

He commented both Lake Joondalup Baptist College and Church was here to help the community, to bring hope to people and to relay a message of faith, love, hope and forgiveness.

At the request of Mayor Bombak, Pastor Snell opened the Council meeting in prayer.

PUBLIC QUESTION TIME

The following questions, submitted by Mr A Bryant, Craigie, were taken on notice at the Council meeting held on 12 March 2002:

Q1 Why does this Council prefix each numbered agenda item with the letters 'CJ'?

A1 This numbering system was introduced following the split of the former City of Wanneroo, during the period when both new Councils were administered by the Joint Commissioners, to distinguish between the reports of the City of Joondalup (prefix "CJ") and the Shire of Wanneroo (prefix "SW"). For the purpose of continuity, no change has been made to the numbering system.

Q2 A notice of motion has been given by Cr Patterson in respect to public car parking at Joondalup Health Campus which is now owned privately by Ramsey Health, an Australia wide identity and an offshoot of Ramsey Health of USA.

I request Council considers carefully using my rate money to subsidise public parking for a private enterprise. If the private enterprise needs more public parking space for its clients' customers it should use its own capital resources to provide them, not ratepayers money.

A2 Mr Bryant's request is noted.

Q3 *On the street verge at 2 Stocker Court, Craigie, there is a quantity of limestone building blocks and other rubbish that has been there since the middle of last year. Is it possible for the materials and rubbish to be removed as it affects the amenity of the area that is neat and tidy?*

A3 This matter has been actioned by the City's Ranger Services and Mr Bryant will be contacted to advise on the action that has been taken.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council meeting held on 12 March 2002:

Q1 *My understanding is that Connell Wagner were not the original concept plan developers, when did you change and how much did it cost?*

A1 It is correct that Connell Wagner were not the original Concept Plan consultants, and as previously advised, Council is under no obligation to go with previously appointed consultants. To expedite the preparation of a revised concept plan, the City used Connell Wagner, as part of a long-term consultancy contract. Representatives of Connell Wagner and their sub-consultants were briefed on 27 February 2002, and the cost involved with preparing the revised plan is \$2,970.00, inclusive of GST.

Q2 *Will Council provide a complete breakdown of all the costs associated with preparing the concept plans for Mullaloo Precinct which is to include all of Mullaloo?*

A2 In the 2000/01 budget year, Woods Bagot were engaged at a total cost of \$12,700.00. In the 2001/02 budget year, funds have been committed for consultancy work from Tabec (\$9,255.00) and Klyne Consulting (\$1,375.00). In addition, as previously mentioned, Connell Wagner have been engaged at a cost of \$2,970.00.

Q3 *In reference to the question for a copy of the video of the Special Electors' Meeting at Greenwood, the Local Government Act states that copies of tape recordings are available to the public on request, it does not distinguish between audio and visual. Is this correct?*

A3 No. The Local Government Act 1995 does not refer anywhere to copies of tape recordings whether they be audio or visual.

The City's Policy 2.2.6 "Council Meetings – Electronic Sound Recordings" refers to such things as "electronic recording, taped proceedings and recorded proceedings." As the title indicates it relates to "Sound Recordings"

The following questions, submitted by Ms M MacDonald, Mullaloo, were taken on notice at the Council meeting held on 12 March 2002:

Q1 *I refer to the answer to my question of 26 February 2002 relating to the allocating of time of staff members to identifiable projects. Is the Council aware that many client-based organisations have to allocate time to projects often on a six minute unit? How does the City assess performance and productivity of its officers? As a*

ratepayer I would like to know how much of the officers' time was spent on the now defunct precinct planning for Greenwood and Kingsley?

A1 As previously advised, it has not been the practice, nor would it be practical, to separate out the staff related costs for each project to such a degree necessary to achieve a total project cost with certainty of accuracy. A review of each officer's performance is undertaken on an annual basis, which takes Key Performance Indicators into account, including satisfactory completion or progress of projects.

Q2 *Cr Baker's motion regarding Greenwood and Kingsley Precinct Planning is the only item on the Internet. Can Council tell me why the other items have been removed?*

A2 Following Council's decision to abandon the Precinct Planning process, it was deemed appropriate that all other information on the Internet, in relation to this matter, be removed.

The following questions, submitted by Ms Sue Hart, Greenwood, were taken on notice at the Council meeting held on 12 March 2002:

Q1 *Can you please tell me what section of the Local Government Act 1995 requires a Special Electors Meeting to be visually or audibly recorded?*

Q1 None.

Q2 *Can a motion be voted on twice at a Special Electors Meeting according to the Local Government Act 1995 in reference to the vote of no confidence in the Mayor at the Greenwood Special Electors Meeting?*

A2 As previously advised, the vote of no confidence in the Mayor at the Special Electors meeting held at Greenwood High School, was re-counted as the initial vote taken was too close to determine, due to the large number of electors in attendance.

This is a common practice in meeting procedure and clause 4.8 of the City's Standing Orders Local law 1997, as outlined below, clearly indicates this:

"The chairperson shall in taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative and may do so as often as is necessary to enable the Chairperson to form and declare an opinion as to whether the affirmative or the negative has the majority."

The following questions, submitted by Mr S Magyar, Heathridge, were taken on notice at the Council meeting held on 12 March 2002:

Q1 *Further to my previous question regarding the computerisation of minutes. Do the Standing Orders give Council any means to ensure that Councillors use the computerised system?*

A1 No. However, all elected members are provided with laptop computers and with a Council resolution to proceed in developing the computerised meeting system, there is a clear expectation that it will be used.

Q2 What was the purpose of videoing the two special electors' meetings held in Greenwood and Kingsley?

A2 To have a visual record of the meetings.

The following question, submitted by Mr V Cusack, Kingsley, was taken on notice at the Council meeting held on 12 March 2002:

Q1 What policy is in place to record the Special Electors' Meetings?

A1 None.

The following questions, submitted by Mr R de Gruchy, Sorrento, was taken on notice at the Council meeting held on 26 February 2002:

Q1 Would you please advise the attendance figures for:

- (a) the six month period ending 31 December 2000;*
- (b) the six month period ending 31 December 2001.*

A1 Attendance figures supplied by RANS for the six month period ending 31/12/2001 were 250,654.

Information records retained by the City of Joondalup were based primarily upon financial performance, and attendance figures retained by the City were not subject to the same scrutiny as they are under the RANS management group.

Revenue collected in the six month period ending 31/12/2000 - \$988,540

Revenue collected in the six month period ending 31/12/2001 - \$1,084,972

Q2(a) Would you please advise the total amount of revenue collected by the City of Joondalup from the RANS Management Group in relation to the Craigie Leisure Centre since they assumed operations control in May 2001:

A2(a) To date, \$1,704 has been collected.

Q2(b) Would you please advise the total amount of funds expended by the City of Joondalup on maintenance, repairs, renovations and any other expenses incurred by the Craigie Leisure Centre since 1 May 2001.

A2(b) \$162,318 has been expended on Repairs and Maintenance

Q3 What considerations, if any, has been given to corporate overheads in relation to the Craigie Leisure Centre?

A3 The issue of Corporate Overheads was addressed in the report to Council (24/10/2000 CJ290 Operational Management and Lease City of Joondalup Leisure Centres).

The following questions were submitted by Mrs M Macdonald, Mullaloo:

Q1 Mullaloo Tavern is identified as being a Village Centre. The Schedule indicates that to be a Village Centre a centre must be over 1000sqm of Retail Net Lettable Area. Schedule 3 lists 10 Oceanside Promenade as being below 4500 metres square NLA and presumable over 1000 because it is not a local shop centre. Could you please confirm the retail net lettable for Mullaloo Tavern site? The District Town Planning Scheme No 2 lists the Mullaloo Beach store at the same address as the Tavern as being 500 metres square of retail net lettable area. Your officers have told me that a Tavern does not have Retail Net Lettable area. As there are differences between Local Shops and Village Centres with respect to activities that are allowed there, please indicate how the Mullaloo Tavern constitutes being designated as a Village Centre?

A1 Retail NLA for Lot 100 (10) Oceanside Promenade, Mullaloo

- Under Schedule 3 of District Planning Scheme No.2 (DPS2) the NLA (m²) for Lot 100 (10) Oceanside Promenade is 500m².
- The Centres Strategy Policy approved By Council in November 2000 recommended that Lot 100 (10) Oceanside Promenade be identified as a ‘Village Centre’ with a maximum NLA of below 4,500m². A condition is placed on the maximum NLA for Village Centres which is as follows:

‘Generally Village Centres over 3,000m² or expansion to over this figure will not be supported unless it can be shown there is a need and that the proposed expansion will be based on ‘mainstreet’ shopping principles.’

- Amendment No.10 to DPS2 is proposing to incorporate the recommendations made by the Centres Strategy Policy into DPS2. In part this includes replacing the existing Schedule 3 in DPS2 with schedule 3 of the ‘Centres Strategy’. Accordingly the maximum NLA permitted for Lot 100 (10) Oceanside Promenade, Mullaloo is proposed to change from 500m² to below 4,500m².

‘Tavern’ and Retail NLA distribution within Centres

The following is in response to comments made that the ‘Tavern does not have any retail space’.

- There is no minimum required retail NLA for any centres in the hierarchy, only a maximum. The land-uses permitted in a Village Centre or any other centre for that matter are governed by the zoning of the land and the availability of retail NLA (for retail land uses). In the instance of Lot 100 Oceanside Drive, Mullaloo the land is zoned ‘Commercial’ under DPS2, and accordingly a variety of retail and non-retail land-uses may be permitted or considered by Council for approval.

The maximum permitted retail NLA identified in schedule 3 of DPS2 only concerns itself with those land-uses considered as ‘retail/shop’ as per the definition provided under **THE WAPC STATEMENT OF PLANNING POLICY NO.9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region.**

- In the instance of Lot 100 (10) Oceanside Promenade, Mullaloo the Land Use “Tavern” is not considered a ‘retail/shop’ land use, accordingly the total retail NLA permitted for Lot 100 (10) Oceanside Promenade, Mullaloo in schedule 3 of DPS2 is not affected by the ‘Tavern’ component of the development. Should the ‘Tavern development’ include incidental land-uses that are classified as ‘retail/shop’ uses (i.e liquor retail/shop), then the NLA of this component of the ‘Tavern’ development will be deducted from overall retail NLA appropriated to Lot 100 (10) Oceanside Promenade, Mullaloo.

Lot 100 Oceanside Promenade being classified a ‘Village Centre’

- The Mullaloo site has been designated a Village Centre under the City’s ‘Centres Strategy Policy’ with a retail NLA maximum of up to 4,500m². Amendment No.10 to DPS2 will adopt this recommendation.
- The lot is identified as a ‘Village Centre’ under the ‘Centres Strategy Policy’ due to its size (2377m²) and its ‘commercial’ land-use zoning under DPS2.

Q2 Proposed Amendment to District Planning Scheme No. 2 – Centres Strategy Item 9 on the Agenda Part 4 Development of Centres. Will this amendment apply to the Mullaloo Tavern Development proposal?

If so,

4.16.3 (a) Any building should have a zero setback to front and side Boundaries with attention drawn to the improvement of the streetscape.

The Proposed Mullaloo Tavern development presently does not meet the requirements with respect to setbacks. Will this amendment assist the Tavern with respect to this failure?

4.16.3(b) Building height is to be no greater than two storeys, however that constraint may be relaxed for buildings situated at prime locations and designed of landmark quality.

The Proposed Mullaloo Tavern development is 5 storeys high. Who will exercise discretion with respect to this item.

4.16.4(c) Car parking may be provided up to 20% less than the requirement under table 2. Where possible parking may be provided in the form of embayed parking within the road reserve, using the cash in lieu provisions contained in clause4.11.

The proposed Mullaloo Tavern development does not meet car parking requirements. Will this amendment improve their situation with respect to car parking bays?

A2 Amendment No 10 does not apply to any site until final approval is given by the Western Australian Planning Commission. Therefore, the issues of building setbacks, height, and car parking will be assessed under the current provisions of District Planning Scheme No 2. Council has the ability under DPS2 to consider variations to scheme provisions if considered appropriate. Amendment No 10 is,

however, a seriously entertained proposal, and Council may have due regard to the Amendment. Clauses 4.16.3 (a)-(c) will only apply to developments where 'main street' principles are adopted. Therefore, the Amendment would not automatically assist the tavern proposal in terms of 4.16.3 (a) or (c). In regard to 4.16.3 (b), discretion in terms of height would need to be exercised by Council if the proposal was supported in its current form.

The following questions were submitted by Mr Steve Magyar, Heathridge:

Q1 Has the Mayor and Chief Executive Officer of the City of Joondalup, during the previous three weeks had a meeting with the Minister for Local Government?

A1 Yes.

Q2 At that meeting, were the statutory requirements for holding Special Electors Meetings discussed?

A2 Yes.

Q3 If so, did the Mayor or Chief Executive Officer suggest that the number of electors signatures required to call a Special Electors meeting should be some number other than 100?

A3 Yes.

Q4 If the Mayor or Chief Executive Officer suggested that the number of electors signatures required for a Special Electors meeting should be some number other than 100, what numbers or percentage of electors did the Mayor or Chief Executive Officer suggest to the Minister?

A4 1% of electors as an option or a number greater than 100.

Q5 If the Mayor or Chief Executive Officer did suggest to the Minister that the number of electors required to call a special electors meeting should be changed, were they speaking on behalf of the Council or in a private capacity expressing a personal point of view?

A5 Informal discussion.

Q6 Will the public have access to the agendas for the Strategic Briefing sessions?

A6 No.

Q7 Will minutes be kept of the Strategic Briefing sessions?

A7 No.

Q8 If minutes or notes are kept of the proceedings of the Strategic Briefing sessions, will the public have access to these documents?

A8 As stated before, the public will be entitled to all public information.

Q9 Can Councillors make any decisions to instruct the Chief Executive Officer and/or staff at a Strategic Briefing session?

A9 No.

Q10 If Councillors cannot instruct staff or make resolutions at a Strategic Briefing session, what powers do Councillors have to determine any Strategic Issues when attending a Strategic Briefing session?

A10 Not relevant.

Following a request from Mr M Sideris, Mullaloo, an amended response is provided to a question raised at the meeting of Council held on 12 March 2002:

Q1 Is the Chief Executive Officer aware that the State Records Act 2000 identifies that all electronic mail and hard copy documents, tapes etc are official records of meetings for Government agencies. Council being a Government agency would fall under that umbrella?

A1 Relevant staff are aware of their responsibilities.

Mr R de Gruchy, Sorrento:

Q1 In relation to question 1(a) previously answered, I have a copy of the City of Joondalup Annual Report dated June 2001 and on page 30 it shows that attendance figures for the Craigie Leisure Centre for 2000/2001 was 791,622. If attendance figures can be obtained for 12 months why are they not available for six months?

Q2 Can Council explain the difference between an amount of \$1704 being collected by the City of Joondalup, when the Business Plan dated December 2000 for the lease of the three leisure centres indicated that \$7876 would be collected in the first year?

Q3 Can Council elaborate on what is meant when you say “The issue of corporate overheads was addressed in the report to Council – CJ290 on 24 October 2000”. What does this mean and how much corporate overheads are being allocated to the Craigie Leisure Centre today?

A1-3 These questions will be taken on notice.

