

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON **TUESDAY, 10 NOVEMBER 2009**
COMMENCING AT **6.30 pm**

GARRY HUNT
Chief Executive Officer
6 November 2009

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday, 9 November 2009**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

INTRODUCTION

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established procedures will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
 - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final;
 - nominate a member of the Council and/or City employee to respond to the question;
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
 - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

A time period of fifteen (15) minutes is set-aside for each deputation, with five (5) minutes for Elected members' questions. Deputation sessions are open to the public.

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

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LATE ITEMS / ADDITIONAL INFORMATION

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information 101109.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 10 NOVEMBER 2009** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following question was submitted to the Briefing Session held on 6 October 2009:

Mr S Magyar, Heathridge:

Re: Late Item – Minutes of the Strategic Financial Management Committee meetings held on 11 February 2009, 28 April 2009 and 30 September 2009.

Q 1 With reference to the Minutes of 11 February 2009, Item 1 - 20 Year Strategic Financial Plan Review, Point 2 of the recommendation requesting a further version of the Strategic Financial Plan be prepared which factors in economic cycles based on past history. Can some explanation be given to what progress has been made to developing that model?

A1 That was the resolution from the previous Committee meeting. The request of the Committee was actioned and the 20 Year Strategic Financial Plan was marginally revised combining the cycling nature of economies. It forms part of the report and resolutions adopted by the Committee that is presented for the Briefing Session tonight.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

Apology: Mayor Troy Pickard

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS SEPTEMBER 2009

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Clayton Higham
Planning and Development (Acting)

FILE NUMBER: 07032, 05961

ATTACHMENTS: Attachment 1 September 2009 – Decisions Planning Applications (Development Applications & R-Codes Variations)
Attachment 2 September 2009 – Decisions Building Applications (R-Codes Variations)
Attachment 3 September 2009 - Subdivision Applications Processed

PURPOSE

To report on the number and nature of applications considered under Delegated Authority.

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

- 1 Planning Applications (Development Applications and Residential Design Codes Variations);
- 2 Building Applications (Residential Design Codes Variations);
- 3 Subdivision Applications

determined by those staff members with Delegated Authority powers during September 2009 (see Attachments 1, 2 and 3 respectively).

BACKGROUND

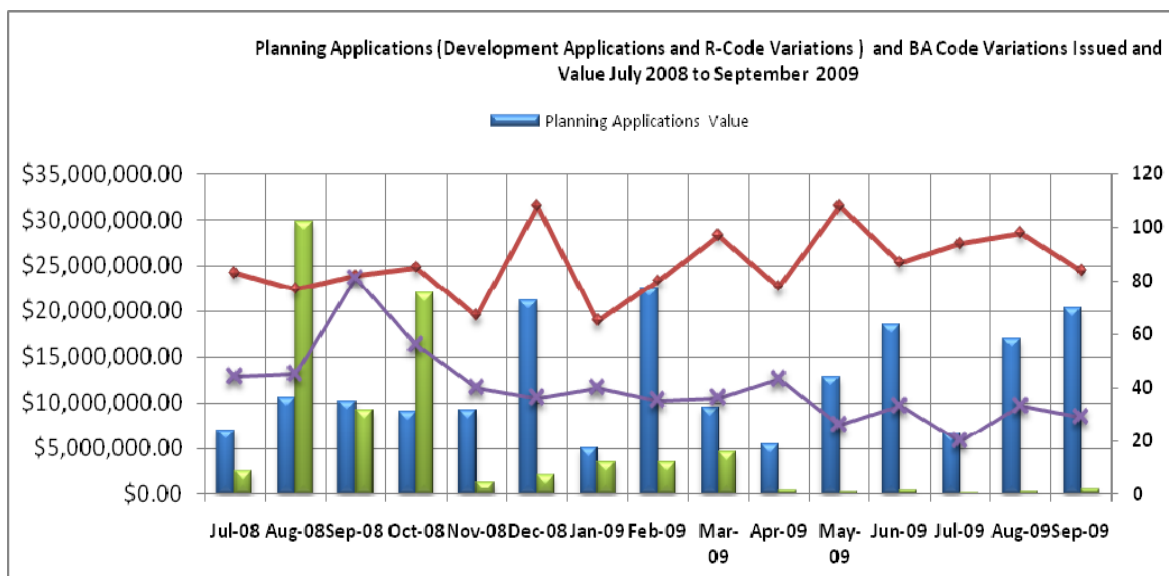
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

The number of applications determined under delegated authority for the period of September 2009, are shown below:

Approvals Determined Under Delegated Authority – September 2009		
Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	84	\$ 20,311,091
Building Applications (R-Codes Variations)	29	\$ 531,174
TOTAL	113	\$ 20,842,265

The number of development applications received during the period for September 2009 was 113. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 September to 30 September 2009

Type of Approval	Number	Potential new Lots
Subdivision Applications	1	1
Strata Subdivision Applications	2	4

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.1.3 Give timely and thorough considerations to applications for statutory approval.

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Policy

As above

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant Policy and/or the District Planning Scheme.

Of the 84 development applications determined during September 2009, consultation was undertaken for 22 of those applications. Applications for Residential Design Codes Variations determined as part of Building Applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes Variation). Of the 3 subdivision applications determined during September 2009, no applications were advertised for public comment, as the proposals complied with the relevant requirements

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES:

- 1 The determinations made under Delegated Authority in relation to the development applications and R-Codes variations described in this Report during September 2009;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this Report during September 2009.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf101109.pdf](#)

ITEM 2 PROPOSED HERITAGE LISTING OF DUFFY HOUSE (JACK) LOT 69 (108) DUFFY TERRACE, WOODVALE

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Development (Acting)

FILE NUMBER: 81629

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Heritage Report
Attachment 3 Heritage List

PURPOSE

The purpose of this report is for Council to consider the inclusion of Duffy House (Jack) into the City of Joondalup District Planning Scheme No. 2 (DPS2) Heritage List.

EXECUTIVE SUMMARY

Duffy House (Jack) is located on Lot 69 (108) Duffy Terrace, Woodvale. It is a single storey limestone cottage with brick quoining and a corrugated iron roof, and may be the oldest surviving building in the City of Joondalup. A heritage assessment of the property has recommended that it be included on the City's Heritage List contained within DPS2.

In accordance with Council's resolution of 15 September 2009 the owner and occupier of the property and the Heritage Council of Western Australia were notified of the intent to include Duffy House (Jack) on the City's DPS2 Heritage List. They were notified by letter and given 21 days to respond. At the closing date of 13 October 2009 no submissions had been received.

It is recommended that Council supports the inclusion Duffy House (Jack) on the City's Heritage List and that the Heritage Council of Western Australia be requested to consider including the premises on the State Register of Heritage Places.

BACKGROUND

Suburb/Location: Lot 69 (108) Duffy Terrace, Woodvale
Applicant: City of Joondalup
Owner: C E Duffy Nominees Pty Ltd
Zoning: **DPS:** Parks and Recreation
 MRS: Parks and Recreation
Site Area: 5.23 ha
Structure Plan: Not Applicable

Duffy House (Jack) is located on Lot 69 (108) Duffy Terrace, Woodvale (refer Attachment 1). Duffy House (Jack) was built between 1911 and 1913. It is a single storey dwelling constructed of limestone with brick quoining and a corrugated iron roof. It is comprised of three bedrooms and kitchen with a bullnose front verandah. The house was constructed without ceilings.

The *Heritage of Western Australia Act 1990* requires that all local governments compile and maintain an inventory of buildings, which in its opinion, are of cultural significance. This is known as the Municipal Inventory. The Municipal Inventory recognises the heritage importance of places to the local community. Places entered in the Municipal Inventory do not have legal protection, unless they are listed in a separate Heritage List which is linked to the Scheme, or are entered in the State Register of Heritage Places.

DPS2 requires that Council establish and maintain a Heritage List of places considered to be of cultural heritage significance and worthy of conservation under the provisions of the Scheme. DPS2 states that in the preparation of the Heritage List, Council shall have regard to the Municipal Inventory and will include on the Heritage List those entries on the Municipal Inventory it considers appropriate.

Duffy House (Jack) is included on the City's Municipal Inventory (as follows):

WN30	DUFFY HOUSE (JACK)	Lot 69 (108) Duffy Terrace, WOODVALE WA 6026	Duffy House is the original home of Fredrick Duffy and family. The home is constructed of limestone with wooden floors and an iron roof and is located adjacent to Beenup swamp. The property was originally used for market gardening and later became a dairy farm from 1924-1962.
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The City's draft Local Planning Strategy (LPS) contains strategies and actions for protecting buildings, objects and places of heritage significance within the City. In particular, it recommends that the Municipal Inventory be reviewed to ensure an accurate record of the City's heritage.

At its meeting held on 15 September 2009 Council resolved to notify the owner and occupier of the subject site and the Heritage Council of Western Australia of the proposal to include Duffy House (Jack) on the City's Heritage List and invite submissions for a period of 21 days (report CJ199-09/09 refers).

DETAILS

The City commissioned a heritage assessment of Duffy House (Jack) by a professional historian (refer Attachment 2), for the purpose of consideration of inclusion into the City's DPS2 Heritage List (refer Attachment 3). The heritage assessment recommended:

1. That *Duffy House (Jack)* be given protection through its inclusion within the heritage provisions of the City of Joondalup District Planning Scheme as a place with significant cultural heritage value;
2. That *Duffy House (Jack)* be recommended to the Heritage Council of Western Australia for consideration for inclusion in the State Register of Heritage Places;
3. That the setting of *Duffy House (Jack)* be considered a key heritage value of the place, and be taken into consideration for any proposed subdivision.

The proposal is to include Duffy House (Jack) on the City's Heritage List included within DPS2 (refer Attachment 2).

Issues and options considered:

Council has the option to:

- Support the proposal to include Duffy House (Jack) on the Heritage List; or
- Not support the proposal to include Duffy House (Jack) on the Heritage List.

Legislation/Strategic Plan/Policy Implications**Legislation**District Planning Scheme No 2**5.2.2 Heritage List of Places, Buildings or Objects Worthy of Conservation or Preservation**

- 5.2.2.1 The Council shall establish and maintain a Heritage List which shall identify those places within the Scheme Area to be of cultural heritage significance and worthy of conservation under the provisions of this Scheme, together with a description of each place and the reasons for its entry.
- 5.2.2.2 In the preparation of the Heritage List the Council shall have regard to the Municipal Inventory prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 and will include on the List such of those entries on the Inventory it considers to be appropriate.
- 5.2.2.3 In considering a proposal to include a place on the Heritage List, the Council shall:
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description referred to in sub-clause 5.2.2.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 5.2.2.4 Where a place is included on the Heritage List, the Council shall give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 5.2.2.5 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection.
- 5.2.2.6 The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in sub-clause 5.2.2.3.

5.2.3 Application for Planning Approval

- 5.2.3.1 In dealing with any matters which may affect a place included on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
- 5.2.3.2 The Council, shall in considering any application that may affect a place included on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- 5.2.3.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed on land or to structures the subject of a place included on the Heritage List.
- 5.2.3.4 For the purposes of Clause 6.1 of the Scheme, the term 'development' shall have the meaning as set out in the Act but shall also include, in relation to any place listed in the Heritage List any act or thing that is likely to significantly change the external character of the building, object, structure or place.

Strategic Plan

Key Focus Area: Community wellbeing

Objective 5.3: To facilitate culture, the arts and knowledge within the community.

Policy

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Regional Significance:

Duffy House (Jack) may be the oldest surviving building in the City of Joondalup and therefore its protection has regional significance.

Sustainability implications:

The proposal will have a positive effect on the cultural facilities in the City as it will assist in the preservation of the history of Joondalup.

Consultation:

The owner and occupier of Duffy House (Jack) were notified of the intent to include Duffy House (Jack) on the Heritage List. Letters were sent to Duffy House (Jack) and to the service address of the property owners. A submission period of 21 days applied, closing on 13 October 2009. In addition, the proposal was referred to the Heritage Council of Western Australian for comment. At the close of the consultation period, no submissions had been received.

The owners were also contacted by telephone and they had no comments to make on the proposal to include Duffy House (Jack) on the Heritage List.

COMMENT

Duffy House (Jack) is currently listed on the City's Municipal Inventory. There are currently no properties listed on the Heritage List. The Heritage List protects properties under the provisions of the Scheme by requiring an application for planning approval to be submitted for any development or demolition of a property on the Heritage List.

As the heritage assessment recommended that the property should be included on the Heritage List and as no objections were received, it is considered that the proposal to include Duffy House (Jack) on the Heritage List should be supported. It also recommended that Duffy House (Jack) be considered for inclusion on the State Register of Heritage Places by the Heritage Council of Western Australia.

It is recommended that Council supports the inclusion of Duffy House (Jack) on the City's Heritage List.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 Pursuant to Clause 5.2.2.3 of the City of Joondalup District Planning Scheme No. 2, ENTERS Duffy House (Jack) located on Lot 69 (108) Duffy Terrace, on the City of Joondalup Heritage List;**
- 2 NOTIFIES in writing the owner and occupier of Lot 69 (108) Duffy Terrace, Woodvale, the Western Australian Planning Commission and the Heritage Council of Western Australia of the inclusion of Duffy House (Jack) on the City of Joondalup Heritage List;**
- 3 REQUESTS the Heritage Council of Western Australia consider the inclusion of Duffy House (Jack), located on Lot 69 (108) Duffy Terrace on the State Register of Heritage Places.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf101109.pdf](#)

ITEM 3 AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 LOT 535 (20) BURRAGAH WAY, DUNCRAIG - ADDITIONAL USE, MEDICAL CENTRE

WARD: South

**RESPONSIBLE
A/DIRECTOR:** Mr Clayton Higham
Planning and Development (Acting)

FILE NUMBER: 86629, 02076

ATTACHMENTS: Attachment 1 Location and aerial plans
Attachment 2 Map of submissions

PURPOSE

The purpose of this report is for Council to consider the outcomes of community consultation and decide whether or not to initiate an amendment to the District Planning Scheme 2 (DPS2).

EXECUTIVE SUMMARY

Lot 535 (No.20) Burragah Way, Duncraig, is approved as 'Consulting Rooms' (one health consultant) under DPS2. A proposal has been received to amend DPS2 to allow the site to be used by two health consultants (physiotherapists), by including 'Medical Centre' as an Additional Use under DPS2.

At its meeting held on 18 August 2009 Council resolved to refer the matter back to the CEO to enable community consultation with the residents within the immediate locality. In accordance with Council's resolution, the City wrote to nearby landowners advising of the proposed amendment, allowing a 21 day comment period. Five submissions, all objections, were received during the consultation period. The objections were mainly concerned with increased traffic and noise, parking problems and the detrimental effect on the residential area.

It is considered that the proposed amendment would have a negative impact on the residential amenity of the area, and therefore it is recommended that Council does not initiate the proposed scheme amendment.

BACKGROUND

Suburb/Location: Lot 535 (20) Burragah Way, Duncraig
Applicant: Burgess Design Group
Owner: New Street Enterprises Pty Ltd
Zoning: **DPS:** Residential
 MRS: Urban
Site Area: 703 m²
Structure Plan: Not Applicable

The subject site is located on the corner of Burregah Way and Kariong Circuit, Duncraig (refer Attachment 1). It is opposite the Duncraig Medical Centre, which is adjacent to Duncraig Village. The remaining land surrounding the subject site contains existing residential development.

Lot 535 (20) Burregah Way was approved for Consulting Rooms in January 1998 and has been used by a physiotherapist since that time. One of the conditions of approval was that a maximum of one practitioner may operate from the premises at any one time.

In January 2009, planning approval was granted for the expansion of the car park to incorporate 10 parking bays.

At its meeting held on 18 August 2009 Council resolved to refer the matter back to the CEO to enable community consultation with the residents within the immediate locality (report CJ169-08/09 refers).

DETAILS

The owner would like to employ another physiotherapist at the practice, which is not permitted under the current Consulting Rooms land use approval. This would require a change of use to a Medical Centre which is defined under DPS2 as:

“.... premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).”

However, a Medical Centre is not permitted within the Residential Zone. An application has therefore been received to amend DPS2 to include an Additional Use of ‘Medical Centre’ in Schedule 2 for Lot 535 (20) Burregah Way Duncraig. Amending DPS2 in this way would provide the Council with the ability to approve a Medical Centre on the site.

In support of the proposal the applicant states:

“The proposal represents a compatible and appropriate addition to the range of uses that currently exist in the area, complementing the adjacent medical centre.

The subject land already accommodates one practicing physiotherapist, with the additional use allowing a second physiotherapist to work on the site to meet local demands.

..... the 10 car bays to be provided will be more than adequate for the needs of the practice, and as such the proposal is seen to have little or no impact upon neighbours.”

Issues and options considered:

The options available to Council in considering the scheme amendment proposal are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications

Legislation

A consulting room is defined under DPS2 as:

“.....a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.”

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their Local Planning Schemes and sets out the process to be followed.

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City’s receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

If Council resolves not to initiate the amendment, there is no right of appeal by the applicant.

Strategic Plan

Key Focus Area: The built environment.

Objective: To ensure high quality urban development within the City.

Policy Not applicable.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and West Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

However, prior to making a decision on whether or not to initiate the proposed amendment, Council requested community consultation with residents within the immediate locality. Letters were sent to nearby landowners advising of the proposed amendment, and allowing a 21 day comment period.

Five submissions were received from nearby residents, all objecting to the proposal (refer Attachment 2).

COMMENT

The main issues raised in the submissions were:

- An increase in parking on the street and surrounding road verges.
- An increase in traffic flow into and out of the property.
- Noise from the premises will increase further.
- The amendment could have a negative impact on property values.
- Commercial businesses should be located in a commercial centre, not a residential area.
- There is no guarantee that other houses would not be converted to businesses too.

Response to submissions

As the proposal is to increase the number of practitioners on the site from one to two, there will be an increase in traffic to and from the site. From the comments submitted, nearby owners feel that they will be adversely affected by this increase and associated increase in noise. Some comments indicate that there is already parking on the street and verges as a result of the business operating at the site, although this would require investigation to substantiate. It is also noted that parking on the street is permitted where there are no signs to prevent this occurring.

While the comments on the effect of the proposed scheme amendment on property values are noted, this is not a planning consideration and cannot be taken into account in the assessment of the proposal.

In regard to the conversion of nearby properties to consulting rooms and the location of commercial businesses, the proposal is to enable an additional practitioner to operate from the existing premises, rather than to convert an adjoining residential property. Should proposals be received to convert other dwellings to non-residential uses, each proposal would be treated on its merits. It is acknowledged, however, that the intensification of a non-residential land use in close proximity to a residential area is an important consideration in terms of the additional impact it may have on the adjoining area.

Conclusion

From the submissions received, it is apparent that the immediate surrounding community is not supportive of the proposal. Should Council resolve to initiate the proposed amendment for the purpose of public advertising, it is likely that the outcome of that process would be similar and the community would again object to the proposed amendment.

In its recommendation to Council on 18 August 2009, the City recommended that the zoning and land use permissibility of the subject site be considered as part of the Scheme review. However, in light of the lack of community support for the proposal it is considered that further investigation into this option is not required.

It is considered that permitting two health consultants to operate from the site will in all probability increase traffic within the locality. A Medical Centre would have greater impact on the surrounding community than the existing Consulting Room and may impact on the residential amenity of the area. It is therefore recommended that given the outcomes of the community consultation, that Council does not initiate the proposed amendment.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RESOLVES not to initiate an Amendment to the City of Joondalup District Planning Scheme No. 2 to include Lot 535 (20) Burregah Way, Duncraig in Schedule 2 – Section 1 – Additional Use – Medical Centre for the purposes of public advertising, pursuant to Part 5 of the Planning and Development Act 2005.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf101109.pdf](#)

ITEM 4 PROPOSED HOTEL ROOM AND CONFERENCE FACILITY ADDITIONS TO JOONDALUP RESORT AT LOTS 535 (45) & 8888 (39) COUNTRY CLUB BOULEVARD, CONNOLLY

WARD: North

**RESPONSIBLE
A/DIRECTOR:** Mr Clayton Higham
 Planning and Development (Acting)

FILE NUMBER: 17076

ATTACHMENTS: Attachment 1 Location Plan
 Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for proposed hotel rooms and conference facility additions to the Joondalup Resort, located at 39 and 45 Country Club Boulevard, Connolly.

EXECUTIVE SUMMARY

An extension to the existing Joondalup Resort is proposed, through the addition of two hotel buildings comprising 51 rooms, and an associated swimming pool terrace. One of the hotel buildings, and the majority of the swimming pool terrace, are located on the Joondalup Golf Course site (refer Development Plans – Attachment 2). These buildings are appropriately set back from each other. The remainder of the development is situated on the Joondalup Resort hotel site. For the purposes of this application, all car parking calculations are in reference to the hotel site only.

Conference facilities are also proposed, including an outdoor pavilion, seminar room, business centre, and various meeting rooms. An over-flow car parking area is proposed that can accommodate a further 151 non-marked bays on an open, grassed area within the south-eastern corner of the site. In the event that the over-flow car park is required to be utilised, it is proposed to be managed by hotel staff through the implementation of a Car Parking and Traffic Management Plan.

District Planning Scheme No. 2 (DPS2) requires 413 bays to be provided on site. The application proposes 303 bays, resulting in a shortfall of 110 bays (27%). The 151 grassed over-flow car parking bays, are not included in the DPS2 calculations as the bays are not marked and sealed. Inclusion of these bays, in effect, overcomes any potential short fall.

The applicant's justification for the proposed shortfall of marked, sealed bays is the underutilisation of the existing 303 car parking bays provided on site. The City has conducted a survey of the existing car park over a two week time period. The results of the survey indicate the car park is significantly underutilised. The proposed shortfall of marked, sealed car parking bays is therefore considered appropriate in this instance and will not result in any significant adverse effect on adjoining properties, or the surrounding area.

Additionally, the application seeks approval for two reduced side setbacks to the eastern boundary. The reduced setbacks are considered to be minor in nature and will not result in any significant adverse effect, as they adjoin the Joondalup Golf Course.

Both sites are zoned Private Clubs/Recreation under the DPS2, with the development falling into the use classes 'Hotel' and 'Place of Assembly'. Both uses are discretionary. The proposal is considered to meet the objective of the Private Clubs/Recreation zone and is appropriately located as an attractive extension to the existing hotel development. It is recommended that the application be approved with conditions.

BACKGROUND

Suburb/Location:	Lot 535 (39) and Lot 8888 (45) Country Club Boulevard, Connolly
Applicant:	James Christou & Partners Architects
Owner:	Joondalup Hotel Investments Pty Ltd & Joondalup Country Club Holdings Ltd.
Zoning:	DPS: Private Clubs/Recreation
	MRS: Urban
Site Areas:	48239m ² (Lot 535) 864449m ² (Lot 8888)
Structure Plan:	Not Applicable

The subject sites are located at the northern end of Country Club Boulevard, with the Joondalup Resort Hotel site almost entirely surrounded by the Joondalup Resort Golf Course. Adjoining the sites to the south and west is the Joondalup Resort Country Club. The closest residential property to the proposed development is located approximately 180 metres to the north (refer Location Plan – Attachment 1).

The hotel site is irregular in shape, with the existing hotel located toward the northern part of the site. A staff car parking area is located along the eastern boundary of the site, with a separate visitor car parking area located to the south of the hotel. Tennis courts and an unutilised area of scrub land are located within the south-eastern portion of the site.

The existing hotel infrastructure comprises 70 hotel rooms, an outdoor pool, cafe, restaurant and bar, six function rooms and an outdoor function room. With the exception of the outdoor function room, this development was approved on 9 February 1994, with a requirement to provide 353 car parking bays. City records show a written agreement in April 1994 permitted a reduced provision of 300 car parking bays for the Stage One development, with a requirement that the remaining 53 car parking bays be provided as part of any future development on site *"if it is deemed necessary"*.

The City has since considered four applications for major development approval on the hotel site. The following three have not been implemented and any approvals have since lapsed. These proposals are as follows:

DA4315 - A two storey corporate office block approved September 1994.

DA4656 – Extension of the hotel incorporating an additional 70 hotel rooms, health and child minding facilities, and an underground car park with 70 new car parking bays was submitted 1995. The City's records show the application was deferred by Council for 30 days to enable the application to be advertised. The application did not proceed.

DA6182 - The addition of 68 serviced apartments, a health club, and basement car park with 132 bays (a shortfall of 76 car parking bays) approved June 1997.

Of note, the City has previously approved a 53 car parking bay shortfall and 76 car parking bay shortfall for the hotel site under applications DA4315 and DA6182, respectively.

Most recently the Council approved on 5 December 2007 an application for retrospective planning approval of an outdoor function centre. The seating capacity for this addition is 190, requiring an additional 48 bays to be provided. No additional car parking bays were provided as part of this application. The current number of car parking bays provided on the hotel site is therefore 303, in addition to four drop off and pick up bays.

DETAILS

The application proposes the addition of 51 hotel rooms arranged in two double-storey buildings. The buildings will be joined by a ground floor covered corridor. The hotel rooms have been designed to complement the character of the existing hotel and function centre through the use of tiled pitch-roof and a similar facade colour scheme.

One of the proposed hotel buildings has a reduced setback of 3.2m in lieu of 6m to the rear (eastern) boundary. The proposed gym building also has a reduced setback of 2.8m in lieu of 6m to the rear (eastern) boundary.

The hotel room design incorporates four layout variations, consisting of 44 standard rooms, 2 disabled access rooms, 4 suites and 1 presidential suite (2 bedrooms).

The conference facility has been located between the existing and proposed hotel rooms in order to create a focal point for the development.

The conference facility design incorporates the following elements:

- Low tiered theatre/seminar room;
- Seven meeting rooms;
- Main foyer;
- Kitchen and bar area;
- Business Centre;
- Covered pavilion with sliding doors; and
- Terrace

The facility is intended to cater for conferences, business training, functions and weddings. The foyer and meeting rooms 5, 6 and 7, can be opened up into one space; and the theatre can be used as a non-denominational wedding chapel, leading to an external terrace with shade cover.

Car Parking:

Existing Development

It is appropriate to assess the car parking requirement for the proposed additions as part of the overall requirement for car parking on the hotel site, and not as a separate addition to the existing infrastructure. It is also noted that the car parking requirements for the hotel building located on the adjoining golf course site have been factored in to the following calculations for the hotel site.

Car parking requirements for the original hotel development (Stage One) was calculated using the Town Planning Scheme No. 1 (TPS1), which required the provision of 353 bays.

Car parking for the existing hotel development (Stage One) using DPS2 is calculated as follows:

Use	Car parking standard	Total No. of bedrooms/area/seats	Number of bays required
Hotel	1 bay per bedroom	70 bedrooms	70
	1 bay per 3m ² of drinking area	259m ²	86
	1 bay per 5m ² of seating area	283m ²	56.6
Place of Assembly	1 bay per 4 seats	265 seats	66.3
Total			278.9 (rounded to 279)

In addition, the previously mentioned outdoor function room approved in 2007 required a further 48 car parking bays to be provided on site. The total number of car parking bays required by DPS2 for the existing development is therefore 327.

Proposed Development

The proposed hotel rooms and conference facility require additional car parking bays to be provided as follows:

Use	Car parking standard	Total No. of bedrooms/seats	Number of bays required
HOTEL	1 bay per bedroom		
- 50 x 1-bedroom hotel rooms		50 bedrooms	50
- 1 x 2-bedroom suite		2 bedrooms	2
PLACE OF ASSEMBLY	1 bay per 4 seats		
- Meeting rooms 5, 6 & 7		54 seats	13.5
- Tiered seminar room and meeting rooms 1, 2, 3 & 4, which can only be used in conjunction		80 seats	20
Total			85.5 (rounded to 86)

Combined Car Parking Requirement

The combined car parking requirement for both the existing and proposed development on the hotel site under the DPS2 is therefore 413. The site currently provides for 303 car parking bays with an additional 151 un-marked and un-sealed over-flow car parking bays proposed. The proposed shortage of marked, sealed bays is therefore 110.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application

Legislation/Strategic Plan/Policy Implications

Legislation

City of Joondalup District Planning Scheme No.2 (DPS2)

'Hotel' and 'Place of Assembly' are Discretionary ('D') uses within the Private Clubs/Recreation Zone. A 'D' use means:

"A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2."

Clause 6.6.2 requires that *'The Council, in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8'*.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) *Any relevant submissions by the applicant;*
 - (c) *Any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) *Any planning policy of the Council adopted under the provisions of clause 8.11;*
 - (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
 - (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
 - (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
 - (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
 - (i) *The comments or wishes of any objectors to or supporters of the application;*
 - (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
 - (k) *Any other matter which in the opinion of the Council is relevant.*

Clause 4.5 of the DPS2 allows for development standards of the Scheme to be varied:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
 - (b) Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Strategic Plan

Key Focus Area: The Built Environment
Objective: To ensure high quality urban development within the City.

Risk Management considerations:

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The proposed additions have been designed to meet the highest energy efficiency benchmarks. Room envelope design will have insulation and glass treatments to exceed the minimum performance requirement of the BCA, whilst the air conditioning units provided for each room will be high efficiency and use environmentally friendly refrigerant which does not harm the ozone layer and uses waste heat to provide hot water for guests. Additionally, each room will be provided with a master 'kill switch' which will deactivate all lights, air conditioners, TV's etc when the room is not occupied. This efficiency will also be carried through to water consumption, with low flow tap ware helping to reduce water consumption by up to 20% over standard designs.

The internal environment will also be a significant improvement over standard design, with low emissions paints and wood products used where possible and each room having access to natural light and passive cooling.

Finally, the facility will also help guests to do their part, by providing small information packs pointing out the sustainable features of the design and how to get the most out of their room. Recycling bins will be provided for guests to use and, by intelligent lighting design, not only will they save energy but also eliminate light pollution to the surrounding habitats.

Consultation:

The application was not advertised as the application is sufficiently distanced from surrounding residential properties such that no adverse effect will result. Furthermore, the level of additional traffic generation resulting from the proposed development will not adversely affect users of Country Club Boulevard.

The adjoining Joondalup Country Club, Resort Hotel & Golf Course are owned by different companies with the same director.

Comment

Car Parking

The City has completed a car parking utilisation survey for the site at different times and dates over a two week period from 8 July to 22 July. The results of the survey, which are shown below in Table 1, indicate that the car park is significantly under-utilised. In addition, it is noted that in some instances users of the conference facilities will also be staying at the hotel, upon which the car parking demand will be reduced.

Table 1 Survey of total number of cars parked on site from 08 – 22 July 2009.

Date	Time	Number of cars
Wednesday 08/07	1.30pm	69
Thursday 09/07	9.15am	32
Monday 13/07	3.15pm	27
Thursday 16/07	3.30pm	37
Friday 17/07	4.30pm	22
Sunday 19/07	3.30pm	21
Monday 20/07	2.30pm	18
Tuesday 21/07	3.30pm	31

It is considered that the maximum likely car parking demand generated for the site can be accommodated by the existing 303 bays. However, in the event that the existing car park is fully utilised, the proposed overflow car park is considered to be an appropriate alternative that is easily accessible and able to be controlled by hotel staff. A recommended condition of development approval would require the applicant to submit a Traffic Management Plan to the City detailing how guests will be directed to the overflow car park and to then park in an orderly fashion.

Noise

As previously mentioned, the hotel site is almost entirely surrounded by the Joondalup Golf Course, with the closest residential property located approximately 180m to the north. The applicant has submitted an Acoustic Report to the City demonstrating that the development is able to operate in compliance with relevant noise regulations. This requires all windows and doors to the conference facilities being closed when live music or a DJ is playing. In addition, a condition of development approval will require the covered pavilion to be fitted with sliding glass doors enabling the area to be closed after 10pm when a function is occurring.

Design & Location

The proposed additions are considered to be appropriately located on site and will form an attractive addition to the existing hotel. The applicant has endeavoured to tie the existing and proposed buildings together through the use of similar materials and colour schemes. The two-level design of the hotel room additions is also considered appropriate to the site given the two-storey height of various existing buildings on site.