Q4 Has RANS paid a performance bond of \$184,000 to the City of Joondalup and was this in cash?

A4 The payment has been received, it was paid by cheque and is currently held by Council's bond.

Q5 In the Business Plan there is a commitment of \$1 million for the extension of the Health and Fitness Centre at Craigie Leisure Centre with an official opening date of March 2002. Would Council advise why this has not yet occurred?

A5 This question will be taken on notice.

Mr M Sideris, Mullaloo

Q1 Why was the preliminary concept plan presented to the Special Electors Meeting on 18 March 2002 produced without any reference to the concept plan that went out for public consultation approximately 18 months ago and public submissions that were made?

A1 The City did make reference to the concept plan and the submissions that were made by the community at the time. It was decided, however, not to provide the consultant with the 137 submissions that were made, but the issues were raised with him verbally at the briefing meeting the City had with him.

Q2 There was a Special Meeting of Electors held on Monday, 18 March 2002. Why is there nothing in the agenda referring to the outcomes of that meeting?

A2 The Local Government Act 1995 states that decisions made at an electors meeting are to be considered at the next ordinary meeting or, if that is not practicable, at the first ordinary meeting of Council after that meeting.

Ms M MacDonald, Mullaloo:

Q1 The Mullaloo Tavern was identified as a village. This was related to its size, which is 2377 metres square and is a commercial area. Did Council apply size criteria to all the other centres that were looked at?

A1 This question will be taken on notice.

Q2 At the Briefing Session on 19 February 2002 it was indicated that I might have to pay for the cost of last Monday's Electors Meeting. Will I be receiving an invoice for that meeting and will I be receiving a letter of apology for the defamation of my character and bullying tactics that were present at the meeting.

A2 The City will not be issuing an invoice.

Mr S Magyar, Heathridge:

Q1 Cr Mackintosh's letter to the Community Newspaper published on Thursday, 21 March 2002 states: "I wholeheartedly support the plans for the redevelopment of the Mullaloo Tavern."

Will the Mayor and the Chief Executive Officer examine the contents of the letter and see if that letter has kept within the spirit and intent of Item 2.3.1(d) of the Code of Conduct of the City of Joondalup?

Q2 Can you please explain how the idea of holding a strategic briefing session behind closed doors equates with Code of Conduct Item 2.5.1 Communication with the Community?

A1-2 These questions will be taken on notice.

Q3 What is the intent of the Strategic Briefing Session, is it to stay within the spirit of Administration Regulation 14 or is it for some other purpose?

A3 The purpose of the Strategic Briefing Sessions is for Council to become far more focus on strategic and operational matters and to enable Councillors to be briefed on budget items at the time that the budget was in the process of being prepared. Other matters to be considered at these sessions is the development of policy that seeks input from Councillors from the initial period. This enables Councillors to raise matters in an informal discussion where there are no decisions made and for Councillors to have open discussions on various matters that could, at a later date, become part of a policy making exercise which would then form the normal practice of Council. These would be referred to briefing sessions and then to an ordinary meeting of Council.

Mr V Cusack, Kingsley

Q1 Regarding Item CJ060 – Disposal of Personal Commuters. How is it intended that the schools will be notified of the available computers?

A1 All schools in the area would be contacted with similar guidelines that the City has set up for community funding whereby community groups would be asked to submit their requirements. The City will rely on the database it has for community-based organisations and schools. The first year will be a learning curve to try and cover the spectrum of the community. The City has already received interest from a number of schools in the area.

Q2 In the current edition of the Wanneroo Community Times it says that City officers met last week to work out what went wrong with community consultation for the precinct planning process. Is this information correct?

A2 No this is not correct.

Q3 In regard to item CJ062 – Review of the Council Decision Making Process. It states that one of the disadvantages of Option 1 is that there may be an increase in late and urgent business items. If this were to occur on a regular basis, would it give our

elected Councillors enough time to adequately review the reports for the late items and subsequently make an informed decision?

A3 The City is confident that the proposal that is being put to Council will allow the Councillors adequate opportunity to give due consideration to all matters before them. If there is any evidence that the City has failed in that regard we would review it urgently.

Q4 *Can Council explain how an increase in late items would meet the best practice principles of an open and accountable governmental decision making process?*

A4 Council keeps late items to an absolute minimum and there will not be a common practice of having late items submitted to Council.

Q5 *Did Councillors receive definitions for Best Practice?*

A5 The City has definitions of Best Practice principles. These principles are available to Councillors with discussions on them at briefing sessions if needed. The Councillors have also had a comprehensive briefing on the advantages and disadvantages of the Best Practice principles.

Ms M Zakrevsky, Mullaloo:

Q1 *CJ70 – Proposed Amendment No. 10 to District Planning Scheme No.2. Schedule 5 clause 5.3.1 list five places as having “significance for the purpose of protection of the landscape or the environment”. Neil Hawkins Park is on that list and has aboriginal heritage. Why are two of our oldest parks that have historical, landscape and environmental significance not on this list? I refer to Tom Simpson Park, Mullaloo which dates back to 1938 and Geneff Park, Sorrento which goes back to the fifties or earlier. Trigg Point Park, Ocean Reef has unsurpassed views and Craigie Bushland should be included for its landscape and environmental views.*

A1 This question will be taken on notice.

Cr Kenworthy entered the Chamber, the time being 1933 hrs.

Q2 *CJ70 – Proposed Amendment No. 10 to District Planning Scheme No.2. How many persons were involved in deciding the hierarchy of the centres in the Centres Policy (Ref. Attachment 4, Schedule 3 – Net lettable area for centres)?*

A2 This question will be taken on notice.

Q3 *What were the reasons for placing Mullaloo beach store/tavern that is on a 2377 square metre block in ‘village’ category with a 4500 square metre potential nett lettable area?*

A3 This question has already be answered.

Q4 *What is the purpose of having height and setback rulings for residential housing, yet commercial sites adjoining and squeezed between housing have no such restrictions?*

A4 The amendment tonight, if it proceeds, puts a two-storey limit on the commercial land. This would be addressed through the amendment.

Mr K Zakrevsky, Mullaloo:

Q1 Were you, Mayor Bombak, not the Chairman of the briefing session on 19 February 2002?

A1 This question will be taken on notice.

Q2 Why, assuming you chaired that meeting, do you expect the Chief Executive Officer to answer questions regarding a situation where you specifically were responsible for procedure at that meeting?

A2 It is requested that this question be submitted in writing to enable a response to be provided.

Q3 Is it not the responsibility of Council to stop any Councillor attacking, insulting or defaming a ratepayer?

A3 That is an opinion.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Mackintosh	25 March – 19 April 2002 inclusive
Cr Hurst	28 March – 14 April 2002 inclusive
Cr Kadak	3 April - 24 May 2002 inclusive
Cr Barnett	20 April - 28 April 2002 inclusive

C34-03/02

REQUESTS FOR LEAVE OF ABSENCE

Cr Carlos has requested Leave of Absence from Council duties from 4 April 2002 to 15 April 2002 inclusive.

Cr Kenworthy has requested Leave of Absence from Council duties from 8 April 2002 to 11 April 2002 inclusive.

MOVED Cr Baker, SECONDED Cr Kimber that Council APPROVES the following requests for Leave of Absence:

Cr Carlos - 4 April 2002 to 15 April 2002 inclusive
Cr Kenworthy - 8 April 2002 to 11 April 2002 inclusive

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ063-03/02 – Warrant of Payments (Voucher No 38108 Chubb Security Australia Pty Ltd)– 28 February 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.

CONFIRMATION OF MINUTES**C35-03/02 MINUTES OF COUNCIL MEETING – 12 MARCH 2002**

MOVED Cr Patterson, SECONDED Cr Baker that the Minutes of the Council Meeting held on 12 March 2002, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**JOONDALUP FESTIVAL 2002**

Early indications are that the City of Joondalup has beaten last year's record crowds and for the first time topped the 100,000 attendance mark at the 2002 Joondalup festival.

The two-day event in the heart of Joondalup has been described as “simply outstanding”.

Joondalup City Centre came alive with colour and the big crowds enjoyed themselves immensely.

The street parade on Saturday evening, 23 March 2002 was a major highlight.

More than 2,500 people involving 45 local school and community groups paraded through the City streets with music, lights and spectacular floats.

During the festival, the City granted Freedom of Entry to the new WA Police Academy and more than 20,000 people attended the Academy's open day alone.

In all, it was a fantastic weekend, and Festival Director, James Boyd and his team are to be congratulated for an outstanding event.

MINISTERIAL MEETING

Chief Executive Officer, Denis Smith, MLC Ken Travers and myself have met with Local Government Minister, Tom Stephens.

It was suggested that legislation on Special Electors' meetings needs to be reviewed and one option being 1% of electors required to sign a petition could be more reasonable.

Mr Travers indicated 100 signatories was too low and it may be more equitable for this matter to be based on a Ward basis and suggested 500 across the whole of the local government authority may be more reasonable, with a lower threshold for an individual Ward/local matter.

The Minister gave an undertaking that this would be examined as part of the current review of the Local Government Act.

The Minister also agreed the matter of the Mayoral chain of the former City of Wanneroo required resolution.

He would be seeking advice from the Crown Solicitor on his powers of intervention and arbitration in a dispute between two local government authorities.

EASTER HOLIDAY

Finally, I would like to wish all Councillors, staff and residents and their families all the very best for the Easter period.

May you enjoy this family time together and if you take a holiday away, may you drive safe and arrive safely home.

PETITIONS

C36-03/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 26 MARCH 2002

PETITION IN RELATION TO SYNTHETIC LAWN BOWLING GREENS - [03078] [34229]

Cr O'Brien tabled a 534-signature petition on behalf of members of the Beaumaris, Sorrento and Warwick Bowling Clubs and residents within the City of Joondalup supporting the bowling clubs in their request for the City to create a financial assistance policy for the establishment of synthetic bowling greens, as detailed below:

“Where a Bowling Club (Club) makes a successful application to the City of Joondalup (C of J) for the provision of synthetic bowling greens, the funding commitment shall be in accordance with the following formula:

<i>First synthetic green</i>	<i>75% C of J</i>	<i>25% Club</i>
<i>Additional synthetic greens</i>	<i>50% C of J</i>	<i>50% Club</i>
<i>Surface replacement (7 to 10 years)</i>	<i>25% C of J</i>	<i>75% Club</i>

In the event the project receives funds from external State or Federal Government grants, those funds are to be apportioned to the C of J and the Club at the same percentages of the agreed funding contribution.”

This petition will be referred to Planning and Community Development for action.

MOVED Cr Baker, SECONDED Cr Kadak that the petition supporting the policy recommended by the Consultative Committee for Synthetic Grass Playing Surfaces for the financial assistance to enable bowling clubs within the City of Joondalup to establish synthetic lawn bowling greens be received and referred to the appropriate Business Unit for action.

The Motion was Put and

CARRIED

MOVED Cr O'Brien, SECONDED Cr Carlos that in accordance with Clause 3.2 of the City's Standing Orders Local Law the Order of Business for this evening's meeting be altered to allow "Notice of Motion No 3 – Cr O'Brien" to be dealt with at this point in time.

The Motion was Put and

CARRIED

C37-03/02 NOTICE OF MOTION NO 3 - CR M O'BRIEN

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 March 2002:

"That:

- 1 Council ADOPTS a system of Four Standing Committees for a 12 month trial period, commencing with the election of the Standing Committees at a Special Meeting of Council on Tuesday, 7 May 2002;*
- 2 there be one Councillor from each Ward as a member of each Standing Committee and the other Councillor from that Ward as the deputy member representing that Ward;*
- 3 The term of office for the membership of the Standing Committees be for a period of twelve (12) months;*
- 4 The Mayor be ex officio a member of each Standing Committee;*
- 5 the Chief Executive Officer be charged with the responsibility of channelling the system of Officer reporting to each of the Standing Committees;*
- 6 the Council SETS the meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup as:*

First Tuesday

Meal – 6.00 pm

Works Committee

Committee Room 1 - 6.30 pm

Wednesday 15 May 2002

Tuesday 4 June 2002

Tuesday 2 July 2002

Tuesday 6 August 2002

Tuesday 3 September 2002
Tuesday 1 October 2002
Tuesday 5 November 2002
Tuesday 3 December 2002
Tuesday 4 February 2003
Tuesday 4 March 2003
Tuesday 1 April 2003

Monday after 1st Tuesday
Meal - 6.00 pm
Town Planning Committee
Committee Room 1 - 6.30 pm

Monday 13 May 2002
Monday 10 June 2002
Monday 8 July 2002
Monday 12 August 2002
Monday 9 September 2002
Monday 7 October 2002
Monday 11 November 2002
Monday 9 December 2002
Monday 10 February 2003
Monday 10 March 2003
Monday 7 April 2003

Second Tuesday
Meal - 6.00 pm
Engineering Committee
Committee Room 1 - 6.30 pm

Tuesday 14 May 2002
Tuesday 11 June 2002
Tuesday 9 July 2002
Tuesday 13 August 2002
Tuesday 10 September 2002
Tuesday 8 October 2002
Tuesday 12 November 2002
Tuesday 10 December 2002
Tuesday 11 February 2003
Tuesday 11 March 2003
Tuesday 8 April 2003

Third Tuesday
Meal - 6.00 pm
Finance Committee
Committee Room 1 - 6.30 pm

Tuesday 21 May 2002
Tuesday 18 June 2002
Tuesday 16 July 2002

Tuesday 20 August 2002
Tuesday 17 September 2002
Tuesday 15 October 2002
Tuesday 19 November 2002
Tuesday 11 December 2002
Tuesday 18 February 2003
Tuesday 18 March 2003
Tuesday 15 April 2003

Fourth Tuesday
Meal - 6.00 pm
Full Council
Council Chamber - 6.30 pm

Tuesday 28 May 2002
Tuesday 25 June 2002
Tuesday 23 July 2002
Tuesday 27 August 2002
Tuesday 24 September 2002
Tuesday 22 October 2002
Tuesday 26 November 2002
Tuesday 17 December 2002
Tuesday 25 February 2003
Tuesday 25 March 2003
Tuesday 22 April 2003

Special Council
Meal - 6.00 pm
Council Chamber - 6.30 pm

Tuesday 7 May 2002 - *Special Council*
Tuesday 30 July 2002 - *Budget*
Tuesday 28 January 2003 - *Special Council*
Tuesday 6 May 2003 - *Special Council*

- 7 *Council AGREES to hold informal deputations in conjunction with the appropriate Standing Committees and/or Special or Full Council meetings;*
- 8 *Public Question Time be scheduled before the reports commence at Standing Committee meetings and that the Standing Committee shall have the right to meet with the public excluded where “confidential matters” are required to be so treated;*
- 9 *pursuant to the provisions of the Local Government Act 1995, PUBLIC NOTIFICATION is given of the schedule in (6) above.”*

MOVED Cr O'Brien, SECONDED Cr Carlos that:

- 1 Council ADOPTS a system of Four Standing Committees for a 12 month trial period, commencing with the election of the Standing Committees at a Special Meeting of Council on Tuesday, 7 May 2002;
- 2 there be one Councillor from each Ward as a member of each Standing Committee and the other Councillor from that Ward as the deputy member representing that Ward;
- 3 the term of office for the membership of the Standing Committees be for a period of twelve (12) months;
- 4 the Mayor be ex officio a member of each Standing Committee;
- 5 the Chief Executive Officer be charged with the responsibility of channelling the system of Officer reporting to each of the Standing Committees;
- 6 the Council SETS the meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup as:

First Tuesday

Meal – 6.00 pm

Works Committee

Committee Room 1 - 6.30 pm

Wednesday 15 May 2002

Tuesday 4 June 2002

Tuesday 2 July 2002

Tuesday 6 August 2002

Tuesday 3 September 2002

Tuesday 1 October 2002

Tuesday 5 November 2002

Tuesday 3 December 2002

Tuesday 4 February 2003

Tuesday 4 March 2003

Tuesday 1 April 2003

Monday after 1st Tuesday

Meal - 6.00 pm

Town Planning Committee

Committee Room 1 - 6.30 pm

Monday 13 May 2002

Monday 10 June 2002

Monday 8 July 2002

Monday 12 August 2002

Monday 9 September 2002

Monday 7 October 2002

Monday 11 November 2002
Monday 9 December 2002
Monday 10 February 2003
Monday 10 March 2003
Monday 7 April 2003

Second Tuesday
Meal - 6.00 pm
Engineering Committee
Committee Room 1 - 6.30 pm

Tuesday 14 May 2002
Tuesday 11 June 2002
Tuesday 9 July 2002
Tuesday 13 August 2002
Tuesday 10 September 2002
Tuesday 8 October 2002
Tuesday 12 November 2002
Tuesday 10 December 2002
Tuesday 11 February 2003
Tuesday 11 March 2003
Tuesday 8 April 2003

Third Tuesday
Meal - 6.00 pm
Finance Committee
Committee Room 1 - 6.30 pm

Tuesday 21 May 2002
Tuesday 18 June 2002
Tuesday 16 July 2002
Tuesday 20 August 2002
Tuesday 17 September 2002
Tuesday 15 October 2002
Tuesday 19 November 2002
Tuesday 11 December 2002
Tuesday 18 February 2003
Tuesday 18 March 2003
Tuesday 15 April 2003

Fourth Tuesday
Meal - 6.00 pm
Full Council
Council Chamber - 6.30 pm

Tuesday 28 May 2002
Tuesday 25 June 2002
Tuesday 23 July 2002
Tuesday 27 August 2002

Tuesday 24 September 2002
 Tuesday 22 October 2002
 Tuesday 26 November 2002
 Tuesday 17 December 2002
 Tuesday 25 February 2003
 Tuesday 25 March 2003
 Tuesday 22 April 2003

Special Council

Meal - 6.00 pm
 Council Chamber - 6.30 pm

Tuesday 7 May 2002 - Special Council
 Tuesday 30 July 2002 - Budget
 Tuesday 28 January 2003 - Special Council
 Tuesday 6 May 2003 - Special Council

- 7 Council AGREES to hold informal deputations in conjunction with the appropriate Standing Committees and/or Special or Full Council meetings;
- 8 Public Question Time be scheduled before the reports commence at Standing Committee meetings and that the Standing Committee shall have the right to meet with the public excluded where “confidential matters” are required to be so treated;
- 9 pursuant to the provisions of the Local Government Act 1995, PUBLIC NOTIFICATION is given of the schedule in (6) above.”

Cr O’Brien spoke to the Motion.

Discussion ensued.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Walker, Hollywood, Nixon, Carlos and O’Brien

Against the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, Barnett, Rowlands, Baker, Kimber and Kadak

The meeting reverted back to the normal order of the agenda at this point.

CJ060 - 03/02 POLICY FOR DISPOSAL OF SURPLUS PERSONAL COMPUTERS – [38510]

WARD - All

CJ020319_BRF.DOC:ITEM 1

PURPOSE

To adopt a policy for the disposal of the City's surplus personal computers to schools and community groups.

EXECUTIVE SUMMARY

The City of Joondalup purchases personal computers (PC) annually in accordance with its PC replacement schedule. The City will replace a PC after it has reached its useful life of 3 years. The City's current practice for disposal of PCs is by auction.

At its meeting of 13 November 2001 Council resolved to develop a policy that will enable the donation of surplus PCs to interested schools and community groups within the City of Joondalup. This report presents the recommended policy.

BACKGROUND

The City's personal computers are currently replaced under a three-year rolling replacement program. Under this program up to one third of corporate PCs are replaced each year.

At present all computer equipment is fully depreciated over a three-year period. When computer equipment is replaced or made obsolete it is disposed of at public auction by the City, with any profits realised recorded against the City's Profit on Asset Disposal account. While the PCs are fully written off in the City's asset register, the PCs may realise up to \$100 per unit at auction depending on specification. Before PCs are sent to auction their hard drives are reformatted to remove all software licences and data, which remains the property of the City.

DETAILS

Most of 85 PCs replaced this year will be recycled for use within the City's Libraries for public use, with approximately 30 PCs being surplus to requirements. Rather than dispose of the surplus PCs at auction, it is proposed that these PCs be donated to schools and community groups within the City of Joondalup.

It is proposed that the overall approach for this process for 2001/2002 and subsequent financial years will be as follows:

- The City will prepare a list of PCs that are surplus to requirements. This list will detail the specification of each computer and the date the equipment is available.

- Submissions will be invited from schools interested in the PCs. Guidelines for submissions are in line with the City's Community Funding guidelines and distribution decisions will be made by a panel consisting of both staff and elected members. In the event that insufficient interest is received from schools, then community groups will be offered the equipment.
- Any equipment that is not donated to schools and community groups will be auctioned.
- The hard drives of all PCs will be reformatted to remove all software and data before they are either donated or auctioned.
- A schedule of all PCs donated showing their identification details will be removed from the City's Asset Register.

Financial Implications:

The surplus PCs have been written off in the City's asset register but may realise up to \$3,000 (30 units @ \$100 each) if disposed by auction.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council ADOPTS the Policy for Disposal of Surplus Personal Computers forming Attachment 1 to Report CJ060-03/02.

AMENDMENT MOVED Cr Hurst, SECONDED Cr Rowlands that the motion be amended in that adoption of the policy for Disposal of Surplus Personal Computers is subject to:

- 1 community groups and schools having equal access to apply for receipt of a surplus computer;**
- 2 deletion of the following within the Policy:**
 - **last sentence, second paragraph under Statement;**
 - **last paragraph, page 1.**

Crs Kimber and Hollywood expressed an interest to be part of the Assessment Panel.

Discussion ensued.

The Amendment was Put and

CARRIED

The Original Motion, as amended, being:**That Council ADOPTS the Policy for Disposal of Surplus Personal Computers forming Attachment 1 to Report CJ060-03/02, subject to:**

- 1 community groups and schools having equal access to apply for receipt of a surplus computer;**
- 2 deletion of the following within the Policy:**
 - last sentence, second paragraph under Statement;**
 - last paragraph, page 1.**

was Put and**CARRIED***Appendix 1 refers**To access this attachment on electronic document, click here: [Attach1brf190302.pdf](#)***CJ061 - 03/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]****WARD - All**

CJ020319_BRF.DOC:ITEM 2

PURPOSE

To provide a listing of those documents executed by affixing the Common Seal for noting by Council.

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 14.02.2002 to 28.02.2002, not previously listed.

Document: Copyright
Parties: City of Joondalup and Kevin Merifield
Description: Recording of historical importance – Kevin Merifield
Date: 14.02.02

Document: Lease
Parties: City of Joondalup and Minister for Education
Description: Craigie Pre-School
Date: 14.02.02

Document: Deed
Parties: City of Joondalup and van Gogh Holdings Pty Ltd
Description: Access and Parking Agreement – Lot 100 (4) Elcar Lane, Joondalup
Date: 14.02.02

Document: Agreement
Parties: City of Joondalup
Description: Amendment to District Planning Scheme No 2 – Amendment No 11
Date: 18.02.02

Document: Agreement
Parties: City of Joondalup
Description: Amendment to District Planning Scheme No 2 – Amendment no 8
Date: 18.02.02

Document: Copyright
Parties: City of Joondalup and June Lyndhurst
Description: Recording of historical importance – June Lyndhurst
Date: 26.02.02

Document: Copyright
Parties: City of Joondalup and Ken Mann
Description: Recording of historical importance – Ken Mann
Date: 26.02.02

Document: Deed
Parties: City of Joondalup and State of Western Australia
Description: Deed of Indemnity for City of Joondalup to use Law Courts grassed area for Joondalup Festival – 23 and 24 March 2002
Date: 28.02.02

VOTING REQUIREMENTS

Simple Majority

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

The Motion was Put and

CARRIED

CJ062 - 03/02 REVIEW OF THE COUNCIL'S DECISION-MAKING PROCESS - [02154] [08122] [27456] [23184]

WARD – All

CJ020319_BRF.DOC:ITEM 3

PURPOSE

For the City to ensure it is meeting best practice principles by reviewing its decision making process.

EXECUTIVE SUMMARY

Section 5.25(g) of the Local Government Act 1995 and Clause 12 of the Local Government (Administration) Regulations 1996 require a local government to set its meeting dates and at least once each year give local public notice of the time, date and place of its ordinary meetings.

The Council at its Special Meeting held on 7 May 2001 agreed to meet on the second and fourth Tuesdays of each month, supported by informal briefing sessions on the first and third Tuesdays of the month (with the exception of December – one round of meetings; and January – Council recess). This meeting cycle was set for the period May 2001 to April 2002.

This mode of decision making is regarded as a modern approach that meets the needs of best practice principles and effectively provides better customer service to the community that local government serves.

In an effort to enhance the decision making process of the City, this paper has been prepared to further review the process and suggest improvements. The major reason for the review is due to the concerns relating to the ability to discuss issues of a strategic nature behind closed doors. The following options are suggested.

- Strategy Session/Briefing Session/Council Meeting per month;
- Strategy Session and Briefing Session/two Council Meetings per month;
- Two Strategy Sessions/two Council Meetings per month.

It is recommended that the option of Strategic Session, Briefing Session, ordinary Council meeting be adopted on a 'rolling' three week cycle, with the Council recessing for the Christmas/New Year period.

BACKGROUND

Section 5.25(g) of the Local Government Act 1995 and Clause 12 of the Local Government (Administration) Regulations 1996 require a local government to set its meeting dates and give local public notice of the time, date and place of its ordinary meetings.

It is general practice that at a May meeting of each year, the Council reviews its meeting dates and timetable. The Council at its Special meeting held on 7 May 2001 resolved to:

- “1 hold two Ordinary Council meetings per month on the second and fourth Tuesdays of each month commencing at 7.00 pm;
- 2 hold two informal briefing sessions per month, that are open to the public, on the first and third Tuesdays of each month commencing at 6.00 pm;
- 3 SET the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup;

Month	<u>Briefing Sessions</u> to be held in Conference Room 1	<u>Council Meetings</u> To be held in the Council Chamber
May 2001	Tuesday 15 May 2001	Tuesday 22 May 2001
June 2001	Tuesday 5 June 2001 Tuesday 19 June 2001	Tuesday 12 June 2001 Tuesday 26 June 2001
July 2001	Tuesday 3 July 2001 Tuesday 17 July 2001	Tuesday 10 July 2001 Tuesday 24 July 2001
August 2001	Tuesday 7 August 2001 Tuesday 21 August 2001	Tuesday 14 August 2001 Tuesday 28 August 2001
September 2001	Tuesday 4 September 2001 Tuesday 18 September 2001	Tuesday 11 September 2001 Tuesday 25 September 2001
October 2001	Tuesday 2 October 2001 Tuesday 16 October 2001	Tuesday 9 October 2001 Tuesday 23 October 2001
November 2001	Tuesday 6 November 2001 Tuesday 20 November 2001	Tuesday 13 November 2001 Tuesday 27 November 2001
December 2001	Tuesday 11 December 2001	Tuesday 18 December 2001
January 2002	Recess	Recess
February 2002	Tuesday 5 February 2002 Tuesday 19 February 2002	Tuesday 12 February 2002 Tuesday 26 February 2002

March 2002	Tuesday 5 March 2002 Tuesday 19 March 2002	Tuesday 12 March 2002 Tuesday 26 March 2002
April 2002	Tuesday 2 April 2002 Tuesday 16 April 2002	Tuesday 9 April 2002 Tuesday 23 April 2002

4 in accordance with the Local Government Act 1995, GIVE local public notice of the meeting dates as detailed in (3) above.”

The two ordinary meetings of the Council per month, supported by two informal briefing sessions were introduced by the Joint Commissioners as from July 1998. This mode of decision making has continued by the newly elected Council for the City of Joondalup since December 1999.

The Council has also continued the practice of holding informal deputation sessions between the hours of 5.00 pm and 6.00 pm, prior to the Council meetings. This concept was introduced by the Joint Commissioners in an effort to allow members of the community to present their case on particular matters before the Council. Requests for deputations are to be submitted by 4.00 pm on the Friday prior to the Council meeting.

In an effort to assist the Council in its decision-making process, the former City of Wanneroo and the now City of Joondalup established numerous committees of an advisory nature. These were predominantly established in ‘specialised areas’ to assist the Council in its decision-making. A majority of these types of committees consisted of some elected member membership.

DETAILS

The state of Western Australia is divided into districts and these local governments are governed by an elected Council. The role of the Council is to:

- direct and control the local government’s affairs;
- be responsible for the performance of the local government’s functions;
- oversee the allocation of the local government’s finances and resources; and
- determine the local government’s policies.

A local government is a body corporate with perpetual succession and a common seal. The elected Council consists of a Mayor, Deputy Mayor and Councillors.

The Local Government Act 1995 specifically explains the role and function of the Council, Mayor, Deputy Mayor, Councillor and the Chief Executive Officer. The role of the Council is as stated before and primarily focusing on policy setting and strategic initiatives for the organisation. Whereas, the role of the Chief Executive Officer is primarily focusing on implementing the decisions of the Council and being responsible for the day to day management of the organisation.

The decision making takes place when the Council meets as a whole in order to make informed decisions and such meetings are to be held so they are not more than three (3) months apart.

The Act details that the Council may make decisions through ordinary and/or special meetings of the Council. The Act also states that in order to assist the Council in its decision making process, it may delegate certain powers to either a committee or the Chief Executive Officer.

Option 1: Strategy Session/Briefing Session/Council Meeting – three weekly cycle.

This option would effectively move the ‘green papers’ from after the draft agenda briefing, to a separate evening where the strategic session would be closed to the public. The strategy session would be held on the first Tuesday of the month, followed by the briefing session on the second Tuesday, followed by the ordinary meeting of the Council held on the third Tuesday. This would continue on a ‘rolling’ three weekly cycle, with the exception of the Christmas and New Year period.

Advantages:

- all elected members and the public are briefed at the same time on all issues on notice paper items;
- allows the administration to brief members on issues of a strategic nature in a conducive environment;
- does not tailor elected members into specialised access of the Council’s operations, eg expert in Technical Services items etc;
- no greater in meeting times (over period of the month) for elected members.

Disadvantages:

- Slower decision making times for the customers, deferred items are delayed by a minimum of three weeks and not the current delay of a fortnight;
- may be an increase in late and urgent business;
- potentially longer Council meetings;
- no ‘spare’ Tuesdays to deal with other matters that may arise.