To the immediate east of the hotel room buildings the site slopes upwards such that the building is excavated slightly into this bank. A high level of existing vegetation also surrounds the proposed development to the north and east such that it will be largely screened from view from these directions.

The proposed additions have been located with two reduced building setbacks to the rear boundary. These reduced setbacks apply to one of the hotel buildings and to the gymnasium building, and occur as a result of the angled nature of the adjoining property boundary. The majority of the adjoining elevations to these buildings are set back from the boundary significantly further than what is required. Additionally, it is noted that the subject boundary is adjoined by the Joondalup Golf Course, with this area of the site comprising steeply sloping and densely vegetated land.

The proposed hotel room additions and pool terrace have been partially located on the adjoining golf course site in order to facilitate a more desirable two-storey design and layout. These sites are owned by two different companies; albeit, both companies share the same director. Practically, there is no physical distinction between the Joondalup Resort Hotel site and surrounding golf course, with the exception of separately marked car parking areas. In the event that these sites were sold separately from each other, the applicant would have the option of either completing a boundary adjustment that incorporates the second hotel building and pool terrace wholly within the hotel site, or remove the proposed corridor that connects the two hotel buildings and treat them as two separate buildings. It is noted that the applicant has elected not to complete the aforementioned boundary adjustment at this time.

Conclusion

The proposed development forms a complementary and attractive addition to the existing resort complex. All buildings have been well designed and relate appropriately to the existing buildings on site. The proposed reduced rear building setbacks are minor in nature and appropriate in this instance.

The proposed car parking bay shortfall is considered to be a technical shortfall only, with the existing car park being adequate to cater for all car parking demand on site. In the event that car parking demand exceeds the existing on-site supply, the proposed over-flow car park is considered to be a practical and suitable alternative.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under clause 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that the:
 - (a) Car parking provision of 303 marked and sealed bays and 151 un-marked and un-sealed bays in lieu of 413 marked and sealed bays;
 - (b) Gymnasium building reduced setback of 2.8m in lieu of 6m to the rear (eastern) boundary;
 - (c) Hotel building reduced setback of 3.2m in lieu of 6m to the rear (eastern) boundary;

Are appropriate in this instance.
- 2 **APPROVES** the application for planning approval, dated 22 June 2009, submitted by James Christou & Partners Architects on behalf of the owners, Joondalup Hotel Investments Pty Ltd and Joondalup Country Club Holdings Ltd, for proposed hotel room and conference facility additions to Joondalup Resort at Lots 535 (45) and 8888 (39) Country Club Boulevard, Connolly, subject to the following conditions:
 - (a) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from adjoining streets and public space;
 - (b) A Car Parking and Traffic Management Plan being submitted and approved detailing the use and management of the over-flow car parking area, to the satisfaction of the City prior to the issue of the relevant Building Licence;
 - (c) The outdoor pavilion is to be fitted with sliding glass doors that enable this area to be completely enclosed. These doors shall be closed after 10pm when the pavilion is in use;

- (d) All windows and doors to the conference facilities shall remain closed when live music or amplified music is playing inside the building;
- (e) All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- (f) A detailed landscaping and reticulation plan being submitted and approved prior to the issue of the relevant building licence, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;
- (g) Any retaining and fill over 500mm shall be subject to a separate development application;
- (h) Any additional signage shall be the subject of a separate Development Application;
- (i) The designated 151 grassed over-flow car parking area shall be levelled and grassed prior to completion of the development, to the satisfaction of the City, and shall thereafter be maintained and remain available for such use;
- (j) A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for the contractors and subcontractors;
 - other matters likely to impact on the surrounding properties;
- (k) Details of the design and finishes for the proposed buildings being submitted and approved by the City prior to the issue of the relevant Building Licence.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf101109.pdf](#)

ITEM 5 PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM SHOP) AT LOT 1 (153) TRAPPERS DRIVE, WOODVALE

WARD: Central

**RESPONSIBLE
A/DIRECTOR:** Mr Clayton Higham
 Planning and Development (Acting)

FILE NUMBER: 100291

ATTACHMENTS: Attachment 1 Location Plan
 Attachment 2 Aerial Photograph
 Attachment 3 Development Plans

PURPOSE

To request Council's determination of an application for a change of use from shop to Medical Centre at Lot 1 (153) Trappers Drive, Woodvale.

EXECUTIVE SUMMARY

The applicant proposes to utilise a vacant tenancy at Woodvale Shopping Centre, as a Medical Centre for up to three chiropractors. The tenancy is currently approved as a shop.

The subject site is zoned Commercial under the City's District Planning Scheme No. 2 (DPS2). In the Commercial zone a Medical Centre is listed as a Permitted or 'P' Use.

The proposal was not advertised as the change of use is not considered to result in any adverse effect.

The City's records indicate that the shopping centre and adjoining tavern were approved in July 1987 stating that adequate car parking provision is made within the proposal. The two properties have subsequently been subdivided, with 240 parking bays remaining associated with the Shopping Centre Site. An existing easement provides for reciprocal access and parking for the two sites. The change of use application results in a requirement for an additional 7 car parking bays for the Shopping Centre site.

The application is required to be determined by Council as the proposed development results in the overall car parking for the shopping centre site to be 50 bays, or 17.2%, below the total requirement set out in DPS2. It is considered that the amount of parking proposed is appropriate as a result of the existing reciprocal access agreement, the differing peak periods between land uses, and the current level of utilisation of the car park.

The proposed use is considered appropriate to the site and compatible with existing tenancies. It is recommended that the application be approved with conditions.

BACKGROUND

Suburb/Location: Lot 1 (153) Trappers Drive, Woodvale
Applicant: Commercial Fn Perth
Owner: Kevin James and Anne Donnes
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 14983.209m²
Structure Plan: Not Applicable

The site is located on the eastern side of Trappers Drive in Woodvale. The site is bounded by Trappers Drive to the west, Timberlane Drive to the north, an existing tavern on lot 2 to the south, and existing residential development to the east.

Car parking is accessed via two crossovers from Trappers Drive, two crossovers from Timberlane Drive and via the adjoining tavern site. A reciprocal right of access and parking agreement exists between lots 1 and 2.

The original approval for the shopping centre and tavern was granted by Council in July 1987. The Council minutes from 1987 state that “adequate car parking provision is made within the proposal”; however, the minutes are silent as to whether the development as originally proposed met the required parking standards as they applied in 1987.

The tavern and the shopping centre site have subsequently been subdivided into two lots and additions have been approved for the tavern on the adjoining lot 2.

The subject tenancy is approved as a shop and is currently vacant. There are 240 car parking bays provided on the shopping centre site, which is 43 bays (15%) below that required by DPS2 for the centre, including the vacant shop tenancy.

DETAILS

The applicant proposes to use the tenancy as a medical centre for use by up to three chiropractors at any given time. The hours of operation are proposed to be 7.30am to 11am and 1.30pm to 6pm.

The car parking requirements for the proposed development are set out below:

Use Class	Parking Standard	Car bays required	Provided
Existing Shopping Centre Buildings (excluding tenancy 11)	7 bays per 100m ² NLA	275	240
Medical Centre (tenancy 11)	5 per practitioner (3 practitioners)	15	
		290	240

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application

Legislation/Strategic Plan/Policy Implications**Legislation**

City of Joondalup District Planning Scheme No.2 (DPS2)

'Medical Centre' is a Permitted ('P') use within the Commercial Zone. A 'P' use means:

"A Use Class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval"

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) *Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *Any relevant submissions by the applicant;*
- (c) *Any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *Any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*

- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

Clause 4.5 of the DPS2 allows for development standards of the Scheme to be varied:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
 - (a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
 - (b) *Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
 - (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Strategic Plan

It is considered that the proposal does not have any Strategic Plan implications given that it is an existing development.

Policy

Not Applicable

Risk Management considerations:

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning Development Act 2005.

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The application was not advertised for public comment as the proposed change of use is not considered to result in any adverse effect.

COMMENTProposed Land Use

The proposed land use is a permitted use in the Commercial Zone.

Car Parking

The shopping centre and adjoining tavern development were previously located on one site; however, the site was subsequently subdivided into two with one lot containing the tavern and the other containing the shopping centre.

At the time of subdivision the reciprocal access and parking easement was placed over the two car parks so that they could continue to operate as one for customers using the tavern and shopping centre.

The result of the subdivision was that 240 bays were retained on the shopping centre site and 98 on the tavern site. In total 338 bays are available across both sites, although using DPS2 standards 486 bays would be required. This represents a short fall over both sites of 148 bays.

Of the 283 car bays required for the shopping centre, 8 of these would be required by the subject tenancy (i.e. the vacant shop). A medical centre requires 5 bays per practitioner, with a maximum of 3 practitioners are proposed requiring 15 bays.

As such, the proposed change of use from Shop to Medical Centre will result in an increase to the required amount of car parking for the tenancy, and the shopping centre site, by 7 car parking bays.

DPS 2 allows Council to determine whether the existing 240 car bays across the shopping centre site are sufficient to service the shopping centre, and this tenancy; or from the view that the 290 car bays as required by DPS 2 (additional 7 bays as a result of this application) are needed.

The options available to Council are:

1. Determine that the existing provision of 240 bays is sufficient.
2. Determine that a short fall does exist and thus require a cash-in-lieu payment for the short fall in car parking.
3. Refuse the application on the grounds that the level of parking available is insufficient.

In determining whether the existing amount of car parking is sufficient, the following factors are considered pertinent:

1. An inspection of the site has been undertaken to ascertain the level of utilisation of the car park. This identified that the car park does not appear to be used to its capacity.
2. The reciprocal access agreement between the shopping centre site and the tavern site allows for a more effective use of the existing car park to meet the highs and lows of customer demand. Noting that peak demand for tavern parking is usually Saturday night and a shopping centre midday Saturday.
3. Five of the tenancies within the shopping centre are restaurants, which do not open during the day. This results in different peaks in demand for different uses within the centre, which helps to even out demand for car parking.

While noting that there is a substantial shortfall in car parking for the shopping centre and tavern sites combined, it is considered that the above factors provide adequate reason to consider that the existing 240 car bays on the shopping centre site are sufficient. Therefore, it is considered that a cash-in-lieu payment is not required and that the proposal can be supported.

It is recommended that the proposed change of use from shop to medical centre (maximum 3 consultants) be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that the car parking provision of 240 bays in lieu of 290 is appropriate in this instance;**
- 2 APPROVES the application for planning approval, dated 25 September 2009, submitted by Commercial Fn Perth on behalf of the owners, for proposed medical centre at Lot 1 (No. 153) Trappers Drive, Woodvale, subject to the following conditions:**
 - (a) This approval relates only to Tenancy 11, as marked in red on the approved plans;**

- (b) This approval is for 'Medical Centre' only, as defined by the City of Joondalup District Planning Scheme No.2;**
- (c) A maximum of three (3) practitioners are permitted to operate at the Medical Centre at any given time.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf101109.pdf](#)

ITEM 6 PROPOSED ALTERATIONS AND ADDITIONS TO BELDON SHOPPING CENTRE: LOT 519 (9) GUNTER GROVE, BELDON

WARD:	Central
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Development (Acting)
FILE NUMBER:	03022
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plans

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for alterations and additions to Beldon Shopping Centre at Lot 519 (No.9) Gunter Grove, Beldon.

EXECUTIVE SUMMARY

An application has been received for alterations and additions to the existing Beldon Shopping Centre. The main alterations will include improvements to vehicular circulation, carparking layout and the external building appearance.

The shopping centre was approved by the City of Wanneroo under Town Planning Scheme No 1 (TPS1), with a total of 246 parking bays provided on site.

The applicant is seeking permission to extend and alter the shopping centre and reduce the amount of onsite parking provision to 221 bays on site. The proposed change to the shopping centre requires a total of 255 parking bays to be provided on site, resulting in a shortfall of 34 car parking spaces than is proposed.

Council is required to determine if the parking shortfall of 34 bays for the proposed development is acceptable and if the proposed landscaping variations of 4.1% in lieu of 8% should be supported.

It is recommended that the application be approved as the proposed shortfall in parking is not expected to adversely affect the amenity of the area given the existing centre carpark does not operate at capacity. The reduced level of on site landscaping is not expected to have a visual impact on the locality as there is public open space immediately to the north and west of the site.

BACKGROUND

Suburb/Location:	Lot 519 (No 9) Gunter Grove, Beldon
Applicant:	Greg Rowe and Associates
Owner:	Huntley Custodians Ltd
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	1.3762 ha
Structure Plan:	N/A

The Beldon “Village Centre” consists of 2 lots, being Lot 793 and Lot 9 Gunter Grove. The Beldon Shopping Centre is contained on Lot 9, with a video shop, takeaway pizza and car wash located on Lot 793.

For the purpose of this report, the term “Village Centre” refers to both Lot 793 and Lot 9, whilst “Beldon Shopping Centre” refers to the shopping centre contained on Lot 9.

Lot 793 is located on the corner of Gunter Grove and Gradient Way. The Beldon Shopping Centre site wraps around Lot 793 and has frontages to Gunter Grove and Gradient Way, Beldon (refer Attachment 1). The land to the west and north of the shopping centre forms part of Beldon Park and is reserved under DPS2 as Parks and Recreation.

Planning approval was issued for the shopping centre with a gross floor area of 3,405m² in November 1976. A total of 453 car parking spaces were required for the development under the then City of Wanneroo Town Planning Scheme No 1 (TPS1) carparking standards.

A further report was presented to Council in March 1977 stating the applicant was unable to provide the required 453 parking bays on the site and there would be a resultant shortfall of 141 bays. The report recommended that the applicant provide car parking on the Council’s reserve at no cost to the Shire and that Council would be prepared to integrate this carparking area with the car parking area of the commercial site. Council subsequently adopted this recommendation.

Amended plans were received October 1977 detailing the layout of the parking bays, with a total of 356 bays provided, including 100 bays on Council’s reserve. A site visit in 1978 revealed a total of 346 parking bays were provided on site and Council’s reserve, in lieu of the required 356, thus representing a shortfall of 207 bays for the shopping centre, excluding the 100 bays on the reserve.

In 1978 a bottleshop extension was approved on the site, which required an additional 8 parking bays under TPS1 car parking standards. The development was approved by Council with no requirement for additional parking bays, thus resulting in a shortfall of 215 bays for the shopping centre site (exclusive of the 100 bays on the reserve).

An application to further extend the existing shopping centre was considered by Council at its meeting on 14 August 1985. A further 27 parking bays were required for the additions; however, Council resolved to approve the proposed development without the provision of additional parking bays. The following is an extract from the report to Council:

“The addition theoretically creates a requirement for a further 27 bays and surveys conducted by the applicant reveal that the carpark is ample for the parking demand experienced”.

RECOMMENDATION

“That Council grants approval to the application for extensions to the Beldon Shopping Centre subject to compliance with standard development conditions”

Therefore, the resultant parking shortfall for the shopping centre under the previous TPS 1 is 242 parking bays (exclusive of the 100 bays on the adjoining reserve).

At present 246 parking bays are provided on the shopping centre site. There are an additional 100 parking bays for the users located on the Council reserve.

The City sought legal advice in 2007 with regard to the use of the 100 parking bays located on the adjacent reserve. It was established that the parking bays located on the reserve could not be included for the purpose of calculating the number of car parking bays provided

for the shopping centre, as to do so would be inconsistent with the vested purpose and management order for the reserved land. Further, the City could not enter into any agreement that legally authorises the shopping centre to use the reserve for a commercial use (car parking), for the same reason.

Council at its meeting held on 28 August 2007 granted approval for alterations and additions to the Beldon Shopping Centre. The works approved with this application did not proceed, and the approval is now expired. This current application also seeks to alter and extend the shopping centre, but is significantly reduced in scale to the previous application.

DETAILS

The proposed development (shown on Attachment 2) is outlined below:

- Relocation of the existing bottleshop drive through facility.
- Reconfiguration of the various car park and access arrangements.
- New landscaping.
- Alterations to the existing southern and eastern facades.