Option 2: Strategy Session and Briefing Session/two Council Meetings per month

This would see a continuation of the current meeting/briefing sessions cycle, however this option suggests that the ‘green papers’ of a strategic nature be discussed first, followed by the draft agenda items. More time and consideration would be given to the strategy issues, with points of clarification being sought on the draft notice paper items. These sessions would be closed to the public.

Advantages:

- improves the decision making time for the customer;
- shorter meetings for elected members;
- all elected members are briefed at the same time;
- allows for elected members to ask questions, points of clarification in a conducive environment and reduce the potential for confrontation;

- does not tailor elected members into specialised areas of the Council for example, expert in Technical Services items;
- if items are deferred, they are only deferred for a two week period;
- reduces the need for late and urgent business;
- closed briefing sessions may allow members to more ‘openly’ discuss matters.

Disadvantages:

- Possibly inadequate time to deal with all issues in one evening.

Option 3: Two Strategy Sessions/two Council Meetings per month

This would involve two strategy sessions on the first and third Tuesdays of the month, with ordinary meetings of the Council on the second and fourth Tuesdays. The strategy sessions would be closed to the public and the briefing sessions for the notice paper items would no longer occur with items being presented direct to the ordinary meeting.

Advantages:

- improves the decision making time for the customer;
- shorter meetings for elected members;
- all elected members are briefed at the same time;
- allows for elected members to ask questions, points of clarification in a conducive environment and reduce the potential for confrontation;
- does not tailor elected members into specialised areas of the Council for example, expert in Technical Services items;
- if items are deferred, they are only deferred for a two week period;
- reduces the need for late and urgent business.

Disadvantages:

- No opportunity for elected members to be briefed on ‘draft’ notice paper items in a group environment prior to consideration at a full Council meeting, therefore may lead to more items being deferred.

In an effort to ascertain what practices other leading local governments are following, the following information is forwarded:

City of Wanneroo

Comprises of an elected Council of 15 (Mayor and 14 elected members from seven wards). A three weekly meeting cycle comprising a Councillors/Staff Policy Forum in week one; briefing session in week two and a full Council meeting in week three. This continues with no break in the cycle with the exception of the Christmas/New Year recess. The City of Wanneroo has advised that it is undertaking a review of its decision making process.

City of Melville

Comprises of an elected Council of nineteen (Mayor and 18 elected members from six wards). Three Standing Committees, two meet at the same time on same evening and the other meets a week later and then report to the one Council meeting per month. Each Standing Committee comprises the Mayor and six members, one member from each ward, with the other two ward members serving as deputies. The City of Melville has experienced difficulties in obtaining deputies to serve on a committee when the committee meetings are held on the same evening as the other Ward member would be attending the other committee meeting.

City of Stirling

Comprises of an elected Council of fifteen (Mayor and 14 elected members). Four Standing Committees are established, with two meeting in the first week of the month and reporting to an ordinary meeting of the Council held in the second week. The remaining two committees would meet in the third week and report to the Council meeting scheduled for the last week of the month. Each committee comprises seven members, including the Mayor. Such a decision-making process is similar to having one Council meeting per month as items are required to go to the committee prior to being submitted to the Council for consideration.

City of Perth

Comprises an elected Council of nine (Lord Mayor and eight elected members). The City of Perth operates the same decision making process as the City of Joondalup, the two Council meetings/two briefing sessions per month. The only difference being the briefing sessions are held during the day and are not open to the public. This process has been operating since the inaugural elections of the new City of Perth in 1995.

City of Swan

Comprises an elected Council of fourteen (Mayor and 13 elected members). The City of Swan holds Briefing Sessions on an as-required basis, to consider those items which are to be submitted to Council in the longer term.

City of Bunbury

Comprises an elected Council of thirteen (Mayor and 12 elected members). The City of Bunbury operates one Committee/one Council meeting twice per month. The Council itself comprises the Committee and reports to the Council itself, this happens twice per month.

City of Manningham (Victoria)

Below is the comment received from the City of Manningham:

On the Tuesday the week before and the Tuesday the week after a Council meeting, Council holds a strategic briefing session. This session considers draft policies and strategies at an early stage and has input into their development. It also considers the significant issues being reported to Council. The strategic briefing sessions are attended by all Councillors and our Executive Management Team. The Strategic Briefing Sessions do not formally resolve on issues. The system works very effectively as it has the advantage of overcoming the confrontation between officers and Councillors over the contents of reports because there is a conducive environment in

which they can discuss the issues, there is a cohesive working relationship between Councillors as they can discuss issues without feeling the need to grandstand in front of constituents and it generally improves the working relationship between Councillors and Officers.

COMMENT

Over the past decade, the focus of all manner of business has been concentrated on improved customer service. This relates as much to local governments as any other business, as our customers increasingly expect an improved quality of service.

In an attempt to achieve best practice principles, a modern approach that meets these requirements and effectively provides better customer service, has been adopted by many local governments. The administration of the City of Joondalup has been for some time striving to achieve best practice principles, including various benchmarking exercises. An example would be the combining of the building and planning approval process in an effort to better serve the customer. The modern approach involves the introduction of briefing sessions. The application of such meeting processes, provides the opportunity for all elected members to be equally informed, initially on an informal basis at the Briefing Session, where matters can be thoroughly discussed before any formal decision is to be made by full Council.

The document prepared by the Department of Local Government “The Preparation of Agendas and Minutes” states:

“A well functioning local government is an excellent example of the elected body and the supporting administration working together to produce the best results for those that they serve, the community, the elected body and the administration come together at meetings of the Council, where the elected members knowledge and experience, and the advice from staff to make decisions.

With a well structured decision making process, this will lead to the elected body having efficient and effective meetings in order that they produce good decisions that are made following analysis of sound advice and constructive debate.”

As stated before, the modern role of the elected body is to set policy and strategy, and provide goals and targets for the local government. The staff have the task of implementing the decisions. A well structured decision making process will provide the elected body with the opportunity to seek points of clarification, ask questions, adequate time to research issues and maximum time to debate matters before the Council. It would be fair to say that the time spent on briefing sessions could be better utilised discussing those matters of a strategic nature. This would allow the administration to make presentations and consult with the Council and seek direction on policy and strategic issues.

In an effort to allow members to better focus on the strategic direction of the Council, it is suggested to better achieve a more conducive environment to allow free flowing conversation amongst elected members and officers, that the strategy sessions be held behind closed doors and at a time which allows members to clearly focus on the issues before them. The current process of having the ‘strategic’ green papers discussed late on the evening following the draft notice paper items does not ‘justify’ the importance of the matters. Closing the strategy sessions will allow officers to make detailed presentations and seek feedback, direction and guidance from elected members.

It is still intended to hold briefing sessions which would be open to the public where the draft notice papers would be discussed.

The proposed meeting cycle does not include any form of session on the Tuesday evening following the Easter holiday period in 2003. Therefore there will be a two week period from the scheduled briefing session (15 April 2003) to the ordinary meeting of Council (29 April 2003).

Deputation sessions

It is opportune to also raise the concerns relating to deputation sessions. It is evident that there appears to be difficulty for some elected members to attend the sessions in their current time slot. There is also a concern that having deputations immediately prior to a Council meeting may raise issues that need addressing prior to the Council meeting, with the current timeframe this cannot be done and may lead to the item being deferred for a two week period, or the Council making a decision potentially without all the matters being addressed.

In an effort to overcome this, it is suggested that deputations be moved to immediately prior to or as part of the briefing session, which will then allow issues raised at the sessions to be addressed prior to the matter being discussed by the full Council.

It should be noted that as the Council has set its meeting dates up to 16 April 2002, any change to this may require the original decision to be revoked, by an absolute majority.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hurst, SECONDED Cr Barnett that Council:

- 1 ADOPTS Option 1 as detailed in Report CJ062-03/02, being a strategy session (closed to the public), briefing session (draft notice paper) and ordinary Council meeting;**
- 2 AGREES to hold informal deputation sessions for those requesting them in conjunction with the briefing session;**
- 3 SETS the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Strategy Sessions To be held at 6.00 pm in Conference Room 1	Briefing Session To be held at 6.00 pm in Conference Room 1	Council Meetings To be held at 7.00 pm in the Council Chamber
Tuesday 7 May 2002	Tuesday 14 May 2002	Tuesday 21 May 2002
Tuesday 28 May 2002	Tuesday 4 June 2002	Tuesday 11 June 2002
Tuesday 18 June 2002	Tuesday 25 June 2002	Tuesday 2 July 2002
Tuesday 9 July 2002	Tuesday 16 July 2002	Tuesday 23 July 2002
Tuesday 30 July 2002	Tuesday 6 August 2002	Tuesday 13 August 2002
Tuesday 20 August 2002	Tuesday 27 August 2002	Tuesday 3 September 2002
Tuesday 10 September 2002	Tuesday 17 September 2002	Tuesday 24 September 2002

Tuesday 1 October 2002	Tuesday 8 October 2002	Tuesday 15 October 2002
Tuesday 22 October 2002	Tuesday 29 October 2002	Tuesday 5 November 2002
Tuesday 12 November 2002	Tuesday 19 November 2002	Tuesday 26 November 2002
Tuesday 3 December 2002	Tuesday 10 December 2002	Tuesday 17 December 2002
January 2003 - Council recess		
Tuesday 4 February 2003	Tuesday 11 February 2003	Tuesday 18 February 2003
Tuesday 25 February 2003	Tuesday 4 March 2003	Tuesday 11 March 2003
Tuesday 18 March 2003	Tuesday 25 March 2003	Tuesday 1 April 2003
Tuesday 8 April 2003	Tuesday 15 April 2003	Tuesday 29 April 2003
Footnote: there is no meeting scheduled for the Tuesday after the Easter holiday period.		

- 4 in accordance with the Local Government Act 1995, GIVES local public notice of the meeting dates as detailed in (3) above.**

Cr Nixon left the Chamber at 2024 hrs and returned at 2030 hrs.

AMENDMENT MOVED Cr Walker, SECONDED Cr Carlos that Council BY AN ABSOLUTE MAJORITY DELETES the proposed Strategic Sessions and ESTABLISHES a Strategic Review Committee, and sets the following Terms of Reference:

“to review the Strategic Plan of the City of Joondalup and to ensure that all elements of the Plan are implemented in a manner that works to enhance the partnership between all stakeholders, particularly the general community.”

Discussion ensued.

The Amendment was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Amendment: Crs Walker, Hollywood, Nixon and Carlos

Against the Amendment: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O’Brien, Barnett, Rowlands, Baker, Kadak and Kimber

Discussion ensued on the Motion as Moved by Cr Hurst, Seconded Cr Barnett.

The Motion as Moved by Cr Hurst, Seconded Cr Barnett was Put and

CARRIED

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, Barnett, Rowlands, Baker, Kadak and Kimber

Against the Motion: Crs O’Brien, Walker, Hollywood, Nixon and Carlos

Cr O'Brien declared a financial interest in Item CJ063-03/02 – Warrant of Payments (Voucher No 38108 Chubb Security Australia Pty Ltd)– 28 February 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.

Crs O'Brien and Walker left the Chamber, the time being 2035 hrs.

CJ063 - 03/02 WARRANT OF PAYMENTS - 28 FEBRUARY 2002 – [09882]

WARD - All

CJ020319_BRF.DOC:ITEM 4

PURPOSE

The Warrant of Payments as at 28 February 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of February 2002. It seeks Council's approval for the payment of the February 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	037607-038304	4,164,338.12
Municipal	000300A-000303	4,884,613.17
	TOTAL \$	9,048,951.29

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

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 2002, the amount was \$505,505.20.

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 \$9,048,951.29 which is to be submitted to each Councillor on 26 March 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT
Manager Financial Services

J B TURKINGTON
Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$9,048,951.29 submitted to Council on 26 March 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Patterson that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 28 February 2002, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$9,048,951.29.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	037607-038304	4,164,338.12
Municipal	000300A-000303	4,884,613.17
	TOTAL \$	9,048,951.29

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190302.pdf](#)

CJ064 - 03/02 FINANCIAL REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2002 – [07882]

WARD - All

CJ020319_BRF.DOC:ITEM 5

PURPOSE

The February 2002 financial report is submitted to Council for noting.

EXECUTIVE SUMMARY

The February 2002 report is the seventh financial report for the 2001/2002 year. The report shows a variance of \$4.3m when compared to the Adopted Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year. This February 2002 report compares the actual results to the Adopted Budget and does not include the amendments arising from the half-year financial review. Reporting against the Revised Budget has not been possible for the February 2002 report, however changes arising from the half-year review will be included in the March 2002 report.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$1.9m to budget at the end of February 2002 due to revenue received in arrears of \$0.2m and the underspending in Labour and Materials & Contracts of \$2.1m.
- **Capital Expenditure** for the year-to-date is \$0.6m and is below the year-to-date budget of \$1.1m, a variance of \$0.5m at the end of February 2002.
- **Capital Works** expenditure for the year-to-date amounted to \$5.5m against a year-to-date budget of \$7.4m, a variance of \$1.9m at the end of February 2002. However, the City has committed expenditure through raised purchase orders of \$2.30m.

DETAILS

The financial report for the month ending 28 February 2002 is appended as Attachment A

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Baker that the Financial Report for the month ended 28 February 2002 be NOTED.

The Motion was Put and

CARRIED

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn260302.pdf](#)

CJ065 - 03/02 FINANCIAL SYSTEMS – AUDIT - [07882]

WARD - All

PURPOSE

The purpose of this report is to advise the Audit Committee and Council of the completion of the Financial Management Systems and Procedures Review carried out by Haines Norton, Chartered Accountants and to provide a copy of the report as required under the Local Government (Financial Management) Regulations 1996.

EXECUTIVE SUMMARY

The attached report provides details of the findings of a review of City's Financial Systems and Processes as required under the Local Government (Financial Management) Regulations 1996.

The review was undertaken by an independent firm of chartered accountants that specialise in consulting to local governments. While the findings indicate the City is financially well managed and sound and generally reflects well on the administration, it does indicate some areas where improvement can be achieved.

At its meeting held on 14 March 2002, the Audit Committee resolved that it be recommended to Council that the report on the Review of the City's Financial Systems and Processes undertaken by Haines Norton be noted.

BACKGROUND

The CEO of a local government is to review the City's Financial Systems and Processes and reporting the findings of that review to the local government, is a statutory requirement under the Local Government (Financial Management) Regulations 1996. The CEO of a local government is also charged with the responsibility of ensuring appropriate systems and procedures are in place to effectively record all financial transactions and facilitate proper management of financial matters in keeping with the various statutes applicable to financial management of a local government.

Accordingly, in December 2001, Haines Norton Chartered Accountants and Consultants to Local Government was engaged to undertake the independent review of the City's Financial Management Systems and Processes and report on the appropriateness and effectiveness of the control environment in place. A copy of the report on financial systems is attached.

DETAILS

Statutory Provision:

Provision of the attached report is in compliance with the requirement under Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 which requires the CEO to:

“undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.”

COMMENT

The independent report provided on the City's financial systems and processes is positive to the City and its financial management. Several matters of a minor nature need to be addressed in order to fully comply with Accounting legislation requirements. Positive action has already been initiated to address the two items of concern mentioned in the covering correspondence to the report, being Employee Entitlements Liabilities and General Access Security.