The relevant requirements of District Planning Scheme No 2 (DPS2) are summarised:

Standard	Required	Approved 2007	Proposed 2009	Complies
Front Setback	9m	16.5m	12m	Yes
Side Setback (eastern boundary)	3m	63m	85m	Yes
Side Setback (western boundary)	3m	6m	7m	Yes
Rear Setback	6m	6m	6m	Yes
Landscape	8% of site 3m landscaping strip along street boundary	3.3% of the site 1m landscape strip	4.1% 1m landscape strip	No

The applicant has provided a package of information in support of the proposal, including:

- A traffic engineers report, dated 2007, with accompany letter confirming current validity of the report.
- Written submission outlining the proposed development, detailing compliance with DPS2 requirements and the City's policies.
- Written justification for the site landscaping and parking bay shortfall variations sought.

The detail for the proposal and the supporting information is summarised as follows:

- *The proposal replaces the current impracticable, confusing and restrictive one-way system with one where all sites access points are two-way, with only essential or desirable portions of internal roads being one way;*

- *Articulation of the new façade enables more interesting colour and texture variations to be appropriately incorporated. The scale and bulk of the overall shopping centre remains virtually unchanged, ensuring that it remains in keeping with its urban context; and*
- *A comprehensive repair and maintenance exercise to the whole centre will take place simultaneously (internally and externally) to produce a significantly improved shopping centre.*

Issues and options considered:

Council has discretion to:

- 1 Approve the application without conditions;
- 2 Approve the application with conditions; or
- 3 Refuse the application.

Legislation/Strategic Plan/Policy Implications

Legislation	N/A
Strategic Plan	City of Joondalup Strategic Plan 2008-2011
Key Focus Area:	The Built Environment
Objective:	To ensure high quality urban development in the area
Policy	Policy 3-3 Centre Strategy

This policy sets out the hierarchy of retail centres throughout the City and identifies a capped net lettable floor area (NLA) for each of the centres. This policy identifies Beldon Shopping Centre as a village centre with a maximum allowable shopping floor space of 4,500m² NLA.

The site is located within the Commercial Zone. The objectives for the zone are set out below:

3.7 THE COMMERCIAL ZONE

- 3.7.1 *The Commercial Zone is intended to accommodate existing shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.*

The objectives of the Commercial Zone are to:

- (i) *make provision for existing retail and commercial areas that are not covered by an Agreed Structure Plan;*
- (ii) *provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential;*

- 3.7.2 *All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified;*
- 3.7.3 *Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.*

Council has discretion to approve variations to site and development standards and requirements, in accordance with Clause 4.5 of DPS2:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit;*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - (b) have regard to any expressed views prior to making its decision to grant the variation;*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

The relevant car parking provisions are set in Clause 4.8 as follows:

4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council;*

- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate;*

The landscaping requirements of the development are set out in Clause 4.12 as follows:

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

- 4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council;*
- 4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause;*
- 4.12.3 *Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

Council in exercising discretion to approve or refuse an application is required to have regard to the provisions of clause 6.8, which is shown below:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) *any relevant submissions by the applicant;*
 - (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
 - (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
 - (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*

any other matter which in the opinion of the Council is relevant.

Schedule 3 (Subclauses 3.7.2 & 3.11.4) –Commercial & Centre Zones

The following is an extract from Schedule 3 of DPS2, which relates to commercial floor space limits:

Commercial and Centre Zones: Retail Net Lettable Area

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m²)
<i>BELDON (Beldon Shopping Centre)</i>	<i>Lot 519 (9) Gunter Grove</i>	<i>4,500</i>

Policy

Policy 3-3 Centre Strategy

This policy sets out the hierarchy of retail centres throughout the City and identifies a capped net lettable floor area (NLA) for each of the centres. This policy identifies Beldon Shopping Centre as a village centre with a maximum allowable shopping floor space of 4,500m² NLA.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The proposed upgrades to the Beldon Shopping Centre will initiate a review to the overall sustainability of the development. Such measures will include energy efficient design elements that will have an emphasis on natural ventilation, shading and upgrades to the lighting and mechanical services throughout the buildings.

Additionally, Woolworths will also view this as an opportunity to introduce and implement energy efficient systems and facilities to the store. Upgrades will be included to the existing lighting, air conditioning, refrigerators, heating and the hot water system.

Consultation:

No adjoining neighbours were consulted as there are no variations to the setback, or other requirements of DPS2 that may result in an adverse impact on adjoining landowners.

COMMENT**Zoning and Land Use**

The site is zoned “Commercial” under DPS2 whereby the objective is to provide a wider range of uses including retailing, entertainment, professional offices, business services and residential.

The existing “shop” and “tavern” use classes of the site have been previously approved by Council. Therefore, the proposed development complies with the provisions of the DPS2 in terms of land use.

Retail floor space

Beldon Village Centre has been identified as forming part of a “village centre” in the City’s Centre Strategy, comprised of Lot 793 and Lot 9 Gunter Grove. Schedule 3 of DPS2 identifies Beldon Village Centre as having a maximum net lettable area of 4,500m². The proposed extensions will increase the net lettable area of the shopping centre by 42m² resulting in a total of 3,696m² for the Beldon village centre. This is well within the maximum allowable floorspace.

Landscaping

Currently there is a 3m wide landscaping strip along the Gunter Grove frontage, with no landscaping provided to the Gradient Way frontage. Clause 4.12 of the DPS2 requires 8% of the site area to be provided, with a 3 metre wide landscaping strip between the carpark and street frontage. In this instance, the applicant is proposing to retain the existing 3 metre wide landscaping strip along the reserve and to provide a new 1m landscaping strip along the boundary. A new landscaping strip is also proposed fronting Gradient Way, and will vary between 1.0 and 6.0 metres in depth. The proposed redevelopment of the shopping centre will result in 4.1% of the site being landscaped, in lieu of the required 8%. It is noteworthy that the existing shopping centre does not achieve the 8% landscaping requirement, with a comparison of the proposed landscaping area to the existing situation suggesting there is unlikely to be any net loss of landscaping area.

It is considered that the level of landscaping proposed on site will not adversely affect the amenity of the residential area given the subject lot is surrounded by public open space on its western and northern boundaries. The applicant is proposing to plant trees in the carpark to reduce the visual impact of the proposed development on the surrounding residential area. Overall, this would be at a rate of one tree per four car bays in accordance with Clause 4.12.3 of DPS2. It is therefore recommended that the proposed variation to the landscaping requirements to be supported in this case.

Car Parking

The traffic engineers report provided by the applicant identified (summarised):

- *Parking demand surveys showed a peak demand of 137 vehicles, occurs at lunch time on Saturday.*
- *The peak parking demands for the retail development is expected to occur at around lunch time on a Saturday, while the corresponding demand for the Tavern is only 40-50% of the overall peak.*
- *The peak demand for the Tavern is expected to occur at 8pm- 9pm on Saturdays, when there is very little (if any) demand for the retail.*

The traffic engineer's assessment and findings are considered to be accurate and appropriate. The estimates for reciprocal parking between the shopping centre and tavern is considered appropriate as it is expected that the peak demand for the shopping centre would be during the day, whilst the peak demand for the Tavern would be at night time.

The following table summarised the parking requirements for the proposed development;

Use Class	Parking Standard	Proposed Floor space	Car bays required	Proposed
Existing Supermarket	N/A	N/A	157	221
Shop	7 bays per 100m ² of NLA	638m ²	45	
Tavern	1 per 3m ² NLA of standing area plus 1 per 5m ² for seating area	Standing area 22m ² Seating 221m ²	53	
Total			255	221

Having regard to the above table, the proposed development is deficient by 34 car parking spaces.

Changes to the supply of car parking have resulted from:

- minor increase in the building footprint;
- reconfiguration of car bays; and
- improvements in turning circles for vehicle movement.

Having regard to legal advice received by the City, the 100 parking bays located on the adjacent reserve cannot be included for the purpose of calculating the number of car parking bays provided for the shopping centre. Further, the City is unable to enter into an agreement that legally authorises the shopping centre to use the reserve for a commercial use (car parking) as to do so would be inconsistent with the vested purpose and management order for the reserved lands.

A total of 221 car parking bays are proposed on the shopping centre site. Given the peak demand on Saturday lunch time is 137 bays, it is considered that the car parking proposed on site is sufficient to meet the anticipated parking demand for the shopping centre. Further, it is noted that the City has no record of complaints from the surrounding residents regarding overflow parking into surrounding streets or verges from the shopping centre.

DPS 2 allows Council to determine whether the proposed 221 car bays across the shopping centre site are sufficient to service the shopping centre or from the view that the 255 car bays as required by DPS 2 are needed, or at least no reduction from the current 246 car bays.

The options available to Council are:

1. Determine that the proposed provision of 221 bays is sufficient.
2. Determine that a short fall does exist and thus require a cash-in-lieu payment for the short fall in car parking.
3. Refuse the application on the grounds that the level of parking available is insufficient.

In the event of demand unexpectedly increasing, it is likely that any overflow parking would be onto the existing carpark on the Council reserve as opposed to street parking. As such, it is not expected that the proposed shortfall will adversely affect the amenity of adjoining residential properties or the operation of the shopping centre.

It is therefore recommended that the proposed variation to the car parking requirement be supported in this case.

Setbacks

The proposed alterations and additions to the shopping centre fully comply with the DPS2 setback requirements of non-residential buildings.

Design

The proposed alterations and additions are considered acceptable in terms of design as the appearance of the shopping centre will be significantly upgraded. The proposed northern elevation of the shopping centre will have an outlook over the reserve, thus allowing casual surveillance of the public open space, which will increase safety for users of the reserve.

Conclusion

The proposed changes to the Beldon Shopping Centre will significantly upgrade the appearance of the shopping centre, given no improvements have been made since 1985. The proposed shortfall in car parking is not expected to adversely affect the amenity of the residential locality or the operation of the shopping centre.

Whilst the number of car spaces on the Council reserve cannot be included in the parking calculations, it is likely that in the event of the shopping centre carpark being at capacity, overflow parking would occur onto the reserve in the parking area.

In this instance the proposed variations to the percentage of landscaping provided is considered acceptable as the site is surrounded by public open space and will not appear deficient in landscaping.

Based on the above, it is recommended that the application for planning approval be granted, subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 DETERMINES that in regard clause 4.8.2 of the City of Joondalup District Planning Scheme No2, a car parking provision of 221 bays in lieu of 255 is appropriate in this instance;**
- 2 EXERCISES discretion under clause 4.12 of the City of Joondalup District Planning Scheme No.2 and determines that:**
 - (a) a strip of 1 metre landscaping along the Gradient Way and Gunter Grove frontage in lieu of 3m;**
 - (b) 4.1% landscaping on site in lieu of 8%;**

Are appropriate in this instance.
- 3 APPROVES the application for planning approval, dated 26 June 2009, submitted by Greg Rowe and Associates on behalf of the owners, Huntley Custodians Ltd for alterations and addition to Beldon Shopping Centre at Lot 519 (9) Gunter Grove, Beldon subject to the following conditions:**
 - (a) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01) and AS2890.2-2008. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City;**
 - (b) The changes to the crossovers to be designed and constructed to the satisfaction of the City;**
 - (c) Works as located on the reserve carpark and on the road reserve shall be completed and maintained to the satisfaction of the City;**
 - (d) The existing stormwater disposal system is to be cleaned out to ensure it is in proper working order and maintained to the satisfaction of the City;**

- (e) A detailed landscape and irrigation plan being submitted and approved to the satisfaction of the City for the development site and adjoining road verge(s) prior to the issue of the relevant Building Licence. For the purpose of this condition a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:
- (i) the location and type of existing and proposed trees and shrubs;
 - (ii) any lawns to be established;
 - (iii) areas to be irrigated;
 - (iv) separate soft landscaping and hard landscaping plans (indicating details of materials to be used);
- (f) Landscaping and reticulation to be installed in accordance with the approved plans and thereafter maintained to a high standard to the satisfaction of the City;
- (g) The car parking area shall be provided with one shade tree for every four (4) bays. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;
- (h) Details of the tree wells shall be submitted to the City with the Building Licence Application;
- (i) A Refuse Management Plan shall be submitted and approved by the City prior to the commencement of works. The plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the plan shall be incorporated into the building licence plans. The approved plan shall be implemented to the satisfaction of the City;
- (j) Any new signage shall be the subject of a separate development application to be submitted to the City;
- (k) Detail of the design and finishes for the facade of the buildings being submitted and approved prior to the issue of the relevant Building Licence;
- (l) A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence, detailing how it is proposed to manage:
- the delivery of materials and equipment to the site;
 - the storage of materials and equipment to the site;
 - the parking arrangements for the contractors and subcontractors;
 - other matters likely to impact on the surrounding properties.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf101109.pdf](#)

ITEM 7 PUBLIC LIBRARY FRAMEWORK & FUNDING AGREEMENTS

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO	
FILE NUMBER:	59011	
ATTACHMENTS:	Attachment 1	Public Library Agreements Explanatory Notes
	Attachment 2	Public Library Framework Agreement
	Attachment 3	Public Library Funding Agreement
	Attachment 4	Comments on the Agreements

PURPOSE

Endorsement of comments provided to the WA Local Government Association in relation to a draft Public Library Framework Agreement and draft Public Library Funding Agreement.

EXECUTIVE SUMMARY

The public library service throughout Western Australia is delivered under a partnership agreement between the State and Local Governments. The City of Joondalup has four Libraries (Joondalup, Duncraig, Woodvale and Whitford) that provide a range of services to the community. The existing Framework Agreement between State and Local Government for the Provision of Public Library Services in WA expired on 30 June 2009.

The City has been provided with the opportunity to provide feedback to the WA Local Government Association by 2 November 2009 on:

1. Framework Agreement between State and Local Government for the Provision of Public Library Services in WA 2009 – 2014.
2. Funding Agreement between the Minister for Culture and the Arts and the President of the WA Local Government Association regarding Funding for Public Libraries 2009/10 to 2011/12.

Feedback on a third Agreement between the Library Board of WA and individual Local Governments has been sought by the WA Local Government Association by March 2010.

Comments on the two Agreements have been developed and are submitted for endorsement by Council. Because of the short timeframe for comment, the WA Local Government Association has been advised that the comments are subject to endorsement by Council.

It is recommended that Council:

- 1 *ENDORSES the comments made to the WA Local Government Association in relation to the draft Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia and the draft Funding Agreement between the Minister for Culture and the Arts and the President of the WA Local Government Association regarding Funding for Public Libraries 2009/10 to 2011/12;*

- 2 *REQUESTS that a report on the Public Library Services Agreement between the Library Board of Western Australia and individual Local Governments be provided for the February 2010 meeting.*

BACKGROUND

The public library service throughout Western Australia is delivered under a partnership agreement between the State and Local Governments. The City of Joondalup has four Libraries (Joondalup, Duncraig, Woodvale and Whitford) that provide a range of services to the community.

The partnership arrangement between the State Government and Local Government for public libraries is formalised through a Public Library Framework Agreement. The inaugural *Framework Agreement between State and Local Government for the Provision of Public Library services in WA* was in operation from 2004 to 30 June 2008. An extension to the Framework Agreement of 12 months was agreed to by the two parties which expired on 30 June 2009.

A Strategic Library Partnership Steering Committee (SPLASC) was formed by agreement between the Library Board of WA and the WA Local Government Association State Council to progress, among other issues, the development of a new Public Library Framework Agreement. The SPLASC comprises representatives from the State Library of WA, Department of Local Government, Local Government Managers Australia (WA Division), Public Libraries WA and the WA Local Government Association.

The SPLASC has subsequently developed three Agreements for consideration by State and Local Governments. These agreements are:

- 1 Framework Agreement between State and Local Government for the Provision of Public Library Services in WA 2009 – 2014.
- 2 Funding Agreement between the Minister for Culture and the Arts and the President of the WA Local Government Association regarding Funding for Public Libraries 2009/10 to 2011/12.
- 3 A template for a Public Library Services Agreement between the Library Board of WA and individual Local Governments.

At this point in time the WA Local Government Association is seeking feedback from Local Government by 2 November 2009 on the draft Framework Agreement and the draft Funding Agreement and copies of these Agreements are included in the attachments.

Feedback on the template for the individual Agreements will be required by March 2010 and will be the subject of a further report to Council for consideration.

DETAILS

The draft Framework Agreement focuses on principles, objectives, outcomes, outputs, roles/responsibilities at a strategic level, and management of the partnership between State and Local Government.