The Chief Executive Officer advised that legal advice is being sought in relation to the applying of the minimum rating on commercial properties with a view to refunding that portion of rates overcharged.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the report on the Review of the City's Financial Systems and Processes undertaken by Haines Norton on behalf of the CEO in accordance with Local Government (Financial Management) Regulation 5(2)(c).

The Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8agn260302.pdf](#)

Cr O'Brien entered the Chamber, the time being 2036 hrs.

CJ066 - 03/02 STATUTORY COMPLIANCE RETURN - [09492]**WARD - All**

PURPOSE

To adopt the completed 2001 Compliance Audit Return.

EXECUTIVE SUMMARY

The Joint Certification by the Mayor and the Chief Executive Officer was read aloud at the meeting of the Council:

“We, John Bombak being the Mayor and Denis Ian Smith 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 26 March 2002.

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 2001 to 31 December 2001.”

The City has completed the Department of Local Government’s compliance audit return for the period 1 January 2001 to 31 December 2001.

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.

At its meeting held on 14 March 2002, the Audit Committee resolved that it be recommended to Council that the completed Local Government Compliance Audit Return for the period 1 January 2001 to 31 December 2001 be adopted.

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.

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.

With the exception of Clauses 6.21 (Administration), 6.33 (Code of Conduct), 7.3 (Local government employees), 9.5 (Primary Returns), 10.1 (Annual Report) and 12.12 (Rates) the return indicates total compliance. In regards to Clauses 6.21, 6.33, 7.3, 9.5, 10.1 and 12.12 of the return, the following explanatory notes are offered:

6.21 - ADMINISTRATION

With the exception of two minor committee meetings Council complied with this clause. The appropriate officers have been notified and inconsistencies will be rectified to ensure total compliance in the future.

6.33 - CODE OF CONDUCT

The Council is required to review its Code of Conduct within 12 months of each ordinary election (May 2001). At the completion of this return, the Code of Conduct had not been reviewed with a report to be presented to the Council in April 2002.

7.3 - LOCAL GOVERNMENT EMPLOYEES

In 2001 there was a considerable increase in the number of staff who had completed their performance review. Greater emphasis was placed on establishing processes and procedures to advise managers of impending reviews. This ensured the majority of employees received their annual performance review in the given timeframe. However there were some staff who did not receive their review within the timeframe. Every effort will be made to ensure that the performance of every employee will be reviewed in 2002 by putting in place stricter timeframes and guidelines.

9.5 - PRIMARY RETURNS

On one occasion, an employee in August 2001 completed an Annual Return, when in fact the employee was a 'new' employee and should have completed a Primary Return.

10.1 - ANNUAL REPORT

The 2000/01 Annual Report omitted to provide information as required by the National Competition Policy and Disability Services Act.

12.12 - RATES

The Minimum Payments on Commercial properties were levied on only 2.8% properties. The Local Government Act 1995 requires minimum payment to be on not less than 50%. This should have been undertaken by levying a differential rate.

COMMENT

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

Return Audit

Arrangements have been made for an independent audit to be undertaken of the various reporting items included in the Statutory Compliance Return. A further report on the results of the audit will be provided to the Audit Committee.

VOTING REQUIREMENTS

Simple Majority

Cr Kadak left the Chamber, the time being 2037 hrs.

MOVED Cr Baker, SECONDED Cr Hollywood that Council ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2001 to 31 December 2001 and appended notes attached to Report CJ066-03/02.

The resolution of adoption was carried 12/0.

The Motion was Put and

CARRIED UNANIMOUSLY

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn260302.pdf](#)

Cr Kadak entered the Chamber, the time being 2038 hrs.

CJ067 - 03/02 TENDER NO 027-01/02 - DESIGN AND CONSTRUCTION OF WHEEL SPORTS FACILITY – [74519] [027-01/02]

WARD – North Coastal

CJ020319_BRF.DOC:ITEM 6

PURPOSE

To accept the tender from Skatetech WA of \$103,785 for the design and construction of a Wheel Sports Facility at MacNaughton Park, Kinross.

The location has previously been agreed and the scope of works submitted conforms to the Skatepark Committee requirements.

EXECUTIVE SUMMARY

Council advertised Tender No. 027-01/02 Statewide for Design and Construction of a Wheel Sports Facility.

One tender was received from Skatetech WA based in Margaret River, Western Australia. Evaluation of the tender confirms that Skatetech WA has the capacity and expertise to construct a wheel sports facility in accordance with the scope of works documentation.

This report recommends that Council:

- 1 *ACCEPTS the tender from Skatetech WA of \$103,785 for the Design and Construction of a Wheel Sports Facility at MacNaughton Park, Kinross;*
- 2 *AUTHORISES signing of the contract documents.*

BACKGROUND

Council included in the 2001/2002 adopted budget funding for the construction of Skateboard facilities amounting to \$276,465 (Account No. 4092).

Council, at its meeting of 12 March, 2002 received Report No (CJ054-03/02 refers) accepting Tender No. 38-01/02 Design and Construction of an insitu Skate Facility at Carine Regional Open Space in a joint venture with City of Stirling.

This report authorised expenditure of \$75,000 from Account No. 4092 in accordance with recommendations from the Skatepark Committee.

DETAILS

MacNaughton Park was the agreed location for a Skatepark facility. Tender Documentation was prepared and advertised on 9 February, 2002 in The West Australian newspaper.

The tender for design and construction provided the opportunity for suppliers to provide “something different” in Skatepark options. The scope of works requires the tenderer to:

- a) provide detailed construction drawings for approval by the Principal within 20 calendar days of acceptance of tender
- b) Provide a detailed works program within 7 days of acceptance of the design by the Project Committee
- c) Construction works shall be completed within 40 calendar days from acceptance of the detailed design plans.

Skatetech WA has provided concept plans and preliminary construction plans for consideration. These concepts and preliminary plans conform to the requirements identified by the Skatepark Committee’s Needs Analysis.

Skatetech WA and Conquest Skate Parks, Queensland have combined to form Convic International Pty Ltd. This company brings together experience and expertise in Skatepark construction. Skatetech WA has listed 33 locations in WA where it has provided facilities.

Selection Criteria

- Fitness of preliminary design submitted with the tender along with Principal’s purpose statement, competitive advantages of design features, spares availability in Western Australia
- Tenderer’s design and construction methodology and implementation strategy
- Tenderer’s resources (people, software, equipment and capability), experience and ability to deliver a cost effective solution and customer services within time
- Tenderer’s safety record, safety design, and quality control and management process
- Local content in the Tenderer’s selection of materials, resources and understanding local community needs

Skatetech WA has complied with the above tender evaluation criteria.

Financial Implications:

Account No:		
Budget Item:	492	
Budget Amount:	\$276,465	
YTD Amount:	\$75,000 for joint venture with City of Stirling	
	\$5,000 preliminary design fees	
Balance of Budget		\$196,465

Tender 027-01/02

Net Price	\$ 94,350	
Plus GST	\$ 9,435	
Total		\$103,785

Additional Expenditure anticipated

Access Paths	\$ 9,000	
Lighting	\$ 2,600	
Water	\$ 1,860	
Furniture	\$ 5,000	
Project Total	\$122,245	
Contingency 5%	\$ 6,112	
Grand Total		\$128,357

COMMENT

The information provided by Skatetech WA for the Carine Open Space facility and the MacNaughton Park facility confirms the Company's position as the major provider of Skatepark facilities in Australia. It is therefore recommended that Tender No. 027-01/02 Design and Construction of Wheel Sports Facility be awarded to Skatetech WA.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kadak that Council:

- 1 ACCEPTS the tender from Skatetech WA for \$103,785 for the Design and Construction of Wheel Sports Facility at MacNaughton Park, Kinross;**
- 2 AUTHORISES the signing of the Contract documents.**

Discussion ensued regarding design plans and the period of public consultation in relation to those plans.

The Motion was Put and

CARRIED

**CJ068 - 03/02 PARKING RESTRICTIONS - NEWPORT GARDENS,
HILLARYS – [47608]****WARD** - Whitfords

CJ020319_BRF.DOC:ITEM 7

PURPOSE

Residents of Newport Gardens and Greenmount Heights are seeking approval for the installation of a parking restriction at the intersection of Newport Gardens and Greenmount Heights adjacent to Mawson Park.

EXECUTIVE SUMMARY

Residents of Newport Gardens and Greenmount Heights are seeking to restrict parking at the intersection of Newport Gardens and Greenmount Heights adjacent to Mawson Park to alleviate parking congestion problems associated with users of Mawson Park. Implementation of a parking restriction is presented for Councils consideration.

This report recommends that Council APPROVES no stopping parking restriction on the eastern side of Newport Gardens at the intersection of Greenmount Heights as shown on Attachment 2

BACKGROUND

At the 13 August 1997 Council meeting, a report was considered regarding residents and motorists concerns about the parking congestion problems in Newport Gardens caused by users of Mawson Park. A “NO PARKING ANYTIME CARRIAGEWAY OR VERGE” restriction on the residential side of Newport Gardens and Greenmount Heights was recommended and approved.

The existing parking restriction strategy is shown on Attachment 1.

DETAILS

Mawson Park is bounded by Flinders Avenue, Mawson Crescent and Newport Gardens in Hillarys. Mawson Park attracts a substantial number of users from the surrounding localities and as a result the majority of users travel to the park by motor vehicle.

At present, the majority of users of Mawson Park are parking in accordance with the existing parking restrictions on the reserve side of Newport Gardens. However, street residents have become concerned that parking during peak demand on the reserve side adjacent to the intersection of Newport Gardens and Greenmount Heights restricts traffic flow at the intersection.

In view of this, street residents have requested that consideration be given to restrict parking on the reserve side at the intersection of Newport Gardens and Greenmount Heights. Generally, a “NO STOPPING” restriction would be the most appropriate to reduce the congestion caused by parked vehicles, maintain the general traffic flow at all times and therefore increase the level of safety at this intersection. It is envisaged that a “NO STOPPING” restriction be delineated by a continuous yellow edge line.

The proposed parking restriction is shown on Attachment 2.

COMMENTS

The proposal to restrict parking on the reserve side adjacent to the intersection of Newport Gardens and Greenmount Heights as per Attachment 2, will maintain the general traffic flow at all times and therefore increase the level of safety at the intersection.

On this basis, it is recommended that the proposed parking restriction be supported.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hurst, SECONDED Cr Kadak that Council APPROVES no stopping parking restriction on the eastern side of Newport Gardens at the intersection of Greenmount Heights as shown on Attachment 2 to Report CJ068-03/02.

The Motion was Put and

CARRIED

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190302.pdf](#)

CJ069 - 03/02 TENDER NUMBER 026-01/02 – CONSTRUCTION OF ON-STREET PARKING AND MINOR ROAD MODIFICATIONS AT SCHOOLS – [56519]

WARD – Marina, Whitfords and South Coastal

CJ020319_BRF.DOC:ITEM 8

PURPOSE

To seek approval for the acceptance of Works Infrastructure as the successful tenderer for Tender Number 026-01/02 – Construction of on-street parking and minor road modifications at schools.

EXECUTIVE SUMMARY

As part of the 2001/02 Capital Work Program, Budget funds of \$180,000 were listed for the construction of on-street parking embayments and minor road modifications adjacent to schools. These projects are anticipated to improve safety for all road users by formalising parent parking and pedestrian access adjacent to schools.

In order to meet the Capital Works Construction timeframe, these projects have been programmed for construction by an external Civil Engineering Contractor. Accordingly a public tender was advertised and subsequently closed on 27 February 2002.

The Tender Evaluation Committee (TEC) has evaluated the tenders and recommends that Works Infrastructure be considered as the successful tenderer. As the tender price from Works Infrastructure is \$248,083 additional funding will be required.

In accordance with its written commitment, the Education Department will be invoiced for 50% of the project tendered amount of \$124,042.

It is proposed to allocate the additional amount of \$34,041 from funds available in the State Blackspot Programme.

It is recommended that Council:

- 1 *AUTHORISES BY AN ABSOLUTE MAJORITY in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$17,020 from State Blackspot Project Number 6307 Warwick Road / Dorchester Avenue and \$17,021 from State Blackspot Project Number 6310 Whitfords Avenue / Kingsley Drive to Various Schools Street Parking Project Number 6298;*
- 2 *ACCEPTS Tender No. 026-01/02 submitted by Works Infrastructure for Supply and Construction of On-street Parking Embayments and minor road works for the lump sum price of \$248,083 plus GST of \$24,808;*
- 3 *AUTHORISES the contract documents be executed.*

BACKGROUND

As part of the 2001/02 Capital Work Program, Council has listed construction of on-street parking embayments and minor road modifications adjacent various schools. These high profile projects are anticipated to improve safety for all road users by formalising parent parking adjacent to schools.

Funding priority is currently given to schools that have actively participated in a recognised Road Safety and Parking Program in the last twelve months.

However, final priority for funding of short-listed schools is subject to a 50% joint funding arrangement with the Education Department.

As part of the City's 2001/02 Capital Works Program, the Education Department has agreed to jointly fund the following projects;

- Ocean Reef Senior High School - Venturi Drive, Ocean Reef
- Mullaloo Heights Primary School - Charonia Road, Mullaloo
- Davallia Primary School - Juniper Way, Duncraig

The location of these projects are shown on attachments 1, 2 and 3.

In order to meet the 2001/02 Capital Works Construction timeframe, these projects have been programmed for construction by an external Civil Engineering Contractor.

Accordingly a public tender was advertised and subsequently closed on 27 February 2002.

DETAILS

At the close of tenders, three tenders had been received from the following Civil Engineering Contractors.

	Ocean Reef PS	Mullaloo PS	Davallia PS	Total
• Works Infrastructure	\$57,650	\$88,842	\$101,591	\$248,083
• Densford	\$71,330	\$101,070	\$99,620	\$272,020
• Pavement Technology	\$85,473	\$126,277	\$120,000	\$331,750

The tender prices above do not include GST.

The lowest tender price includes provisional sums of \$43,643.

While these tender prices may reflect the current market rate, they are well in excess of the combined project estimates.

Notwithstanding, all conforming tenders were evaluated by the Tender Evaluation Committee (TEC) using a weighted multi-criterion assessment system based on the following selection criteria as specified in the Tender Information Document (TID).

- Lump Sum Price
- Construction Program
- Construction Methodology and Safety Management
- Previous experience with similar tasks
- Resources
- Contract Approach and Quality Management

By applying the above evaluation method, the TEC recommended that subject to additional funds being available that Works Infrastructure be awarded the tender for the lump sum price of \$248,083 (including provisional sums of \$43,643) excluding GST.

Financial Implications:

Account No:	Project No. 6298		
Budget Item:	Various Schools Street Parking		
	Education Dept	Municipal	Total
Budget Amount	\$124,042	\$90,000	\$214,042
Contract Costs	\$124,042	\$124,041	\$248,083

As shown, insufficient funds are available to proceed with the awarding of a contract.

In order to complete the project as scheduled, it is proposed that the additional funds of \$34,041 be re-allocated from State Blackspot Projects Whitfords Avenue / Kingsley Drive and Warwick Road / Dorchester Avenue. It is anticipated that these projects will have available funds given the change in scope to the projects from roundabouts to traffic signals as detailed in the report to Council on 12 March 2002 (Item CJ055-03/02 refers).

Given that the Education Department has committed \$124,042 the cost to Council to complete the project will be \$124,041 if all the provisional funds are fully expended.