The principles include a commitment by the partnership to respond to community need, transparency and accountability with respect of responsibilities, sustainability of services and working in a spirit of mutual respect and cooperation.

The previous iteration of the Framework Agreement included reference to funding. This has been removed from the new draft Framework Agreement and the proposal is to establish a separate Funding Agreement.

The intent of the draft Funding Agreement is that it will apply for the term of the State Government. It quantifies the level of known State Government funding for public library acquisitions which is \$6.5m in 2009/10 with the same amount showing in the forward estimates for 2010/11 and 2011/12.

While it is recognised that the State Government will only support a Funding Agreement that defines existing levels of funding, the WA Local Government Association is working on a business case to increase State funding for public libraries from 2010/11 onwards. The success or otherwise of this bid will not be known until the State Budget is announced in May 2010.

Issues and options considered:

Comments on both draft Agreements are contained in Attachment 4 and outline suggested areas for improvement and changes to deal with areas of concern.

Legislation/Strategic Plan/Policy Implications

Legislation Relevant legislation for the provision of public library services in WA is the Library Board of Western Australia Act 1951.

Strategic Plan Key Focus Area:

Objective: 5.3 To facilitate culture, the arts and knowledge within the community
5.3.2 The City provides high quality libraries and learning programs

Risk Management considerations:

In 2009/10 the State Government funding contribution towards public libraries (predominantly in the form of provision of library stock) reduced by 40% to \$6.5m. One of the reasons given by the Minister for Culture and the Arts for not retaining the higher levels of funding for public libraries experienced from 2005 to 2008 is that there was no new Public Library Framework Agreement in place.

The reduction in State Government funding for library stock is having an impact on the quantity and quality of stock available in the City's Libraries.

The WA Local Government Association is keen to have the new Framework Agreement signed off by December 2009 to support a business case being submitted to the State Government for increased public library funding from 2010/11.

Financial/Budget Implications:

There are no direct implications on the City's budget however future State Government funding for public library resources may be predicated on establishment of new Public Library Framework and Funding Agreements.

Regional Significance:

Not applicable.

Sustainability implications:

There are considerable economic and social implications if the City's ability to provide library resources and lifelong learning opportunities to the community was reduced as a result of State Government funding removal or reductions.

Consultation:

City staff attended a Forum hosted by the State Library of WA and the WA Local Government Association on 28 October 2009 at which presentations on the Agreements were provided together with the opportunity to ask questions and gain feedback from other Local Governments on the Agreements.

COMMENT

In recognising the importance of the development of a new Public Library Framework Agreement and Funding Agreement on the future State Government funding contribution towards public library services in WA, the principles of the new Agreements are essentially supported. The attached comments provide feedback on some recommended changes to the Agreements that have been provided to the WA Local Government Association.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ENDORSES the comments made to the WA Local Government Association in relation to the draft *Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia* and the draft *Funding Agreement between the Minister for Culture and the Arts and the President of the WA Local Government Association regarding Funding for Public Libraries 2009/10 to 2011/12*;**
- 2 REQUESTS that a report on the Public Library Services Agreement between the Library Board of Western Australia and individual Local Governments be provided for the February 2010 meeting.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf101109.pdf](#)

ITEM 8 APPOINTMENT OF REPRESENTATIVES TO COUNCIL - CREATED AND EXTERNAL COMMITTEES

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 02153

ATTACHMENTS: Attachment 1 List of Council-created committees and external committees that require City of Joondalup representation;
Attachment 2 Audit Committee Charter.

PURPOSE

To give consideration to the appointment of representatives to various Council-created and external committees.

EXECUTIVE SUMMARY

Following the local government elections held on 17 October 2009, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

BACKGROUND

Council establishes various committees to advise it on specific matters. The Local Government Act 1995 applies to these Council-created committees, and appointment of representatives to these committees must be made by Council and passed by an absolute majority. Council also nominates representatives to committees created by external organisations. Council may nominate representatives to such external committees by a simple majority.

DETAILS

Following the elections held on 17 October 2009, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

Council currently has six (6) Council-created committees (excluding Advisory Committees) and provides representation on two (2) Regional Councils and thirteen (13) external committees. Details of the role of these committees, and membership as at the time of the local government elections on 17 October 2009, are provided in Attachment 1, together with a comment on the recommended course of action.

Issues and options considered:

At Council's meeting held on the 5 April 2005 (CJ050-04/05 refers) Council resolved in part that:

“in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”

At the Council meeting held on 20 September 2005, during discussion on Item CJ202-09/05 - Appointment of Representatives to the Tamala Park Regional Council - it was recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor in order that a senior level of representation be maintained.

Legislation/Strategic Plan/Policy Implications

Legislation The requirements of the Local Government Act 1995 are as follows:

Establishment of committees

5.8 A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

Types of committees

5.9 (1) In this section:

“other person” means a person who is not a council member or an employee.

(2) A committee is to comprise:

- (a) council members only;
- (b) council members and employees;
- (c) council members, employees and other persons;
- (d) council members and other persons;
- (e) employees and other persons; or
- (f) other persons only.

Appointment of committee members

5.10 (1) A committee is to have as its members:

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Tenure of committee membership

- 5.11 (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

Clause 51(2) of the Standing Orders Local Law 2005 states: -

A nomination to any position is not required to be seconded.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy Not applicable.

Risk Management considerations:

Appointment of committees is essentially to assist the Council in performing some of its legislative responsibilities. If the Council does not establish committees or appoint representation to external committees, this may hinder the overall decision-making process.

Financial/Budget Implications:

Not applicable.

Regional Significance:

A number of the external committees that the City of Joondalup is entitled to have representation on deal with matters that not only affect the region but also the local government industry as a whole.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Legislation requires the Council to establish an Audit Committee. The Audit Committee requires an external member to serve on it. The Council has recently appointed Mr Robert (Andy) Cowin and it is suggested this appointment remain.

The establishment of committees assists the Council to perform its legislative responsibilities, and representation on externally based committees allows the City of Joondalup to have input into various issues that face the local government industry.

The Ocean Reef Marina Community Reference Group was established to assist the Council in its decision making relating to the Ocean Reef Marina. Member of this group was split into four (4) categories, being:

- Category 1 Residents of Ocean Reef;
- Category 2 Residents of Iluka, Mullaloo, Heathridge, Connolly and Currambine;
- Category 3 Representatives of industry groups;
- Category 4 North West Corridor Communities.

It is suggested that these categories remain and the membership is unchanged.

A minor change has been made to the role of the Strategic Financial Management Committee to remove reference to “Plan for the Future” and replace with “Strategic Plan”.

In accordance with the Planning and Development Act 2005 the City had a representative on the North West District Planning Committee. Recent advice from the Western Australian Planning Commission (WAPC) is that the Committee will now only meet at the direction and discretion of the WAPC.

Where there are more nominations to the vacancies for representation on either Council appointed or external committees, a ballot will need to be conducted to determine the representative.

VOTING REQUIREMENTS

- Absolute Majority (for Council created committees)
- Simple Majority (for representation on external committees)

RECOMMENDATION

That Council:

1 BY AN ABSOLUTE MAJORITY:

(a) ESTABLISHES the Art Collection and Advisory Committee to:

- (i) Approve art acquisitions within the available adopted budget funds;**
- (ii) Develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;**

- (iii) Build an art collection of appreciating financial value, which constitutes a sound investment for the City;
 - (iv) Collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;
 - (v) Collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;
 - (vi) Review the criteria established to determine the award winners;
- (b) APPOINTS the following representatives to the Art Collection and Advisory Committee:

Five (5) Elected Members
Chief Executive Officer

- (c) DELEGATES AUTHORITY to the Art Collection and Advisory Committee to approve acquisitions for artworks within the available adopted budget funds;
- (d) DELEGATES AUTHORITY to the Chief Executive Officer to approve acquisitions for artworks up to \$7,500 within the available adopted budget funds;

2 BY AN ABSOLUTE MAJORITY:

- (a) ESTABLISHES the Audit Committee to oversee the internal and external Audit and Risk Management and Compliance functions of the City;
- (b) APPOINTS the following members to the Audit Committee:

Mayor Troy Pickard	
North Ward	- one representative
North-Central Ward	- one representative
Central Ward	- one representative
South-West Ward	- one representative
South-East Ward	- one representative
South Ward	- one representative
Mr Robert (Andy) Cowin	- External Member

3 BY AN ABSOLUTE MAJORITY:

- (a) ESTABLISHES the Chief Executive Officer – Performance Review Committee to:
- (i) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
 - (ii) Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;

- (iii) Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;
 - (iv) Review the Key Performance Indicators to be met by the Chief Executive Officer;
 - (v) Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;
 - (vi) Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary;
- (b) APPOINTS the following members to the Chief Executive Officer – Performance Review Committee:

Mayor Troy Pickard

- North Ward - one representative
- North-Central Ward - one representative
- Central Ward - one representative
- South-West Ward - one representative
- South-East Ward - one representative
- South Ward - one representative

4 BY AN ABSOLUTE MAJORITY:

- (a) ESTABLISHES the Ocean Reef Marina Committee to provide leadership for, and oversight of, the Ocean Reef Marina Project;
- (b) APPOINTS the following members to the Ocean Reef Marina Committee:

Mayor Troy Pickard

- North Ward - one representative
- North-Central Ward - two representatives
- Central Ward - one representative
- South-West Ward - one representative
- South-East Ward - one representative
- South Ward - one representative

5 (a) ESTABLISHES the Ocean Reef Marina Community Reference Group to:

- (i) Help develop the concept design and structure plan;
 - (ii) Represent the issues, concerns and interests of the community; and
 - (iii) Act as a conduit to disseminate information and feedback to and from the wider community;
- (b) APPOINTS the following persons to the Ocean Reef Marina Community Reference Group under the categories detailed below:

Category A – Residents of Ocean Reef:

Ms Emma Bamforth
Ms Natalie Campion

**Mr Ken Eastwood
Mr Gavin Foord
Mr Rob Green
Mr Paul Young
Mr Terry Stuart
Mr Roger Cameron
Dr Lynne Dailey
Ms Kerry Nichols**

Category B - Residents of Iluka, Mullaloo, Heathridge, Connolly and Currambine:

**Mr Andrew Cass
Ms Carmel Lyttleton
Mr Chris Wanless
Mr Joh Holenstein
Mr Craig Wright
Mr Mark Hay
Mr Nazlah Caldwell
Mr Oliver Kay
Mr Damian Jolly**

Category C – Industry Group Representatives

Mr Ron Lindsay	(Ocean Reef Surf Sports Club)
Ms Alison Angel	(Ocean Reef Sea Sports Club)
Mr Andrew Slomp	(Sunset Coast Tourism Association)
Mr Ken Blackie	(Whitfords Volunteer Sea Rescue Group)
Mr Mark Carruthers	(Whitfords Volunteer Sea Rescue Group)
Mr Paul Brooker	(Ocean Reef Progress Association)
Mr Jonathon Weston	(Recfishwest)
Mr Michael Norman	(Joondalup Community Coast Care Forum)
Mr Bruce Barnett	(Boating WA)

Category D – North West Corridor Communities:

**Mr Reiner Repke
Mr Bruce Buzzard
Mr Rohan Tilbrook
Ms Donna Ironmonger
Ms Michelle Noble**

- (c) APPOINTS Mayor Pickard as Chairperson on the Community Reference Group;**
- (d) INVITES all Elected Members to attend meetings of the Community Reference Group as observers;**

6 BY AN ABSOLUTE MAJORITY:**(a) ESTABLISHES the Policy Committee to:**

- (i) Make recommendations to Council on the development and review of Council and City policies to identify the direction of Council;**
- (ii) Initiate and request the formulation and drafting of both Council and City policies;**
- (iii) Devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies;**
- (iv) Review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995;**

(b) APPOINTS the following members to the Policy Committee:

Mayor Troy Pickard

- North Ward - one representative**
- North-Central Ward - one representative**
- Central Ward - one representative**
- South-West Ward - one representative**
- South-East Ward - one representative**
- South Ward - one representative**

7 BY AN ABSOLUTE MAJORITY:**(a) ESTABLISHES the Strategic Financial Management Committee to:**

- (i) Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;**
- (ii) In particular advise Council on:**
 - (A) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;**
 - (B) Levels of service delivery – determine:**
 - which services to be provided;**
 - Standards of service. Such standard will be determined with reference to:**
 - best industry practice standards where applicable;**
 - internally agreed standards which will be determined with reference to local community expectations;**
 - (C) Preparation of the Strategic Plan with high priority being given to ensure that the Plan is achievable in the long term;**
 - (D) Consideration of public submissions to the Strategic Plan;**
 - (E) Final acceptance of the Strategic Plan;**
- (iii) Policy development and review of policies with financial implications for the City.**

- (b) APPOINTS the following members to the Strategic Financial Management Committee:**

Mayor Troy Pickard
North Ward - one representative
North-Central Ward - one representative
Central Ward - one representative
South-West Ward - one representative
South-East Ward - one representative
South Ward - one representative;

- 8 NOMINATES the following persons to represent the City of Joondalup on the:**

- (a) Community Board of Advice (Joondalup Health Campus)**

One (1) Elected Member

- (b) District Emergency Management Committee**

One (1) Elected Member
Manager Asset Management
Emergency Management Officer

- (c) Joondalup Business Association**

One (1) Elected Member (ex officio representative)
One (1) Elected Member (ex officio deputy)

- (d) Joondalup Business Centre**

Two (2) Elected Members

- (e) Joondalup Lotteries House Inc**

Coordinator Community Services

- (f) Local Emergency Management Committee**

Manager Asset Management
Emergency Management Officer
Principal Environmental Health Officer

- (g) Mindarie Regional Council**

Two (2) Elected Members

- (h) North West District Planning Committee**

One (1) Elected Member
One (1) Elected Member (deputy)

- (i) North Western Metropolitan Regional Road Sub-Group**

 - One (1) Elected Member**
 - One (1) Elected Member (deputy)**
 - Director Infrastructure Services**

- (j) Perth Region NRM Local Government Reference Group**

 - One (1) Elected Member**

- (k) Small Business Centre Inc**

 - One (1) Elected Member**

- (l) Tamala Park Coastal Reserve Community Advisory Committee**

 - One (1) Elected Member**

- (m) Tamala Park Regional Council**

 - Two (2) Elected Members**

- (n) Western Australian Local Government Association – North Metropolitan Zone**

 - Four (4) Elected Members**
 - Four (4) Elected Members (deputies)**

- (o) Yellagonga Regional Park Community Advisory Committee**

 - One (1) Elected Member**
 - One (1) Elected Member (deputy)**
 - Conservation Officer.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf101109.pdf](#)

ITEM 9 ADOPTION OF YELLAGONA INTEGRATED CATCHMENT MANAGEMENT PLAN 2009-2014

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	72568
ATTACHMENTS:	Attachment 1 Yellagonga Integrated Catchment Management Plan- Part 2- Implementation Plan; Attachment 2 Summary of Public Submissions.

PURPOSE

For Council to consider the comments received following a six week public consultation period and adopt the Yellagonga Integrated Catchment Management (YICM) Plan 2009-2014.

EXECUTIVE SUMMARY

The Yellagonga Integrated Catchment Management (YICM) Plan has been developed through a partnership agreement between the Cities of Joondalup and Wanneroo in recognition of the need for a whole of catchment approach to the management of the area.

The development of the YICM Plan 2009-2014 and associated catchment projects has involved considerable input from community groups and key stakeholders. The initial scoping phase involved a community workshop in September 2007 where over 100 participants identified and prioritised the land and water threats facing the Yellagonga Regional Park.

The YICM Plan 2009-2014 establishes a coordinated approach towards sustainable planning and management of resources within the Yellagonga Catchment. The YICM Plan has a number of priority projects to be implemented by various stakeholders with interests in the Yellagonga Catchment, in order to improve the health of the Yellagonga Wetlands. The City of Joondalup, City of Wanneroo, and the Department of Environment and Conservation have shared responsibilities for the management of the wetlands in Yellagonga Regional Park.

The Plan was released for public consultation for a six week period commencing on 29 June 2009. Five submissions were received from local organisations and members of the public. This report provides a summary of the submissions received and recommends the adoption of the YICM Plan 2009-2014.

BACKGROUND

The Yellagonga Regional Park Management Plan 2003 – 2013 was developed by the Department of Environment and Conservation and the Cities of Joondalup and Wanneroo to provide broad direction for the protection and enhancement of the conservation, recreation and landscape values of Yellagonga Regional Plan.

One of the high priority strategies proposed in the Management Plan was the preparation of an Integrated Catchment Management Plan which was consistent with the overall direction of the Yellagonga Regional Park Management Plan 2003 – 2013.

The Yellagonga Regional Park Management Plan addresses the activities in the catchment that affect the Park and the management of the Park itself is guided by the Yellagonga Regional Park Management Plan 2003 – 2013.

Council, at its meeting of 16 June 2009, resolved the following:

- 1 *AGREES to release the Yellagonga Integrated Catchment Management Plan for community consultation for a period of six weeks;*
- 2 *REFERS the Yellagonga Integrated Catchment Management Plan to the Conservation Advisory Committee for comment as part of the community consultation process.*

The advertised YICM Plan 2009-2014 Part 2- Implementation Plan is provided as Attachment 1.

DETAILS

Five submissions were received on the draft YICM Plan 2009-2014 during the consultation period. The submissions and the recommended modifications are summarised in Attachment 2. The comments and feedback received from stakeholders illustrates general support for the projects presented within the Draft YICM Plan.

It is recommended that Part 1 of the Plan, which provides a technical report of key threats to the Park, not be modified following advertising. Recommended modifications to Part 2, the Implementation Plan, are minor; with only one change being proposed. The submission suggests inclusion of a greater focus on encouraging community volunteer management of the Yellagonga Regional Park within the “Yellagonga Community Awareness Program”, on page 22 of the YICM Plan 2009-2014 Part 2- Implementation Plan.

Issues and Options Considered:

The YICM Plan 2009-2014 has been developed in consultation with key stakeholders in order to obtain a wide range of input from the various groups and organisations which have an interest within the Yellagonga Catchment and Regional Park. This includes residential landowners, commercial interests, community members who utilise the area for recreation, aesthetic enjoyment, historical and cultural heritage, and those who appreciate the Park for its environmental values.

In regards to the submissions received through the public consultation period modifications can be made to the Final YICM Plan 2009-2014 to reflect the comments received or the document can remain unchanged, as included in Attachment 1.

Legislation/Strategic Plan/Policy Implications

Not Applicable

Link to Strategic Plan:

Key Focus Area – The Natural Environment

Objective 2.1- To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Objective 2.2- To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Risk Management Considerations:

The YICM Plan seeks to address a range of threats to the long term viability of the Yellagonga Regional Park including the impacts from urbanisation and past land use within the Catchment.

Financial/Budget Implications:

The YICM Plan includes a number of priority projects. Each project has a project brief that includes estimated project costs. The projects are either joint projects which are to be undertaken by the Cities of Joondalup and Wanneroo, or individual projects to be undertaken separately by each City.

The commencement of each project is dependent on Budget approval in successive financial years.

Regional Significance:

Yellagonga Regional Park is one of eight regional parks within the Perth metropolitan region. The Park is of regional importance because of its natural, cultural and recreational resources and provides an important north/south link with Neerabup National Park and Yanchep National Park.

The City of Joondalup and the City of Wanneroo have shared responsibilities for the management of the wetlands in Yellagonga Regional Park along with the Department of Environment and Conservation. A number of projects within the Plan will be developed using a regional approach and will involve partnerships between the City and a number of key stakeholders.

Sustainability Implications:

Yellagonga Regional Park contains a wide variety of ecosystems with high conservation value within a rapidly expanding urban setting. The wetlands within the Park are some of the last remaining freshwater wetland systems on the Swan Coastal Plain, and are important breeding grounds for local and migratory birds. The area is also widely used for recreational purposes, with a number of community groups utilising the passive and natural areas within the Park.

Consultation:

The development of the YICM Plan has involved considerable community input including the formation of a Community Reference Group. The draft report was also referred to the City of Joondalup Conservation Advisory Committee and the City of Wanneroo Environmental Advisory Committee for comment.

The YICM Plan was released for public consultation for a six week period commencing from 29 June 2009.

COMMENT

The YICM Plan has been developed following an extensive review of available literature and consideration of the threats to the Park from the wider catchment and significant community consultation. Projects proposed within the Plan are supported by the community and relevant State agencies. The implementation of these projects will lead to significant improvements in the water quality entering the wetlands within the Yellagonga Regional Park from the catchment. The Plan also provides for a regional approach to the management of the area and establishes partnerships with key stakeholders including the City of Wanneroo, Department of Environment and Conservation, Edith Cowan University and local community groups.

It is therefore recommended that Council adopt the Yellagonga Integrated Catchment Management Plan 2009-2014 with the recommended modification of a greater focus on encouraging community volunteer management of the Park within the “Yellagonga Community Awareness Program”, as detailed in Attachment 2.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADOPTS the Yellagonga Integrated Catchment Management Plan 2009-2014 for implementation, subject to the modifications presented in Attachment 2 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf101109.pdf](#)

ITEM 10 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 02416, 03149

ATTACHMENTS:

Attachment 1	Minutes of the Meeting of the North West Regional Road Sub Group held on 23 September 2009;
Attachment 2	Minutes of the Meeting of the Western Australian Local Government Association – North Metropolitan Zone held on 1 October 2009;
Attachment 3	Minutes of the Meeting of the Mindarie Regional Council held on 15 October 2009.

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the North West Regional Road Sub Group held on 23 September 2009;
- Meeting of the Western Australian Local Government Association – North Metropolitan Zone held on 1 October 2009;
- Meeting of the Mindarie Regional Council held on 15 October 2009.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the:

- 1 North West Regional Road Sub Group held on 23 September 2009 forming Attachment 1 to this Report;**
- 2 Western Australian Local Government Association – North Metropolitan Zone held on 1 October 2009 forming Attachment 2 to this Report;**
- 3 Mindarie Regional Council held on 15 October 2009 forming Attachment 3 to this Report.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf101109.pdf](#)

ITEM 11 **CUSTOMER SATISFACTION SURVEY 2008/2009**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 47968

ATTACHMENTS: Attachment 1 Top line results including actions and improvements for 2009/10

PURPOSE

To present the results of the 2008/09 Customer Satisfaction Survey.

EXECUTIVE SUMMARY

The Customer Satisfaction Survey is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities.

The 2008/09 Survey shows an overall satisfaction rating of 83%. This represents a slight increase from the 2007/08 satisfaction level of 82%.

BACKGROUND

Customer Satisfaction Surveys have been conducted on an annual basis since 2000. The most recent survey was conducted in June 2009.

An independent market research company conducted the 2009 survey.

The objectives of this survey were to determine:

- Overall satisfaction with the City of Joondalup;
- Community satisfaction with selected services and facilities;
- Key issues of concern and suggestions for improvement.

This latest community research was undertaken during 3 - 21 June 2009 and involved random sampling and telephone interviewing of 603 respondents from within the City. The sample was crosschecked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

A separate survey was also conducted of residents who had used the City's Building and Planning Services over the last 12 months. Previously this area was surveyed as part of the annual Customer Satisfaction Survey.

The sampling size for both surveys produces a sampling precision of +/- 4% at the 95% confidence interval – i.e. there is a 95% certainty that the results obtained will be within a +/- 4% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

DETAILS

Issues and options considered:

Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

The overall satisfaction rating in 2008/09 was 83%. This is a slight increase from the 2007/08 level of 82%.

Respondents were prompted with a list of 12 services provided by the City, and asked how satisfied they were with the City's performance. To maintain comparability across Surveys, the questionnaire used was based on the version used in previous years. However, the following changes were made to the survey during 2008/09:

- The inclusion of an additional question measuring satisfaction with services provided by the City, in addition to satisfaction with the City overall;
- Two questions on communication with the community were added to determine satisfaction with consultation about local issues, and information provision about local issues; and
- A separate survey of customers of Planning, Approvals and Environmental Services was conducted to measure specific levels of satisfaction with the customer service provided by this Business Unit. This survey replaced a question measuring satisfaction with planning and building approvals amongst City of Joondalup residents in general and was aimed at determining the satisfaction of those residents that had directly used the service.

The top line findings indicate that, for the majority of services, satisfaction ratings have increased from 2007/08. The following table provides for comparisons of satisfaction ratings with the previous two years.

The areas of very high and high satisfaction in 2008/09 include:

Service/Facility	Satisfaction 2006/07	Satisfaction 2007/08	Satisfaction 2008/09
Libraries	95.5%	93.7%	93.5%
Fortnightly recycling services	95.0%	91.1%	92.6%
Parks and Public Open Spaces	Not measured	91.9%	91.5%
Weekly rubbish collections	86.5%	82.8%	85.8%
Festivals and Events	87.4%	87.6%	90.3%
Sport and Recreation	91.5%	88.5%	90.2%
Appearance of Streets	82.1%	84.2%	84.1%
Planning Services (*surveyed separately during 2008/09).	61.6%	54.8%	89.7%*
Building Services (*surveyed separately during 2008/09).	61.6%	54.8%	80.0%*

The areas with lower satisfaction levels for 2008/09 and therefore requiring an increased focus are:

Service/Facility	Satisfaction 2006/07	Satisfaction 2007/08	Satisfaction 2008/09
Parking	72.4%	69.4%	58.2%
Value for Money from Rates	67.3%	67.5%	62.3%
Mobile Security Patrols	70.6%	62.3%	63.5%
Community Consultation – the extent to which the City consults the community about local issues	Not measured	Not measured	69.7%
Community Consultation – the extent to which the City informs the community about local issues	Not measured	Not measured	72.0%
Local Traffic	77.3%	72.9%	77.4%
Graffiti Removal	74.6%	75.4%	78.4%
Ranger Services	Not measured	79.6%	79.3%

The top line results are included in Attachment 1 including details of planned actions and priorities for 2009/10 for each of these areas.

The survey also asked all respondents to identify the key issues or areas of concern with the performance of the City of Joondalup. A number of respondents provided suggestions for improvements and whilst the suggestions were diverse the comments related mainly to:

The City can act on	Number of mentions
Rubbish removal	26
Better infrastructure /facilities	25
Parking (free, more disabled)	21
More environmentally friendly	20
Better management	20
Advertise services more/ more information	19
Streetscapes	18
Equal treatment (suburbs/ wards)	16
Sport and recreation facilities	15
Parks (more, cleaner, better)	15
Community facilities	13
Expenses (rates, recycling etc)	13
More for youth (not just sport)	12
Traffic management, control	11
Listen to residents	10
Footpaths / cycle ways	8

The City can act on	Number of mentions
Better management of graffiti	8
Support for Marina development	8
Dog issues	7
Additional development (restaurants, cafes, shops etc)	6

The survey also asked respondents whether they believed that the City had a good understanding of community needs and 73.4% of respondents strongly agreed or agreed. The City will continue to provide opportunities for community participation and consultation

Legislation/Strategic Plan/Policy Implications

Legislation The Annual Community Satisfaction Survey assists the City to achieve three elements of the Local Government Act being:

- (a) Better decision-making by local government;
- (b) Greater community participation in the decisions and affairs of local governments; and
- (c) More efficient and effective local government.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective 1.2: To engage proactively with the community

Policy Public Participation 1-2

Objective: To actively involve the community in Council's planning, development and service delivery activities

Risk Management considerations:

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The 2008/09 Customer Satisfaction Survey was conducted by surveying 603 residents of the City of Joondalup.

COMMENT

The 2008/09 Community Satisfaction Survey results show that, in the main, residents are very satisfied with the services provided by the City of Joondalup. A number of service areas attracted extremely high satisfaction ratings indicating that residents are very satisfied with service levels and service activities.

Community consultation is an important part of local government activities and customer satisfaction surveys play an integral role in responding to community expectations. Those services and activities that attracted lower satisfaction ratings will continue to be the focus for improvements.

The 2008/09 Customer Satisfaction Survey report provides information to inform improvements to service delivery. The City will utilise the information to introduce and build on improvement strategies.

A number of improvements to services are planned for 2009/10 with some of these improvements already underway. These are detailed in Attachment 1.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council RECEIVES the Customer Satisfaction Survey 2008/09 Results Report forming Attachment 1 to this Report.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf101109.pdf](#)

ITEM 12 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2009

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 45060

ATTACHMENTS: Attachment 1 Annual Plan Quarterly Progress Report for the period
1 July – 30 September 2009.

Attachment 2 Capital Works Overview Report for the period 1 July
– 30 September 2009

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2009.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2009-2010. The Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2009 is shown as Attachment 1 to this report.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this report.

It is recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 July - 30 September 2009 and the Capital Works Overview for the period 1 July - 30 September 2009.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2009-2010 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported this quarter are the shaded sections of Attachment 1.

Legislation/Strategic Plan/Policy Implications

Legislation The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

This Act is intended to result in:

- (a) *Better decision making by local governments;*
- (b) *Greater community participation in the decisions and affairs of local governments;*
- (c) *Greater accountability of local governments to their communities; and*
- (d) *More efficient and effective government.*

Strategic Plan

Key Focus Area: Leadership and Governance

Objective 1.1.: To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy In accordance with Policy Communications 8-6, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Risk Management considerations:

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable.

Consultation:

Not applicable.

COMMENT

The Annual Plan 2009-2010 was received by Council at its meeting on 21 July 2009.

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs.

The Capital Works Report includes a column which prescribes the *Percent completed on Site* and comments regarding the project progress. The majority of projects are in the planning stage, and consequently, the *Percent complete on Site* may be zero. This is however typical at the first quarter in the Capital Works Cycle.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION**That Council RECEIVES:**

1. **The Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2009 forming Attachment 1 to this Report;**
2. **The Capital Works Overview Report for the period 1 July – 30 September 2009 forming Attachment 2 to this Report.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf101109.pdf](#)

ITEM 13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the period ended 30 September 2009

PURPOSE

The September 2009 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2009/10 Financial Year at its Meeting held on 17th June - JSC10-06/09. The figures in this report are compared to the Adopted Budget figures.

The September 2009 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$5,020K when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$(112K) below budget made up of lower revenue of \$(104K) and higher operating expenditure of \$(8K).

Operating revenue was above budget for Rates \$171K, Investment Earnings \$319K resulting from a higher level of funds invested and Contributions Reimbursements and Donations \$34K. A shortfall in revenue on Fees and Charges \$(498K), includes \$(528K) for Refuse Charges predominantly due to the post budget reduction of \$10 per service adopted by Council. Shortfalls also occurred on Grants and Subsidies \$(119K) and Other Revenue \$(9K).

The operating expenditure was above budget for Depreciation \$(1,002K) and Insurance Expenses \$(81K), following the revaluation of the City's buildings in 2008/09. Operating expenditure is below budget for Materials and Contracts by \$823K and Utilities \$239K, reflecting mainly timing differences.

- The **Capital Revenue and Expenditure** deficit is \$4,143K below budget made up of a shortfall of revenue of \$(3,590K) and under expenditure of \$7,733K.

The revenue deficit to budget arose from Grant funding for the Seacrest Community Sporting Facility \$(1,305K) being received in the previous financial year and the rescheduling of the payment for the State Local Roads Grant \$(114K). The balance includes grant recoups which are subject to progress of works compared to the phasing in the budget and includes \$(1,500K) for the Connolly Drive duplication.

Capital expenditure on projects and works was lower than expected in the budget by \$7,503K. The major variances occurred on Streetscape Enhancements \$2,305K including West Coast Drive and Connolly Drive - Burns Beach Road to McNaughton Crescent \$1,964K where work is progressing and Building Works \$635K.

Further details of the operating and capital variances are contained in the notes attached to this report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2009.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 30 September 2009 is appended as Attachment A.

Legislation/Strategic Plan/Policy Implications:

Legislation Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: Objective 1.3 – To lead and manage the City effectively.

Policy All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable.