COMMENT

While these tender prices may reflect the current market rate, they are well in excess of the project estimate.

Notwithstanding this, given that the works may significantly improve safety, traffic flow and pedestrian access to each school, the additional funding to complete the works to the anticipated standard is strongly supported.

On this basis it is recommended that Works Infrastructure be awarded the tender for the lump sum price of \$248,083 exclusive of GST.

In accordance with its written commitment, the Education Department will be invoiced for 50% of the project tendered amount of \$124,042.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 AUTHORISES in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$17,020 from State Blackspot Project Number 6307 Warwick Road / Dorchester Avenue and \$17,021 from State Blackspot Project Number 6310 Whitfords Avenue / Kingsley Drive to Various Schools Street Parking Project Number 6298;**

2 ACCEPTS Tender No 026-01/02 submitted by Works Infrastructure for Supply and Construction of On-street Parking Embayments and minor road works for the lump sum price of \$248,083 plus GST of \$24,808;

3 AUTHORISES the contract documents be executed.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf190302.pdf](#)

**CJ070 - 03/02 CLOSE OF ADVERTISING - PROPOSED
AMENDMENT NO 10 TO DISTRICT PLANNING
SCHEME NO. 2 – CENTRES STRATEGY – [09030]**

WARD – All

CJ020319_BRF.DOC:ITEM 9

PURPOSE

The purpose of the report is for Council to consider public submissions following advertising of Amendment No.10 to District Planning Scheme No.2 (DPS2).

EXECUTIVE SUMMARY

The City has proposed an amendment to District Planning Scheme No.2 (DPS2) to incorporate some of the recommendations of the Centres Strategy adopted by Council on 28 November 2000 (CJ351-11/00 refers) and other associated amendments as follows:

- Modify the definition of ‘shop’, ‘showroom’ and ‘bakery’.
- Permit ‘shop’ as a discretionary use subject to special conditions in the Business and Mixed-Use zones.
- Include provisions relating to the ‘Development of Centres’.
- Modify the limits and net leasable area (NLA) in accordance with Schedule 3 of the ‘Centres Strategy’.
- Include a definition of Centres Strategy.
- Delete definitions and references to ‘Road House’, ‘Animal Husbandry’ and ‘Takeaway Food Outlet’.
- Include ‘Dry-cleaning’ as a discretionary use in Mixed-Use areas.
- Modify clauses 3.5, 3.6, 3.7 and 3.11, to enable shopping net lettable area to be distributed to all lots within ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ zones.

- Adjust boundaries of Kinross Local Centre and rezone Lot 199 (163) Kinross Drive Kinross from ‘Residential’ to ‘Commercial’.
- Modify Schedule 3 which provides the net lettable area for commercial centres to delete references to specific lots.
- Include Lot 60 Warburton Avenue as a Local Centre.

The amendment was adopted by Council at its meeting on 23 October 2001 (CJ226–07/01 refers) and was advertised for public comment for a 42-day period which closed on 9 January 2002.

Forty-two submissions were received, which includes two petitions, one signed by 246 people the other signed by 13 people, opposing the rezoning of lots 199 and portion lot 9000 Kinross Drive, Kinross.

Twenty-two individual letters were submitted opposing the rezoning of Lot 199 and portion of Lot 9000 Kinross Drive, Kinross from ‘Residential’ and ‘Mixed-Use’ to ‘Commercial’ due to concerns that commercial development will result in declining property values, cause an increase in traffic, noise, littering, crime, anti-social behaviour and loss of privacy. Additional comments related to adequate shopping facilities existing in the area and that purchase was based on Lot 199 Kinross Drive being developed as a residence with an incidental corner store. Given the allocated commercial floor space in Kinross and public opposition, Lot 199 Kinross Drive, Kinross should remain ‘Residential’.

Six submissions were received concerning Lot 60 Warburton Avenue. Four submissions object to the redevelopment of Lot 60 Warburton Avenue, whilst one submission raises issues concerning an existing development approval. Another submission supports Lot 60 Warburton Avenue becoming a Village Centre and has made a suggestion that proposed clause 3.2.2 should be modified to enable greater retail net lettable area (NLA) for ‘Mixed-Use’ zone. Issues concerning an existing development approval for Lot 60 Warburton Avenue do not form part of the amendment. Under the present ‘Mixed-Use’ zoning a number of land-uses are permitted such as restaurant and office. The new clause 3.2.2, in addition to including Lot 60 Warburton Avenue into Schedule 3, will ensure only limited retail floor space.

Four submissions were received relating to modifications to the definitions for ‘shop’, ‘showroom’ and ‘bakery’. Three of the submissions questioned why the definitions for ‘shop’, ‘showroom’ and ‘bakery’ are required to be changed, recommended that the definition for ‘Showroom’ be modified, and questioned the implications on existing properties if the definitions of ‘shop’ and ‘showroom’ are modified. One submission has indicated support for the proposed changes. Submissions concerned with changes to definitions are acknowledged, however it is considered that the changes are necessary to improve both their interpretation and application to land use planning.

Four submissions were received concerning changes proposed to Schedule 3 of DPS2 which provides the net lettable area for commercial centres. One submission supported the revision of Schedule 3 but suggested that the inclusion of retail activity within ‘Mixed-Use’ and ‘Business’ zone be excluded. Three submission support changes to Schedule 3 however, requested that higher order centres have retail NLA determined by the implementation of a structure plan. Changes to Schedule 3 are required to reflect recommendations made by the Centres Strategy for retail floor space in all centres.

The proposed amendment to DPS2 will provide an improved way of distributing appropriate land uses and floor space to centres and will provide an improved strategy towards the future development, expansion and redevelopment of Centres. Adoption of DPS2 amendment No.10 subject to not proceeding with the rezoning of Lot 199 (163) Kinross Drive, Kinross from ‘Residential’ to ‘Commercial’ is recommended.

BACKGROUND

Suburb/Location:	Various
Applicant:	City of Joondalup
Owner:	Various
Zoning:	DPS: Various
	MRS: Various
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

DETAIL

Proposal

The proposed amendment follows an examination of the objectives, principles and recommendations of the ‘Centres Strategy’ adopted by Council on 28 November 2000 as a strategic policy document. The amendments and inclusions to DPS2 proposed are:

Modify schedule 1 to include ‘new’ definition for ‘shop’, ‘showroom’ and ‘bakery’ (Attachment 1 – refer to changes in Schedule 1)

The proposal to modify the definition for ‘shop’ and ‘showroom’ in schedule 1 of DPS2 follows an examination of the interpretation of both definitions and the need to accord the definitions with the Model Scheme Text.

Traditionally there was a clear distinction between ‘shop’ and ‘showroom’ with the later more akin to the sale or wholesale of ‘bulky goods’ and goods associated with home improvement. The current definitions however fail to make these distinct differences resulting in the experience of ‘overlap’ between the two definitions when applied. The ‘new’ definitions propose to alleviate these incursions by using ‘scale’ and ‘product by example’ as a basis to delineate the definitions. This is strengthened by the inclusion of a list of examples of goods included as part of a ‘showroom’ and the exclusion of a ‘showroom’ from the definition of ‘shop’.

Changes to the definition of ‘bakery’ are due partly to changes proposed to ‘shop’ to enable related uses such as ‘hot bread shops’ to be considered under ‘shop’ rather than ‘bakery’.

Modify Table 1 to permit ‘Dry Cleaning Premises’ subject to Council’s discretion in a Mixed-Use Zone (Attachment 1 – refer to changes to table 1)

Currently ‘Dry Cleaning Premises’ is a non-permitted use in the Mixed-Use zone. During the preparation of DPS2 it was included as a discretionary use however was required to be deleted by the Minister for Planning. The use class is considered suitable in areas zoned Mixed-Use and is not considered to impact on the amenity of the surrounding area.

Modify clause 3.2.2 and Table 1 to include a new symbol ‘AS’ that would permit a ‘shop’ use in the Mixed Use and Business Zone subject to Council’s discretion (Attachment 1 – refer to changes to part 3).

The proposal will promote the opportunity for greater land use variety in mixed-use environments, and provide for Council discretion to encourage the appropriate development to occur. Clause 3.2.2 will provide special standards to ensure that development occurs along ‘Main Street’ style.

Modify Part 4 to include a new clause (4.16) ‘Development of Centres’ (Attachment 1 – refer to changes to Part 4).

The proposal establishes new development standards in Part 4 of the scheme. Where revitalisation and re-modeling of existing centres may occur or new centres are proposed, the provisions require where practical development to include ‘main street’ principles, providing for integrated, mixed use, safe, attractive and vibrant centres with a community focus.

Include in schedule 1 a definition for ‘Centres Strategy’ (Attachment 1 – refer to changes to Schedule 1).

The proposal is to include in Schedule 1 of the scheme a definition for ‘Centres Strategy’ to provide legal recognition to the document wherever cited in the Scheme.

Delete the use classes ‘Road House’ and ‘Animal Husbandry’ from Schedule 1 and Table 1 and ‘Takeaway Food Outlet’ from schedule 1, Table 1 and Table 2 (Attachment 1 – refer to changes to Schedule 1, Table 1 and Table 2).

The proposal will remove the use classes ‘Road House’ and ‘Animal Husbandry’, which are no longer considered relevant to the scheme area. The definition of ‘Take Away Food Outlet’ is no longer required as it is considered part of the new definition of ‘shop’

Adjust the zone boundary of Kinross Drive, Centre and include in Schedule 3 as Kinross ‘Local Shop’ (Attachment 2).

The proposal will rectify an oversight during the preparation of DPS2 whereby Lot 199 Kinross Drive, Kinross intended to be zoned for ‘commercial’ purpose. The property is a vacant corner lot used as a sales office and is abutting a lot zoned commercial. The Centres Strategy identifies this lot as a ‘Local Shop’ under Schedule 3. Lot 9000 Kinross Drive, Kinross is a minor zoning re-alignment to accord with lot boundaries.

Modify Schedule 3 to reflect recommendations for net leasable area (NLA) as per ‘Centres Strategy’ (Attachments 3, 4, and 6) and include all lots in each centre.

Centres Strategy

The proposal will ratify an inconsistency between the existing floor area and Schedule 3 of DPS2 in respect to NLA permitted for 9 of the 41 centres in the City (Attachment 3). The figures provided for Schedule 3 of DPS2 at the time the Scheme was being prepared were based on outdated data and in some cases derived from different interpretations of retail floor space. Figures obtained for the Centres Strategy are based on 1997 WAPC survey.

At the Council meeting on 19 December 2000, Amendment No.3 (CJ381-12/00 refers) was initiated to modify Schedule 3 to increase the NLA for the 9 centres. As an interim measure it was proposed to permit development in these centres until the Centres Strategy was approved. The amendment was not processed by the WAPC with advice that it should be included in the Centres Strategy amendment.

The proposal will replace the current shopping NLA in Schedule 3 of DPS2 with that identified in Schedule 3 of the Centres Strategy (Attachment 4).

Include all properties zoned ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ zones in the calculation of shopping NLA

The proposal will modify Schedule 3 to include all properties zoned ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ in the calculation of shopping NLA for each centre.

Currently Schedule 3 distributes shopping net lettable area to selected lots in ‘Commercial’ and ‘Centre’ zones but not all lots. This results in some lots not being able to be developed for shopping purposes. For example a maximum 38,000m² NLA is currently permitted over the Warwick Grove Shopping Centre however this is restricted to only a number of lots identified in Schedule 3. The commercial land use survey indicates a total of 25,015m² occupied as shopping floor space, 12,985m² retail NLA is available for future expansion of the centre. As NLA distribution is restricted to a number of selected lots that have already been largely developed, the potential for further expansion of shopping net lettable area is restricted.

Accordingly the proposal will modify Schedule 3 by deleting the column headed ‘Description of Centre and Commercial Zone’ and modify Clauses 3.5, 3.6, 3.7 and 3.11 to enable shopping net lettable area to be distributed to all lots within these zones (Attachment 1 – refer to changes to Section 3).

Warburton Avenue.

The proposal is to include Lot 60 Warburton Avenue (Padbury – Warburton Avenue West) as a ‘Centre’ in Schedule 3 of DPS2 to enable ‘shop’ to be considered as a possible land use for the site. Under DPS2 the land is zoned Mixed-Use which accommodates small scale, low impact land uses. Prior to the finalisation of DPS2 a development approval was issued providing for shops, office and consultancy room. The property is well located on the corner of Warburton Avenue and Renou Street (Attachment 5) to take advantage of new provisions that permit ‘shop’ in the Mixed-Use zone subject to special conditions.

Summary

As a result of the number of changes proposed to Schedule 3 of DPS2, it is proposed it be replaced by the ‘new’ Schedule 3 (Attachment 6) that reflects all changes resulting from the proposals outlined in this report.

Previous Council Decision.

At its meeting on 23 October 2001, Council resolved to adopt the proposed amendment and advertised it for public comment for a period of 42 days, concluding on 9 January 2002.

Consultation

The proposed DPS2 amendment No.10 was advertised for public comment for a 42-day period, which closed on 9 January 2001. Letters were sent to landowners affected by the amendment and signs were erected at Lot 60 Warburton Avenue and Lot 199 Kinross Drive Kinross. An advertisement was also placed in the local newspaper on 28 November 2001. A total of forty-two submissions were received, which includes two petitions, one signed by 246 people the other signed by 13 people both opposing the rezoning of lots 199 and portion lot 9000 Kinross Drive, Kinross. A detailed summary of submissions is provided for in Attachment 7.

Twenty-two individual letters were submitted opposing the rezoning of lots 199 and portion lot 9000 Kinross Drive, Kinross from 'Residential' and 'Mixed-Use' to 'Commercial'. Common issues raised in the submissions were concerns that commercial development will result in declining property values, cause an increase in traffic, noise, littering, crime, anti-social behaviour and loss of privacy. Additional comments related to adequate shopping facilities existing in the area and that purchase was based on lot 199 Kinross Drive being developed as a residence with an incidental corner store. One submission was in support of the rezoning.

Six submissions were received concerning Lot 60 Warburton Avenue. Four submissions objecting to the redevelopment of Lot 60 Warburton Avenue on the grounds of nuisances that would occur from commercial development such as increased noise and traffic. Additional comments suggested that adequate shopping already existed along Warburton Avenue and that development should be sensitive to the surrounding residential area. One submission provided two letters that relate to a development proposal for the site. The first objecting to the proposed development (dated 13 November 2001), the second letter (dated 30 November 2001) supports the development (DA01/0500) after modifications were made to access arrangements. One submission supported the inclusion of Lot 60 Warburton Avenue as a Village Centre and made a suggestion that proposed clause 3.2.2 should be modified to enable greater retail net lettable area (NLA) for 'Mixed-Use' zone.

Four submissions were received relating to modifications to definitions of 'shop', 'showroom' and 'bakery'. Submissions questioned why the definitions for 'shop', 'showroom' and 'bakery' are required to be changed, the legal ramifications in terms of existing developments and requested examples in the definition for 'showroom' being removed. One submission has indicated support for the proposed changes.

Four submissions were received concerning changes proposed to Schedule 3 of DPS2. One submission supported the revision of Schedule 3 but suggested that the inclusion of retail activity within 'Mixed-Use' and 'Business' zone be excluded. Three submissions support changes to Schedule 3 however, requested that Joondalup Centre, Town Centres and Small Town Centres have their retail NLA determined by the implementation of a structure plan.