Sustainability implications:

Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2009-10 Annual Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2009 forming Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf101109.pdf](#)

ITEM 14 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

ATTACHMENTS:

Attachment 1	CEO's Delegated Municipal Payment List for the month of September 2009
Attachment 2	CEO's Delegated Trust Payment List for the month of September 2009
Attachment 3	Municipal and Trust Fund Vouchers for the month of September 2009

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of September 2009 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2009 totalling \$14,829,913.50

It is recommended that Council NOTES the CEO's list of accounts for September 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$14,829,913.50

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of September 2009. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 85007 - 85243 and EF 8151 - 8593 Net of cancelled payments	\$11,830,771.73
	Vouchers 579A – 584A	\$2,952,888.64
Trust Account	Cheques 202976 - 203014	\$46,253.13
Total		\$14,829,913.50

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications**Legislation**

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.1 – To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

Policy

All expenditure included in the list of payments is drawn from the City's accounting records.

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 09 or approved in advance by Council.

Regional Significance:

Not applicable.

Sustainability implications:

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for September 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$14,829,913.50.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf101109.pdf](#)

ITEM 15 TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW (NO.2) 2009 - COMMUNITY CONSULTATION RESULTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	23122
ATTACHMENTS:	Attachment 1 Trading in Public Places Amendment Local Law (No.2) 2009

PURPOSE/EXECUTIVE SUMMARY

To present Council with the outcomes of the community consultation process undertaken in relation to the City's proposed *Trading in Public Places Amendment Local Law (No.2) 2009*.

In light of no objections from the public being received in relation to the amendment local law and the advice from the Department of Local Government to proceed with the amendment's adoption, it is recommended that Council adopts the *Trading in Public Places Amendment Local Law (No.2) 2009* in the manner prescribed in Attachment 1.

BACKGROUND

The City has received ongoing concerns from applicants of outdoor dining licences and trading in public places licences regarding their ability to obtain insurance policies that comply with the City's relevant local laws and policies.

Under the City's *Trading in Public Places Local Law 1999* and *Policy 7-5 Alfresco Activities*, it is a requirement that licence applicants take out a public liability insurance policy in joint names under the City and the licensee. Many applicants have reported that insurance companies will not allow such a policy to be granted. This has caused issues for the City in its ability to obtain a certificate of insurance from the licensee which adequately meets the City's legislated requirements.

In addition, the City's insurers are of the position that the City's current practice of requiring jointly named insurance policies may expose the City to potential claims for incidences that are not directly caused by an activity, action or performance undertaken by the City. As such, advice was provided to amend the City's current *Trading in Public Places Local Law 1999* and *Policy 7-5 Alfresco Activities* to remove the requirement for jointly named insurance policies and to include a statement of clarification of the circumstances under which liability should apply to each party.

An amendment local law was drafted according to the advice received from the City's insurer and presented to Council at its meeting of 18 August 2009. In accordance with section 3.12 of the *Local Government Act 1995* (the provision which outlines the process for amending a local law), Council resolved to release the amendment local law for a public comment period of 44 days and provided the following summary of the purpose and effect of the proposed local law:

"The purpose of this Amendment Local Law is to enhance the City's protection against public liability claims which relate to outdoor eating licences."

“The effect of this Amendment Local Law is that the City’s exposure to public liability claims within outdoor eating areas on public land will be reduced and the circumstances in which liabilities should apply to the licensee and City will be better clarified.”

Council also noted that the City’s *Policy 7-5 Alfresco Activities*, would be amended to reflect the changes made to the City’s *Trading in Public Places Local Law 1999* and would be presented to Council after its consideration by the Policy Committee.

This report outlines the consultation process undertaken by City Officers to encourage comment on the City’s proposed *Trading in Public Places Amendment Local Law (No.2) 2009* and seeks Council’s approval to adopt the amendment local law, subject to minor changes recommended by the Department of Local Government.

DETAILS

Consultation Process

The community consultation period commenced on Saturday, 12 September 2009 via a public notice in “The West Australian” and ended on Monday, 26 October 2009. In addition to this statewide notice, advertisements were also placed on the City’s website and in the “Joondalup Weekender” to satisfy the requirements of section 3.12 of the *Local Government Act 1995* (“the Act”).

Given the administrative nature of the amendment, it was considered unlikely that significant public interest would be incited by a consultation process and as such, the level of community engagement adopted by Officers above was considered sufficient in encouraging submissions from the general public. It also satisfied the City’s minimum consultation requirements under the Act.

The City did not receive any submissions throughout the consultation process, which was an anticipated outcome by City Officers.

Advice from the Department of Local Government

As part of the process for amending a local law, the City must provide a copy of the proposed amendment local law to the Department of Local Government for advice in relation to appropriate drafting styles.

Minor changes to the amendment local law were recommended by the Department, in particular, the removal of a repeal clause affecting a different local law. The City was advised that it would be more appropriate to give affect to this repeal via a separate amendment local law and as such, the version of the City’s *Trading in Public Places Amendment Local Law (No.2) 2009* provided at Attachment 1, does not include any repeal clauses.

Issues and options considered:

Given that no submissions were received as part of the consultation process and the amendment is seeking to satisfy advice received from the City’s insurers to address a specific public liability issue, it is recommended that Council adopts the *Trading in Public Places Amendment Local Law (No.2) 2009*, in the manner prescribed in Attachment 1.

There are no identifiable issues associated with adopting the amendment local law in its current format.

Legislation

Relevant legislation associated with the adoption of the *Trading in Public Places Amendment Local Law (No.2) 2009* include:

- *Trading in Public Places Local Law 1999* – the principal local law being subject to amendment.
- *Local Government Act 1995* – the legislation which outlines the process required to amend a local law.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively

Policy

As noted by Council at its meeting of 18 August 2009, the City's *Policy 7-5 Alfresco Activities* will also require amendment to reflect the changes made to the City's *Trading in Public Places Local Law 1999*.

Risk Management considerations:

There are no identifiable risks associated with adopting the amendment local law in its current format. However, if not adopted, the City may continue to experience issues with licensees being unable to obtain satisfactory public liability insurance policies that comply with the City's legislated requirements.

Financial/Budget Implications:

The process for amending a local law incurs minor costs to the City, relating mainly to consultation advertisements and *Government Gazette* notices. These costs are not anticipated to exceed \$1,500 if the amendment local law proceeds to the adoption stage.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The consultation process undertaken by the City is outlined in the "Details" section of this report.

COMMENT

Should Council resolve to adopt the City's *Trading in Public Places Amendment Local Law (No.2) 2009*, section 3.12 of the *Local Government Act 1995* will require the City to advertise the law in the *Government Gazette* and provide relevant information to the Joint Standing Committee on Delegated Legislation. This is a Parliamentary Committee that is responsible for the scrutiny of local laws made by local governments. Based on the advice received from the Department of Local Government, it is unlikely that the Committee will have any issues with the City's proposed amendment local law.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council ADOPTS the City's *Trading in Public Places Amendment Local Law (No.2) 2009* in the manner prescribed in Attachment 1 of this Report.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf101109.pdf](#)

ITEM 16 TENDER 030/09 SUPPLY AND DELIVERY OF WORK WEAR AND PERSONAL PROTECTIVE EQUIPMENT

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 100174

ATTACHMENTS: Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial for the supply and delivery of work wear and personal protective equipment (Tender 030/09).

EXECUTIVE SUMMARY

Tenders were advertised on 22 August 2009 through state wide public notice for the supply and delivery of work wear and personal protective equipment. Tenders closed on 8 September 2009. Thirteen (13) submissions were received from:

- Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial;
- Totally Workwear Joondalup;
- Workwear Industries Pty Ltd T/as Riggers Workwear;
- Panos Safety;
- Site Ware Direct Pty Ltd;
- Workplace Supplies;
- Safety World;
- Staff Link Pty Ltd;
- Protector Alsafe Pty Ltd;
- J. Blackwood and Son Pty Ltd;
- BOC Ltd;
- Safeman WA Pty Ltd; and
- Bullivants Pty Ltd.

The submission from Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial represents best value to the City and is the lowest priced compliant tender. They demonstrated a thorough understanding of the requirements, substantial experience in supplying their services to large organisations and they have sufficient resources to meet the City's requirements.

It is recommended that Council ACCEPTS the tender submitted by Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial for the supply and delivery of work wear and personal protective equipment for a three (3) year period in accordance with the statement of requirements as specified in tender 030/09 at the submitted schedule of rates.

BACKGROUND

This requirement is for the supply and delivery of work wear and personal protective equipment required under occupational health and safety guidelines for City employees undertaking duties in an operational environment.

The City currently has a single contract for the supply and delivery of work wear and personal protective equipment which expires on 30 November 2009.

DETAILS

Tenders were advertised on 22 August 2009 through state wide public notice for the supply and delivery of work wear and personal protective equipment.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated understanding of the required tasks	30%
3	Demonstrated experience in completing similar services	25%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

Thirteen (13) submissions were received from:

- Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial;
- Totally Workwear Joondalup;
- Workwear Industries Pty Ltd T/as Riggers Workwear;
- Panos Safety;
- Site Ware Direct Pty Ltd;
- Workplace Supplies;
- Safety World;
- Staff Link Pty Ltd;
- Protector Alsafte Pty Ltd;
- J. Blackwood and Son Pty Ltd;
- BOC Ltd;
- Safeman WA Pty Ltd; and
- Bullivants Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

Evaluation Summary

Tenderer	Estimated Contract Price	Evaluation Score	Qualitative Rank
Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial	\$316,633	77.4%	1
Totally Workwear Joondalup	\$384,138	73%	2
Workwear Industries Pty Ltd T/as Riggers Workwear	\$324,311	69.3%	3
Panos Safety	\$357,717	55.2%	4
Site Ware Direct Pty Ltd	\$367,537	53.6%	5
Workplace Supplies	\$329,741	43.8%	6
Safety World	\$397,018	33.9%	7
Staff Link Pty Ltd	Non-compliant, not assessed		
Protector Alsafe Pty Ltd	Non-compliant, not assessed		
J. Blackwood and Son Pty Ltd	Non-compliant, not assessed		
BOC Ltd	Non-compliant, not assessed		
Safeman WA Pty Ltd	Non-compliant, not assessed		
Bullivants Pty Ltd	Non-compliant, not assessed		

To provide an estimated expenditure over a twelve (12) month period the most commonly used items and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The estimated cost of the contract for each tenderer is as follows:

Tenderer	Year 1	Year 2	Year 3	Total
Aurora Corporation Pty Ltd & BF & JR Cross T/as Pacific Safety & Industrial	\$101,935	\$105,503	\$109,195	\$316,633
Workwear Industries Pty Ltd T/as Riggers Workwear	\$104,407	\$108,061	\$111,843	\$324,311
Workplace Supplies	\$106,155	\$109,870	\$113,716	\$329,741
Panos Safety	\$115,161	\$119,192	\$123,364	\$357,717
Site Ware Direct Pty Ltd	\$118,323	\$122,464	\$126,750	\$367,537
Totally Workwear Joondalup	\$123,667	\$127,996	\$132,476	\$384,138
Safety World	\$127,814	\$132,287	\$136,917	\$397,018

During the last financial year 2008/09, the City incurred \$125,132 for the supply and delivery of work wear and personal protective equipment and is expected to incur in the order of \$317,000 over the three (3) year Contract period.

NON-COMPLIANT SUBMISSIONS

The offer from Staff Link Pty Ltd provided responses to the qualitative criteria which did not address any component of the work required under the contract and as a consequence, the offer was unable to be assessed.

Both Protector Alsafe Pty Ltd and J. Blackwood and Son Pty Ltd submitted offers with twelve departures from the City's conditions of contract. These were deemed alternative offers which were not submitted with conforming offers. In accordance with Clause 4.9 of the conditions of tendering, the offers were rejected.

BOC Ltd submitted an alternative offer based on their general terms and conditions with their pricing subject to rise and fall, production and logistic cost increases and exchange rate variations in years 2 and 3 of the contract. This was not submitted with a conforming offer. In accordance with clause 4.9 of the conditions of tendering, the offer was rejected.

Safeman WA Pty Ltd submitted an alternative offer with a delivery charge and their pricing subject to rise and fall in years 2 and 3 of the Contract to certain imported lines of items. This was not submitted with a conforming offer. In accordance with clause 4.9 of the conditions of tendering, the offer was rejected.

The offer from Bullivants Pty Ltd was received after the tender closing date and time. It was deemed a late tender and in accordance with clause 4.4(h) of the conditions of tendering, was not accepted for evaluation.

COMPLIANT SUBMISSIONS

Safety World was ranked last in both the qualitative assessment and price. They did not provide sufficient information supporting their experience, capacity or understanding of the requirements. In addition, their price was \$80,385 (25.4%) more than the lowest priced Tender.

Workplace Supplies did not demonstrate an adequate understanding of the requirements or any experience in supplying work wear or personal protective equipment. In addition their price was \$13,108 (4.1%) more than the lowest priced Tender.

Site Ware Direct Pty Ltd demonstrated experience in providing similar services to both local government and other organisations and an adequate understanding of the requirements, but did not address capacity in a sufficient manner. They were also \$50,904 (16.1%) more than the lowest priced Tender.

Panos Safety is an experienced organisation supplying four local governments, but did not provide sufficient information addressing their capacity or understanding of the requirements and was \$41,084 (13%) more than the lowest priced Tender.

Workwear Industries Pty Ltd T/as Riggers Workwear demonstrated a good understanding of the requirements, the capacity to provide the services to the City and experience in supplying similar services with large organisations, but were \$7,678 (2.4%) more than the lowest priced Tender.

Totally Workwear Joondalup was ranked second in the qualitative assessment and sixth in price. They are an experienced company that has been the City's supplier for the previous two contracts with the demonstrated capacity and understanding of the City's requirements. While Totally Workwear meets all the City's requirements, their price was \$67,505 (21.3%) more than the lowest priced Tender.

Pacific Safety & Industrial were ranked first in both the qualitative assessment and price. They demonstrated significant experience in supplying work wear and personal protective equipment to other local governments and large organisations, a thorough understanding of the required tasks and have the capacity to meet the City's requirements.

Issues and options considered:

Work wear and personal protective equipment is required for the protection of employees working in operational environments. The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy Not applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City will not be providing the appropriate clothing and safety equipment required for its employees under occupational health and safety guidelines.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to provide the goods to the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$103,820	\$27,340 (1-Jul-09 to 30-Nov-09) \$59,462 (new Contract)	\$101,935	\$316,633

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$317,000.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Aurora Corporation Pty Ltd and BF & JR Cross T/as Pacific Safety & Industrial for the supply and delivery of work wear and personal protective equipment for a three (3) year period in accordance with the statement of requirements as specified in Tender 030/09 at the submitted schedule of rates.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf101109.pdf](#)

ITEM 17 TENDER 021/09 LANDSCAPING SERVICES FOR BURNS BEACH ROAD AND HODGES DRIVE, JOONDALUP

WARD:	North Ward
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	61628
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Environmental Industries Pty Ltd for the provision of Landscaping Services for Burns Beach Road and Hodges Drive, Joondalup (Tender 021/09).

EXECUTIVE SUMMARY

Tenders were advertised on 22 August 2009 through state wide public notice for the Landscaping Services for Burns Beach Road and Hodges Drive, Joondalup. Tenders closed on 8 September 2009. Seven (7) Submissions were received from:

- DME Contractors Pty Ltd;
- Earthcare (Australia) Pty Ltd;
- Elegant Landscapes;
- Environmental Industries Pty Ltd;
- Frogmat Environmental trading as Commercial Landscapers;
- Palmgate Nominees Pty Ltd trading as Newscape Contractors; and
- Sanpoint Pty Ltd trading as Landscape Development.

The submission from Environmental Industries Pty Ltd represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and their breakdown of price reflects an appropriate understanding of the requirements. They have sufficient resources and the appropriate experience to complete the City's requirements.

The landscaping requirements will be broken into two (2) elements, being the hard landscaping and the establishment or consolidation period.

It is recommended that Council ACCEPTS the Tender submitted by Environmental Industries Pty Ltd for provision of Landscaping Services for Burns Beach Road and Hodges Drive, Joondalup in accordance with the statement of requirements as specified in Tender 021/09 for the fixed lump sum of \$580,820.88 (GST Exclusive).

BACKGROUND

The City has initially undertaken to landscape seven Iconic Arterial Road Landscape Master Planning projects to showcase the City's unique flora over a rolling three year program. The first of the projects is Burns Beach Road and Hodges Drive which will be implemented in 2009.