One submission has objected to proposed amendment No.10 without detail, whilst another submission questioned a statement in clause 4.16.2. The remaining two submissions have indicated their general support for the amendment.

Statutory Provision

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) together with Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and set out the process to be followed (Attachment 8).

Under provision of regulation 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period. After considering all submissions the Council shall either resolve to not proceed or adopt the amendment, with or without modification and submit three copies to the WAPC for recommendation to the Minister for Planning.

COMMENT

Lot 9000 Kinross Drive, Kinross is currently zoned 'Commercial' with a small portion of the lot zoned 'Mixed Use'. The amendment intends to correct this anomaly. Lot 199 Kinross Drive, Kinross was originally identified as a 'corner store residence' site. Given that community expectations for the development of the site was for a 'corner store residence' and that provision has been made for adequate commercial floor space in Kinross the site should not be rezoned.

Submissions for Lot 60 Warburton Avenue, are concerned largely with an existing development approval and the implications of redevelopment for the site that does not form part of this amendment. Under the current 'Mixed-Use' zoning a number of land-uses are permitted such as restaurant and office. The amendment proposes to allow limited 'shop' use in the 'Mixed-Use' zone by proposing special provisions under clause 3.2.2 and including Lot 60 Warburton Avenue into Schedule 3 as a Village Centre. The limited retail uses will complement existing land uses approved for the site.

The submissions concerned with changes to definitions and Schedule 3 of DPS2 are acknowledged, however it is considered that the changes proposed to the definitions of 'shop', 'showroom' and 'bakery' are necessary to improve both their interpretation and application to future land use planning. The proposal does not impact on existing developments. Changes to Schedule 3 are required to reflect recommendations made by the Centres Strategy for retail floor space in all centres. General comments for and against amendment No.10 are acknowledged.

Adoption of DPS2 amendment No.10 subject to not proceeding with the rezoning of Lot 199 (163) Kinross Drive, Kinross is recommended.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council:

1 pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 10 to the City of Joondalup District Planning Scheme No 2 subject to the following modification:

- the rezoning of Lot 199 Kinross Drive, Kinross from 'Residential' to 'Commercial' not be proceeded with;**

- 2 NOTES the submissions received and ADVISES submitters of Council's resolution;**
- 3 AUTHORISES the affixation of the common seal to, and ENDORSES the signing of the amendment documents.**

The Motion was Put and

CARRIED

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf190302.pdf](#)

CJ071 - 03/02 DELEGATED AUTHORITY REPORT – [07032]

WARD - All

CJ020319_BRF.DOC:ITEM 10

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 February to 28 February 2002.

MOVED Cr Rowlands, SECONDED Cr Kimber that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ071-03/02.

The Motion was Put and

CARRIED

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190302.pdf](#)

MOVED Cr Baker, SECONDED Cr Kenworthy that in accordance with Clause 5.6 of the City's Standing Orders, the meeting be held behind closed doors to enable the Council to discuss C38-03/02 – Superannuation, being a matter which affects the employees of the City of Joondalup.

The Motion was Put and

CARRIED

The Chairman adjourned the meeting for 5 minutes, the time being 2045 hrs.

Members of the public and press left the Chamber at this point, the time being 2050 hrs.

The Chairman reconvened the meeting behind closed doors, the time being 2050 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER

C38-03/02 - SUPERANNUATION - [05030] [00033]

WARD - All

PURPOSE

This report seeks approval from the Audit Committee to alter the contribution rates for employer superannuation contributions. It seeks approval to pay only the Superannuation Guarantee Levy from 1st July 2002 to new employees.

EXECUTIVE SUMMARY

The Audit Committee has met a number of times in the last 15 months to discuss this issue of superannuation. Meetings have been held on 12 December 2000, 25th January 2001, 12th April 2001, and 12th July 2001. At its meeting held on 12 December 2000 the Audit Committee resolved to defer the matter to another meeting. Accordingly the Committee at its meeting held in July 2001 again considered the matter, and it was at that meeting the report was received on the basis that the matter again being listed for consideration at a further Audit Committee meeting following the appointment of the new Chief Executive Officer.

The report identifies that superannuation is part of a total remuneration package and is one of the key features for staff retention and attraction, particularly where the job market is competitive. The report notes that the trend in local governments in other states for employers to only contribute the equivalent of the Superannuation Guarantee Levy. In Western Australia however the custom and practice for Local Governments is to contribute both the Superannuation Guarantee Levy and to make employer contributions when the employee makes a contribution.

While any changes to this practice may make it difficult for the City to attract and retain employees a legal opinion indicates that the City has the capacity under the Trust Deed, if it so decides, to only contribute to the extent of the Superannuation Guarantee Levy-currently 8% (increasing however to 9% on 1/7/2002). This advice also indicates that it is less clear with existing employees currently in the non contributing category of the plan. The advice further indicates that if the City decided to remove the option for current employees to join the contributing category of the plan at some time in the future, it would be advisable for the City to grant a time period of say 3 months during which current employees, who are not contributing by way of personal contributions, can elect to join the Scheme.

It is recommended that Council:

1. EFFECTIVE immediately, for all new employees, only makes superannuation contributions to the WALGSP to the extent of the Superannuation Guarantee Levy.

At its meeting held on 14 March 2002, the Audit Committee resolved that it be recommended to Council that effectively immediately, for all new employees, Council only makes superannuation contributions to the WALSP to the extent of the Superannuation Guarantee Levy.

BACKGROUND

The City's employer contributions to the WALGSP are \$1.9m of which \$1.31m is compulsory pursuant to the provisions of the Superannuation Guarantee Act 1992. The discretionary or voluntary contribution by the City is \$597,000.

With the increase in the Superannuation Guarantee Charge on 1 July 2002 to 9% and a reduction from 7% to 6% in Council's voluntary contribution thus retaining its overall contribution to a maximum 15%, a static membership and a 4% salary increase, it is anticipated that the City's superannuation cost will be \$2.079m of which approximately \$538,000 is for voluntary contributions.

The City's anticipated future rate levels indicate the following costs: -

	2001/02	2002/03
Rate Levy	\$39.5m	\$41.0m
Cost – Compulsory	\$1,311,000	\$1,541,982
% of Rates	3.4%	3.8%
Cost – Voluntary	\$597,000	\$537,975
% of Rates	1.50%	1.31%
Total	\$1,908,000	\$2,079,957
% of Rates	4.82%	5.07%

Given the assumptions, this illustrates that the City's position remains almost static. The City's Superannuation contributions benchmarked against randomly selected large metropolitan local governments indicates the following: -

		Employer	SGL	Total
		%	%	%
City of Melville				
Employee	5%	4.5	8.0	12.5
Employee	6%	6.0	8.0	14.0
City of Fremantle				
		6.0	8.0	14.0
City of Armadale				
		4.0	8.0	12.0
City of Gosnells				
Employee	5%	4.5	8.0	12.5
Employee	6%	6.0	8.0	14.0
City of Stirling				
Employee	5%	5.5	8.0	13.5
Employee	6%	7.0	8.0	15.0
City of Swan				
		6.0	8.0	14.0
City of Joondalup				
Employee	5%	5.5	8.0	13.5
Employee	6%	7.0	8.0	15.0
City of Wanneroo				
Employee	5%	5.5	8.0	13.5
Employee	6%	7.0	8.0	15.0

In comparison to the private sector the position is: -

	Basic Member Contribution	Employer Contribution
	%	%
Woodside	0	14.0
Wesfarmers		
Award	0	10.0
Middle Management	0	14.0
Senior Management	0	18.0
Alcoa *	0	13.0
Fire & Rescue Services of WA	6.25	12.75
CSIRO #	2 to 10	15 to 31
BHP	0	8
	3	10
	4	12
	5	14
WA Newspapers Ltd	0	8
Sir Charles Gairdner Hospital	0	8
Western Australian Universities	7	17

*Defined Benefits

#Partly Defined Benefit

At a national level the following local government information is provided:

Victoria

There were two schemes in operation:

Defined Benefit

This closed on January 1 1994 for new members. It is still applicable for "old" members. It is compulsory for these members to contribute 6% with the employer contributing 9.25% (inclusive of 8% SGL).

Accumulation

This was operative 1 January 1994 through enactment of legislation. Contribution by employer is 8% and employees may contribute voluntarily.

South Australia

There are also two schemes in operation: -

Defined Benefit

Employee contribution is 2.5% of salary with employer contributing 9% (inclusive of 8% SGL).

Accumulation

The only contributions by employer is Superannuation Guarantee Levy (8%) and members may make voluntary contributions.

Northern Territory

No contribution by employee. Employers contribute only 8% SGL.

Minimum contribution by employee of 2.5% of salary attracts 11% (including 8% SGL) from employer.

Queensland

Superannuation is governed by legislation in this state.

It is a condition of employment and compulsory for all staff, other than casuals or those who have been employed for less than 12 months, to contribute 6% of salary to the scheme. The employer contribution is 12% (including 8% SGL).

The defined benefit plan was closed on 1 January 1999. All new starters contribute to an Accumulation Plan.

New South Wales

Two schemes are in operation: -

Defined Benefit

Closed to new membership in 1992 through enactment of legislation. Employee contribution is 6% while employers contribute 18%.

Accumulation

All new employees from 1992 are in this scheme. Employees are able to voluntarily make contributions and employers only contribute the SGL 8%

Legality of Scaling Back Superannuation Contributions

Advice received from the City's solicitors Mallesons Stephen Jacques indicates there may be industrial consequences from withdrawing this long-term benefit from staff. This is subject to the terms of employees' contracts and the way the benefit is withdrawn. Notwithstanding this it is open to the City to withdraw the benefit to new employees in certain circumstances.

If the City were to change this custom and practice it is imperative to take into consideration staff who are currently employed but who are not in the Scheme. However this is also dependent on the terms in the Trust Deed.

Legal advice suggests that there needs to be a reasonable time period for current employees to have the opportunity to exercise their right to join the scheme. Notwithstanding this the unions will no doubt have a different perspective and may seek to have the matter taken to the Industrial Relations Commission in the form of a dispute. In negotiations with the staff representatives for a new Enterprise Bargaining Agreement it was foreshadowed that the Australia Services Union intends to make submission to Council to maintain current practice in terms of superannuation contributions.

Nevertheless Mallesons Stephen Jacques has advised:

- *The City can validly decide that contributory membership of the Plan will no longer be open to new employees. In this case contributory means an amount of money the employee pays into the scheme.*
- *The position is less clear with existing employees currently in the non-contributory category of the Plan, because of previous statements that may have been made in member booklets and other communications that they can transfer categories if they wish. Non contributory in this case means the amount of money the employer puts in subject to the Superannuation legislation.*
- *If the City wishes for existing employees in the non-contributory category of the Plan to no longer have the option of transferring to the contributory category, it may be prudent to first provide a final opportunity to transfer before the ability to do so is removed. This should address most (but not necessarily all) situations where those employees might otherwise be adversely impacted.*
- *From an industrial perspective, any decision by the City to implement this change should consider the current industrial climate and the potential for Unions to cause industrial disharmony.*

COMMENT

Superannuation forms part of the remuneration package for employees. The package is important for attracting and retaining staff, especially as the City needs to operate in the Western Australian labour market, where other Local Governments are offering comparable superannuation. With respect to the National situation, Western Australia is out of step with Local Government. However, there is insufficient information to adequately benchmark the total remuneration package across all States to know where Western Australia ranks.

Similarly, comparison with the private sector is difficult, as the total remuneration package is unknown. For example, in some superannuation schemes the employers pay the Administration costs where as in the Local Government scheme the Administration costs are borne by the members.

Effective 1 July 2002 the Superannuation Guarantee Levy will be increased to 9% of base salary. The City has previously indicated that as a consequence of this increase the voluntary contribution made by Council will reduce from 7% to 6% of salary. This effectively maintains the City's overall contribution at 15%. (CJ23-02/00 refers)

Financial modelling indicates that after taking into consideration the increase in the Superannuation Guarantee Charge and a reduction in Council's voluntary contribution, steady membership and increase for salaries there is an estimated change of 0.25% of income.

On the other hand if the City were to invite for a limited period all current staff who are not contributing members access to the City's contributions and they accepted, it will be an added cost to the City in the short term. It is impossible to quantify the exact scenario but given that about half the staff receives the contribution from Council it would be a fair estimation if the amount were doubled to reflect all staff receiving the benefit. It could be in the vicinity of another \$500,000.

The relevant provisions of the Trust Deed

Section 170B of the former 1960 Local Government Act requires that municipalities participate and comply with the "industry scheme", ie the WA Local Government Superannuation Plan. (Although the 1960 Local Government Act has been repealed, regulations made under section 5.46 of the 1995 Local Government Act have the effect of maintaining in force the provision of former sections 170A-170E of the 1960 Act.)

Under the Trust Deed of the Plan, there are various categories of membership, including "contributory membership" (categories A-C) and "non-contributory membership" (category D). The Trust Deed provides for the employer to elect the category of membership a member is to join.

A practice has developed of offering new employees (if they are permanent employees) a choice of joining the contributory membership category or the non-contributory membership category, and also allowing existing Plan members to change their choice should they wish. However, the Trust Deed does not confer this choice on the employees as of right - rather the Trust Deed confers the decision about any employee's category of membership on the employer (the City).

DETAILS

The Audit Committee considered a report on Council Superannuation Contributions at its 12 December 2000 meeting. The report provided information about the development of the Local Government Superannuation Scheme, Occupational Superannuation, Superannuation Guarantee Charge, the WA Local Government Superannuation Plan, details of Council resolutions commencing in 1981 and concluding in September 2000 when the City considered matters relating to the possible introduction of freedom of choice.

There have been four Audit Committee meetings held in the last 15 months. During these discussions the Audit Committee requested that a further and more detailed report be submitted reviewing the on-going capacity of the City to sustain a contribution rate of 15% superannuation for existing employees as well as the potential consequences of scaling back the level of the City's discretionary contribution rate.

OVERVIEW

The purpose of Superannuation is to fund retirement. Superannuation is therefore an integral part of the remuneration package offered for employment. The quality, efficiency and effectiveness of implementing the City's Strategic Plan and statutory responsibilities rely essentially on the staff. Maintaining a strategy that attracts and retains these staff is a critical Human Resource function. Should the Council decide to withdraw this option it may impact on the quality of the applicants the City attracts.

Influences that affect the ability to attract suitable staff include:

- Supply and demand
- Remuneration package
- Training and staff development packages/opportunities
- The Strategic Plan
- The organisations ethos
- Commitment to continuous improvement
- Being an employer of choice
- Flexible work practices

The ability to attract staff to a number of positions has historically been difficult i.e. Town Planners, Environmental Health Officers, Rates Personnel, and Building Surveyors. This is partially due to limited supply and competition for staff. Some less traditional roles have also proved difficult to fill i.e. Online Development Officer, Economic Development Officer, and Urban Designers.

Other influences impacting on the services the City provides are:

- **The nature of Joondalup.** The previous City of Wanneroo was very much in the development mode, developing land and soft infrastructure, developing and delivering services, etc. The administration was shaped accordingly. Now the emphasis for Joondalup is more about sustainability and partnerships, working in cooperation with others to achieve/facilitate the City's objectives. These include addressing economic development, developing an on-line community, addressing the needs of youth and an ageing community, etc.
- **Redevelopment** – Joondalup has a number of ageing suburbs and areas where redevelopment is occurring. Redevelopment brings with it additional difficulties including the need for better community consultation due to increased complexity and the impacts of change
- **Changing standards and expectations.** The community generally expects a higher standard of service than was the case in the past. This expectation also applies to Local Government where better customer service, good community consultation, the delivery of better services, innovation and improved efficiency and effectiveness are expected.

- **Technology.** A major impact on staffing is the adoption and use of technology. The benefits result in less staff doing more, the delivery of a streamlined service, the ability to provide better access to information and greater convenience to our customers. It also requires staff with information technology skills.

These influences also impact on the type and quality of staff required. Generally, it leads to a requirement for better-qualified and more capable staff.

Remuneration Packages

The City has as two of its goals, the provision of market related remuneration which attracts and retains highly skilled staff and the development and maintenance of appropriate reward systems that recognise outstanding performance.

In terms of breaking down the elements of this package there are several components. In the first instance there are core benefits which comprise the following:

- Salary
- Specified Superannuation (according to Legislation i.e. Superannuation Guarantee Levy).

Then there may be optional benefits that include:

- additional Superannuation (i.e. 7% contribution by Council)
- motor vehicle based on business/private use

So in terms of a total remuneration package the element of Superannuation is one particular element.

Superannuation

The Western Australian Local Government Superannuation Plan accepts: -

- voluntary contributions from employees and employers
- compulsory contributions from employers for superannuation guarantee obligations

In summary the annualised 2001/02 contributions from the City of Joondalup were as follows:

Contributions	No. Staff Currently in Scheme	\$	
		Employee	Employer
Employee/Employer			
5.0%/5.5%	42	52,551	57,908
6.0%/7.0%	196	467,584	538,905
Sub total	238	520,135	596,813
SGL	498		1,311,000
Total		520,135	\$1,907,813

Note – These figures do not depict additional contributions made to the plan by individuals.

The position can be summarised as follows:

- The City's annual contribution is approximately \$1.9M:

	\$	%
Discretionary	597,000	31.3
Compulsory	1,311,000	68.7
	\$1,908,000	100.0%

- 47.8% (238 staff) of staff participate in the scheme by way of voluntary contributions.
- The City's discretionary contribution is \$597,000 that represents approximately 1.5% of 2001/02-rate revenue of \$39.5m.
- Pursuant to the provisions of the Superannuation Guarantee Charge Act 1992 and the Superannuation Guarantee (Administration) Act 1992 all employers are required to provide a minimum level of superannuation support for employees who earn a minimum of \$450 per month. At 1 July 2000 this was 8% of salary. This increases to 9% on 1 July 2002.

Sustainability

Current State

Discretionary

Current Annual Commitment \$597,000

Compulsory

Current Annual Commitments \$1,311,000

\$1,908,000

Future State

Assumptions

- nil growth in membership per annum.
- Salary/wage increase of 4% per annum for 2001 and 2002
- Increase in compulsory contribution on 1.7.2002 to 9%
- Reduction of Council contribution on 1.7.2002 from 7% to 6%

Superannuation Calculation

	2001/02		2002/03		2003/04	
		\$		\$		\$
Salary (4% increase pa)	2%	16,715,250	2.5%	17,133,1317	2.5%	17,561,459
SGL (increase from 1/7/2002)	8%	1,311,000	9%	1,541,982	9%	1,580,531
Council Contribution No Employees in Plan	238	597,000	238	537,975	238	551,424
Total Superannuation		\$1,908,000		\$2,079,9571		\$2,131,955

These figures do not take into consideration the impact should the City open the offer for all staff for say a period of 3 months then the worse case scenario is that the cost to the City would be approximately doubled. The union has made it known in the EBA discussions they will be opposed to the proposed changes in superannuation contribution eligibility.

By not setting a date by which current employees need to decide if they will become contributing members of WALGSP or not, the likelihood of Council incurring a substantial immediate increase in cost of superannuation contributions will be avoided. In addition, the City will not ever be in any worse position than it currently is in relation to the current level of employee superannuation costs.

Policy Implications:

A new Council policy will need to be developed reflecting the change in superannuation contributions.

MOVED Cr Baker, SECONDED Cr Kimber that Council EFFECTIVE immediately, for all new employees, only makes superannuation contributions to the WALGSP to the extent of the Superannuation Guarantee Levy.

The Motion was Put and

CARRIED

MOVED Cr Kimber, SECONDED Cr Hurst that the meeting be held with the doors open, the time being 2055 hrs.

The Motion was Put and

CARRIED

Members of the public entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motion in relation to Item [C38-03/02 - Superannuation](#).

C39-03/02 REQUEST FOR SECOND PUBLIC QUESTION TIME

MOVED Cr Hollywood, SECONDED Cr Carlos that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted prior to the conclusion of this meeting.

The Motion was Put and

CARRIED

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C40-03/02 NOTICE OF MOTION NO 1 – CR C BAKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 March 2002:

“That the City of Joondalup:

- 1 ACKNOWLEDGES the importance of using its best endeavours to ensure that the West Perth Football Club Inc (“the Club”) continues to be accommodated at the Arena Joondalup;*
- 2 ACKNOWLEDGES that the Arena Joondalup is owned and managed by the State Government Agency known as the W A Sports Centre Trust;*
- 3 NOTES that the Club is presently engaged in negotiations with the City of Wanneroo with a view to the Club re-locating from the Arena Joondalup to the Kingsway sporting facility located in the City of Wanneroo;*
- 4 CONSIDERS formulating a sponsorship package for the Club to encourage the Club to remain at the Arena Joondalup which package may include:*
 - (a) financial or in-kind assistance to the Club;*
 - (b) the matching, on a dollar for dollar basis, of any financial or in-kind assistance to the Club by the W A Sports Centre Trust or any other State Government Department or Agency, up to a maximum annual sum to be determined by the City of Joondalup;*
 - (c) a requirement that the Club markets itself as the Joondalup Falcons;*
 - (d) a requirement that any such sponsorship will be conditional upon the Club recognising the City of Joondalup’s sponsorship in all of the Club’s printed material and on its football jerseys;*
 - (e) an undertaking by the City of Joondalup to seek out other forms of sponsorship from the local business community, in conjunction with the Club.”*

OFFICER’S COMMENT

The City of Joondalup has been involved with the ongoing negotiations between the West Perth Football Club and the Sports Centre Trust (Arena Joondalup) regarding the Club’s tenure at the Arena Joondalup.

The City has contributed to the cost of this process by engaging a consultant to facilitate a working group that included the City of Joondalup, Western Australian Football League, the Club and the Western Australian Sports Centre Trust. Due to the withdrawal of the Club, this process fell short of achieving its objective of sourcing possible partnerships that would assist the Club in its present financial position. It was stressed to the Club from the outset of the working parties involvement that direct financial support from the City was unlikely, given the potential precedent that could be established for the large number of sporting clubs within the City.

As part of the process of consultation facilitated through the working party, the Western Australian Sports Centre Trust (Arena Joondalup) has offered the Club a number of proposed concessions to assist them in their tenure at the Arena. These have included:

- A reduction in rent from \$58,000 to \$45,000 (this includes the provision of the playing arena and office space).
- An increase in the rebate to the Club on bar turnover from 10% to 15%.
- The opportunity to gain 100% of net profit on all Club functions held at the Arena (apart from the two existing functions being the Breckler Medal and the Players Auction).
- The Arena Joondalup to negotiate with the Swan Brewery with regards to providing the Club with a beer tent facility, to be operated and managed by the Club.
- The provision of the Medallist Club Bar on Thursday Evenings for training nights.
- The opportunity for functions to be run at the Club on Sunday mornings.
- The opportunity for the Club to put memorabilia on show in the function rooms at the Arena.

This proposal has recently been presented to the Club and is subject to agreement by the Boards of both the Western Australian Sport Centre Trust and the West Perth Football Club. The \$45,000 rental figure proposed by the Western Australian Sports Centre Trust, is based upon a median figure of the rental paid by all of the remaining WAFL clubs.

The City of Joondalup has previously received a draft sponsorship proposal from the Club. Guidance offered to the Club on this draft proposal was that it was considered unlikely to receive Council support in its current format.

As an alternative to this original proposal the Acting Manager Community Development Services and the Manager of the Arena Joondalup offered their services to the Club to assist them in developing a funding proposal that was centred around community and junior development and was inclusive of all parties. The City received a revised, draft sponsorship proposal in the week commencing 11 March 2002. It has been suggested that the Club meet with the City and the Western Australian Sports Centre Trust to develop this approach prior to it being submitted for Council consideration

From the outset of this process the City has indicated that it preferred to pursue non-cash support of the West Perth Football Club. As part of this approach, opportunities are being explored that include:

Seeking office rental away from the Arena Joondalup at nil or reduced rental.

Opportunity for the club to be provided with the opportunity to be a partner with the City in the operation of Sunday morning car park markets.

The provision of marketing assistance through the City to help the Club with event organisation or sponsorship opportunities.

The Notice of Motion submitted by Cr Baker is not supported and it is suggested that a report is prepared following the outcome of the present negotiations between the West Perth Football Club and the WA Sports Centre Trust.

MOVED Cr Baker, SECONDED Cr Kimber that the City of Joondalup:

- 1 ACKNOWLEDGES the importance of using its best endeavours to ensure that the West Perth Football Club Inc (“the Club”) continues to be accommodated at the Arena Joondalup;**
- 2 ACKNOWLEDGES that the Arena Joondalup is owned and managed by the State Government Agency known as the W A Sports Centre Trust;**
- 3 NOTES that the Club is presently engaged in negotiations with the City of Wanneroo with a view to the Club re-locating from the Arena Joondalup to the Kingsway sporting facility located in the City of Wanneroo;**
- 4 CONSIDERS formulating a sponsorship package for the Club to encourage the Club to remain at the Arena Joondalup which package may include:**
 - (a) financial or in-kind assistance to the Club;**
 - (b) the matching, on a dollar for dollar basis, of any financial or in-kind assistance to the Club by the W A Sports Centre Trust or any other State Government Department or Agency, up to a maximum annual sum to be determined by the City of Joondalup;**
 - (c) a requirement that the Club markets itself as the Joondalup Falcons;**
 - (d) a requirement that any such sponsorship will be conditional upon the Club recognising the City of Joondalup’s sponsorship in all of the Club’s printed material and on its football jerseys;**
 - (e) an undertaking by the City of Joondalup to seek out other forms of sponsorship from the local business community, in conjunction with the Club.**

Director, Planning and Community Development advised he had received advice to the effect that West Perth Football Club had agreed to the proposition put to it, subject to any offer made by Council. The Sports Centre Trust Board will meet on Wednesday, 27 March 2002 to discuss this matter.

Discussion ensued.

AMENDMENT MOVED Cr Kimber, SECONDED Cr Rowlands that Point 4 be amended to read as follows:

- “4 CONSIDERS formulating a funding-grant policy whereby all sporting organisations within the City of Joondalup can apply for the allocation of non-operational funds. The draft policy shall give consideration to the following matters:
- (a) the formulation of a sponsorship package which would encourage clubs to remain within the City of Joondalup;
 - (b) a set of criteria and policy statements similar to Council’s Community Funding Program to enable all clubs and sporting organisations to be eligible to apply for non-operational funds;
 - (c) the consideration of a sum of \$50,000 or a sum agreed to by the Budget Committee, being allocated in the draft budget for 2002/2003 for the purpose outlined in (a) and (b) above.

The Amendment was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Amendment: Mayor Bombak, Crs Rowlands, Baker and Kimber

Against the Amendment: Crs Hurst, Kenworthy, Patterson, O’Brien, Barnett, Hollywood, Nixon and Carlos

AMENDMENT MOVED Cr Kadak, SECONDED Cr Hurst that the matter pertaining to Notice of Motion No 1 – Cr C Baker be DEFERRED pending a report on the outcomes of present negotiations between the West Perth Football Club Inc and the WA Sports Centre Trust.

Manager, Marketing Communications and Council Support advised it was necessary for the Mayor to determine whether this is an amendment to the original motion. Under Standing Orders, an amendment needs to be relevant to debate and not negate a motion.

This amendment was not accepted by the Mayor.

MOVED Cr Hollywood that Notice of Motion No 1 – Cr C Baker LIE ON THE TABLE until it is known:

- 1 what information Cr Baker has been given that other Councillors have not been privy to;
- 2 what funding the State Government gives to the West Australian Football Commission each year;

- 3 what funding or rate relief do other Councils give to other football clubs in their respective areas;
- 4 what the state of negotiation is between the West Perth Football Club and the City of Joondalup Council;
- 5 what is the financial position of the West Perth Football Club;
- 6 what precedent will be set regarding other major sporting groups in Joondalup eg basketball, soccer, cricket if funding is approved.

Mayor Bombak advised he could not accept this motion it negated the original Motion.

The Motion as Moved by Cr Baker, Seconded by Cr Kimber was Put and LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Cr Baker

Against the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Rowlands, Hollywood, Nixon, Carlos, Kimber and Kadak

Cr Kadak requested as a matter of process a further report on the current negotiations be submitted to Council.

C41-03/02 NOTICE OF MOTION NO 2 – MAYOR J BOMBAK

In accordance with Clause 3.12 of the Standing Orders Local Law, Mayor John Bombak has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 March 2002:

“That the CEO be requested to:

- 1 *PROVIDE a copy of the video recording of the Special Electors meeting held on 7 February 2002 in Greenwood to the principal organiser of the petition calling for the meeting;*
- 2 *PREPARE a report establishing a policy on the recording, availability and distribution of visual recordings of Electors and Council meetings as a matter of urgency.”*

MOVED Mayor Bombak, SECONDED Cr Baker that the CEO be requested to:

- 1 **PROVIDE a copy of the video recording of the Special Electors meeting held on 7 February 2002 in Greenwood to the principal organiser of the petition calling for the meeting;**

- 2 PREPARE a report establishing a policy on the recording, availability and distribution of visual recordings of Electors and Council meetings as a matter of urgency.**

The Motion was Put and

CARRIED

NOTICE OF MOTION NO 3 - CR M O'BRIEN

This Item (C37-03/02 refers) was dealt with earlier in the meeting after Petitions.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 9 APRIL 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

SECOND PUBLIC QUESTION TIME

Mr S Magyar, Heathridge:

- *Re new schedule regarding Council Strategy Sessions, Briefing Sessions and Council Meetings:*

Q1 How will members of the public know there may be a need to organise a deputation to a Briefing Session if the agenda for that Briefing Session comes out on a Wednesday or a Friday before (less than a week to determine what is on the agenda and what action they may require to take). At present if a person wishes to request a deputation to the Council meeting, they have close to two weeks to find out there is an item under consideration by this Council.

A1 This question will be taken on notice.

Mr M Sideris, Mullaloo:

- *In relation to the response given to a question I asked at the last Council meeting (12 March 2002), I repeat:*

Q1 Is the Chief Executive Officer aware of the requirements of the State Records Act 2000?

A1 This question has been answered in writing previously.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2130 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
D CARLOS
C BAKER
A NIXON
J F HOLLYWOOD, JP
P ROWLANDS
T BARNETT
M O'BRIEN, JP
A PATTERSON
G KENWORTHY
J HURST