Council approved at its meeting on 25 November 2008 (CJ245-11/08) to allow a revised timeframe for the delivery of the Burns Beach Road and Hodges Drive Iconic Arterial Road Landscaping projects to allow implementation over three stages, commencing 2008/2009 and concluding in 2010/2011.

DETAILS

Tenders were advertised on 22 August 2009 through state wide public notice for the Landscaping Services for Burns Beach Road and Hodges Drive, Joondalup. Tenders closed on 8 September 2009. Seven (7) submissions were received.

The landscaping requirements consist of:

- Site preparation;
- Brick and concrete paving;
- Supply and installation of reticulation systems;
- Application of mulch to landscaped areas and garden beds;
- Coordination with a specialist supplier for the lay out and planting of trees;
- Coordination with a specialist supplier for the delivery and installation of grass trees; and
- Consolidation of planted green stock.

The landscaping will be undertaken in three (3) stages. Stage 1 will be the hard landscaping requirements as indicated above and stages two (2) and three (3) will be for the planting of tube stock that will be grown by a contracted supplier. The City has called a tender for the growing of tube stock for the iconic plant species and it is anticipated that a recommendation from the tender process will be made and forwarded for approval to the December 2009 Council meeting.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria	Weighting
Capacity	40%
Demonstrated experience in completing similar projects	30%
Demonstrated understanding of the required tasks	25%
Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of four members: one with tender and contract preparation skills and three with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

Seven (7) Submissions were received from:

- DME Contractors Pty Ltd;
- Earthcare (Australia) Pty Ltd;
- Elegant Landscapes;
- Environmental Industries Pty Ltd;

- Frogmat Environmental trading as Commercial Landscapers;
- Palmgate Nominees Pty Ltd trading as Newscape Contractors; and
- Sanpoint Pty Ltd trading as Landscape Development.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

Evaluation Summary

This Contract is for a fixed lump sum with completion of the works within thirty-six (36) weeks from commencement of the contract, subject to the availability of plants provided to the contractor by the City.

Tenderer	Evaluation Score	Qualitative Rank	Lump Sum
Palmgate Nominees Pty Ltd trading as Newscape Contractors	77.50%	1	\$672,082.07
Environmental Industries Pty Ltd	75.80%	2	\$580,820.88
DME Contractors Pty Ltd	72.50%	3	\$692,756.95
Frogmat Environmental trading as Commercial Landscapers	69.90%	4	\$688,026.00
Earthcare (Australia) Pty Ltd	67.90%	5	\$767,293.77
Elegant Landscapes	47.10%	6	\$727,065.42
Sanpoint Pty Ltd trading as Landscape Development	Not assessed		

Sanpoint Pty Ltd trading as Landscape Development did not provide any details with their offer for the Compliance Criteria and their offer was subject to their terms and conditions. The offer was deemed to be non conforming in accordance with clause 4.6 of the RFT and was not assessed.

Elegant Landscapes offer although not fully compliant, was assessed and achieved a score of 47.10% for its qualitative criteria and was the second highest priced offer. Elegant Landscapes provided minimal details and did not demonstrate capacity and experience in completing similar projects.

Earthcare achieved a score of 67.90% for its qualitative criteria and was the highest priced offer. Earthcare provided minimal details for the three (3) projects undertaken from 1999 to 2005 and demonstrated limited experience in completing similar projects.

Frogmat Environmental trading as Commercial Landscapers offer although not fully compliant was assessed and achieved a score of 69.90% for its qualitative criteria and was the third lowest priced offer. Commercial Landscapers demonstrated capacity and experience in completing similar projects for state and local governments as well as private property developers.

DME Contractors achieved the third highest score of 72.50% for its qualitative criteria and was the fourth lowest priced offer. DME provided information that demonstrated their capacity, experience and understanding in completing similar projects.

Newscape Contractors achieved the highest score of 77.50% for its qualitative criteria and was the second lowest priced offer. Newscape Contractors demonstrated a comprehensive understanding of the requirements as well as having the capacity and experience in completing similar projects and requirements for property developers.

Environmental Industries achieved the second highest score of 75.80% for its qualitative criteria and was the lowest priced offer received. Environmental Industries demonstrated recent experience with local and state government and private organisations in completing similar projects. They also demonstrated the appropriate capacity and a sound understanding of the requirements.

Issues and options considered:

The landscaping of Burns Beach Road and Hodges Drive is part of the Iconic Arterial Road Landscape Master Plan approved by Council (CJ176-08/09). The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: Caring for the Environment in line with its Environment Plan.

This requirement is linked to the Strategic Plan in accordance with the following items:

2 The Natural Environment

Objective 2.1 To that the City's natural environmental assets are preserved, rehabilitated and maintained.

Strategy 2.1.7 The City protects local biodiversity through effective planning of biodiversity and natural areas.

Policy Implications:

Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be low although the City's previous decisions may have created community expectation that this work will proceed.

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City as the recommended tenderer is a well established and professional organization providing landscaping services.

Financial/Budget Implications:

Allocation of funds for projects W0003 and W1155	Projected Expenditure on these Services to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$725,000	\$580,820.88	\$580,820.88	\$580,820.88

The recommended Offer represents a saving of \$144,179 from the allocated budget.

Monies will be available from projects W0003 Burns Beach Road – East RDC108 (\$960k) and W1155 Hodges Drive Landscaping (\$134k) totalling \$1,094,000 to complete the landscaping requirements, which includes the growing of the iconic plant species. The money from these projects has been carried forward from 2008/2009 fiscal periods and monies that are not expended from these projects for this tender will be carried forward into future fiscal periods.

Regional Significance:

Not Applicable

Sustainability implications:

The landscaping of these key projects is in line with the City's Landscape Master Plan and will contribute to the preservation of local species through mass planting. This will showcase the City's unique natural plants and will encourage the community to include local provenance plants in home gardens, all of which will enhance the availability of suitable habitat for local fauna.

Consultation:

A community awareness campaign will be undertaken for the Burns Beach landscaping project reflecting the purpose and objectives of the staged approach to ground works.

COMMENT

The submission from Environmental Industries Pty Ltd represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and they demonstrated more than sufficient resources, a comprehensive understanding of the requirements and significant experience in completing projects of a similar nature. Given that the Tender from Environmental Industries Pty Ltd was substantially less than the next tenderer, the evaluation panel made enquiries to satisfy itself that the tendered submission covered every aspect of the Tender. The evaluation panel is satisfied that this is the case.

The attached summary of Tender submissions includes the location of each of the Tenderers.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Environmental Industries Pty Ltd for provision of Landscaping Services for Burns Beach Road and Hodges Drive, Joondalup in accordance with the statement of requirements as specified in Tender 021/09 for the fixed lump sum of \$580,820.88 (GST Exclusive).

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf101109.pdf](#)

ITEM 18 PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - JOONDALUP CITY CENTRE (NORTH)

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07190 57618

ATTACHMENTS: Attachment 1 Existing Parking Scheme Joondalup City Centre (North) 19/05/09
Attachment 2 Proposed Amendment to Parking Scheme Joondalup City Centre (North) 21/08/09
Attachment 3 Schedule of Changes from the existing Joondalup City North Parking Scheme to the amended Parking Scheme

PURPOSE

To consider the consultation feedback provided by residents, businesses and the wider community in relation to proposed amendments to the existing Parking Scheme in Joondalup City North.

EXECUTIVE SUMMARY

At its meeting on 15 September 2009 Council (CJ208-09/09) agreed to seek public comment in relation to proposed amendments arising from a petition submitted by residents in Upney Mews to the existing Parking Scheme - Joondalup City Centre (North). At the same meeting, Council received a petition from residents of Nottingham Street (C77-09/09) in relation to intrusive parking and referred that petition to the Chief Executive Officer for further reports.

The proposed amendments were to address car parking issues impacting on the amenity of residents in the section of City North, north of Upney Mews and Plaistow Street to Aldgate Street. It was recommended that a resident/visitor parking permit scheme be introduced.

The consultation has concluded with the results showing significant support for the proposed amendments.

It is recommended that Council:

- 1 *ADOPTS the proposed amendments to the Parking Scheme – Joondalup City Centre (North) as shown on Attachment 2 to this Report;*
- 2 *APPROVES the application of Policy 7-23 Resident Visitor Parking Permit for the Joondalup City Centre to the Parking Scheme - Joondalup City Centre (North) as in 1 above;*
- 3 *NOTES that parking demand in the Joondalup City Centre (North) will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future;*
- 4 *ADVISES the petitioners from Upney Mews of the outcome of Council's consideration of their concerns as set out in 1, 2 and 3 above;*

- 5 *ADVISES the petitioners from Nottingham Hill Street of the outcome of Council's consideration of their concerns as set out in 1, 2 and 3 above.*

BACKGROUND

A new Joondalup City North Parking Scheme covering the area from Shenton Avenue north to Plaistow Street was approved by Council (CJ111–05/09) at its meeting in May 2009. Since the introduction of this parking scheme many drivers have migrated to the residential streets north of Plaistow Street to avoid the resident/visitor areas to the south. This has impacted on the ability for residents and their visitors to access the limited parking facilities in these streets. The main area impacted by these issues is from Upney Mews north to Aldgate Street.

In September 2009 Council considered a report (CJ208-05/09) that identified there were two principle issues driving parking problems in the northern area of City North. Firstly drivers using the on-street parking in the residential streets in Joondalup City North, north of Plaistow Street, for commuter parking. Secondly staff and visitors to the Joondalup Hospital (Hospital) using the on-street parking in residential and commercial areas of Joondalup City North as both overflow parking and to avoid the newly introduced paid parking in the Hospital visitor car park.

DETAILS

Issues and options considered:

The September 2009 report proposed amendments to the existing Parking Scheme with the intention to:

- Provide some support for residents and their visitors with the ability to park in close vicinity to their homes.
- Provide for the safety of pedestrian and vehicle movement.
- Encourage people wanting commuter parking to park in long term parking facilities provided by the City for this purpose.
- Achieve best utilisation of all public parking facilities managed by the City.

The recommendation to introduce resident/visitor parking permit schemes would not apply to Aldgate Street or the streets to the north of Aldgate Street at this time.

Council resolved to:

- 1 *AGREE to advertise for public comment from residents and owners in the affected area for a period of 30 days the proposed amendments to the existing Parking Scheme for allocation of on-street parking restrictions as detailed on the Proposed Amendments to Parking Scheme – Joondalup City Centre (North) 21/08/09 as shown on Attachment 2 to Report CJ208-09/09;*
- 2 *REQUEST a further report on the public consultation prior to consideration of the adoption of the amendments detailed in (1) above;*
- 3 *RESPOND to the petitioners from Upney Mews advising them of the proposals outlined in 1 and 2 above;*
- 4 *NOTE that parking demand in the Joondalup City Centre (North) will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future.*

Legislation/Strategic Plan/Policy Implications

Legislation

The City of Joondalup Parking Local Law (1998) was made in keeping with the requirements of Section 3.12 of the Local Government Act (1995), Procedure for making local laws.

Clause 33 of the Parking Local law applies:

Establishing and Amending the Parking Scheme

33 *The local government may by resolution constitute, determine, vary and indicate by signs:*

- (a) prohibitions;*
- (b) regulations; and*
- (c) restrictions,*

on the parking and stopping of vehicles of a specified class or classes in all roads, or specified roads or specified parts of roads in the parking region at all times or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Strategic Plan

Key Focus Area: 3.1.5 The City implements its CBD Parking Strategy.

Objective: To encourage the development of the Joondalup CBD.

Policy

The proposed amendments to the existing parking scheme are consistent with the City's Parking Strategy and Policy - Resident Visitor Parking Permits for Joondalup City Centre (7-23).

Risk Management considerations:

Community amenity in Joondalup City North is being adversely impacted by car parking issues. If amendments to the parking scheme are not introduced, there is a risk that community amenity in Joondalup City North will continue to deteriorate.

Financial/Budget Implications:

Signage relating to the proposed amendments can be accommodated within the current parking budget allocations.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The City invited comment in relation to the proposed amendments by conducting a letter drop to residents and businesses in the affected area and also to the wider community through general advertising. Feedback was sought by completing a survey form with the option of returning either a hard copy or completing a form on-line on the City's website. 298 letter drops were made. A consultation period of 30 days closed on Friday 16 October 2009.

Respondents were asked to indicate their support, or otherwise, for the proposed parking restrictions for permit parking for residents in nominated streets as well as being offered the opportunity to make comments. Respondents were not required to respond to every question.

In the 96 responses, 91 identified themselves as residents and five (5) as other.

A summary of the questions responded to is in the table below.

Response	Support for Resident Permit Parking	Support for Parking Restrictions in Specific Streets						Upney Mews
		Bethnal Green	Blackfriars Road	Lakeside Drive	Nottinghill Street	St Pauls Crescent	The Embankment	
Supported	75	54	64	59	67	62	59	62
Not Supported	18	18	19	18	17	19	17	16
Neutral	3	6	3	3	3	4	5	4
Total	96	78	86	80	87	85	81	82
% Supported	78%	69%	74%	74%	77%	73%	73%	76%
% Not Supported	19%	23%	22%	23%	20%	22%	21%	20%

There was a 78% level of support for permit parking for residents and only 19% opposed. The parking restrictions proposed in specific streets were also well supported with the high level of neutral responses attributed to respondents not affected by issues in that street. Those specifically opposed to restrictions ranged from 23% in Bethnal Green to 20% for Nottinghill Street. Respondents who were opposed to the introduction largely cited a preference for the introduction of time restrictions to permits or who felt restrictions were simply unnecessary or inconvenient.

COMMENT

On the basis of the support for the proposed changes in responses from the consultation it is recommended that the proposed amendments to the parking scheme for Joondalup City North be implemented.

During the period of public consultation a petition bearing 42 signatures from residents in Nottinghill Street was received by the City raising concerns about the parking by non residents in their street and requesting resident/visitor parking permits. The introduction of these proposed amendments to the parking scheme will address the concerns identified in this petition.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 ADOPTS the proposed amendments to the Parking Scheme – Joondalup City Centre (North) as shown on Attachment 2 to this Report;**
- 2 APPROVES the application of Policy 7-23 Resident Visitor Parking Permit for the Joondalup City Centre to the Parking Scheme - Joondalup City Centre (North) as in 1 above;**
- 3 NOTES that parking demand in the Joondalup City Centre (North) will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future;**
- 4 ADVISES the petitioners from Upney Mews of the outcome of Council's consideration of their concerns as set out in 1, 2 and 3 above;**
- 5 ADVISES the petitioners from Nottingham Street of the outcome of Council's consideration of their concerns as set out in 1, 2 and 3 above.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf101109.pdf](#)

ITEM 19 **CONNOLLY DRIVE LANDSCAPE CONCEPT PLAN AND PEDESTRIAN ACCESS IMPROVEMENTS**

WARD: North Ward.

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Director Infrastructure Services

FILE NUMBER: 09189

ATTACHMENTS: Attachment 1 Connolly Drive Dual Carriageway Concept Plan
Attachment 2 Verge and Median Planting Detail
Attachment 3 Beach Sheoak tree
Attachment 4 Tuart tree
Attachment 5 Roundabout Planting Detail
Attachment 6 Grasstree

PURPOSE

This report is to address the request from Council to prepare plans and costings for Council consideration for the provision of improved landscaping and secure pedestrian and cycling facilities to be included in the Connolly Drive project between Burns Beach Road and MacNaughton Crescent.

EXECUTIVE SUMMARY

The section of Connolly Drive between Burns Beach Road and MacNaughton Crescent in Kinross is currently being upgraded from a single carriageway two-lane road to a double carriageway four-lane road. Practical completion for the road works is due on the 18 October 2009. However, other facets of this project including landscaping, pedestrian and cycling facilities will be completed later in the financial year.

There are funds available from the State Government grant to complete the works and it is proposed that they include street trees, landscaped intersection treatments, improved lighting at the pedestrian underpass, extension of the shared use path on the western side of the road through to MacNaughton Crescent and a safer pedestrian crossing near Geoff Russell Avenue.

It is recommended that Council:

- 1 *APPROVES the proposed concept plan for the landscaping component for Connolly Drive, Kinross Duplication project as shown on Attachment 1 and Attachment 2;*
- 2 *SUPPORTS the construction of the shared use path on the western side of Connolly Drive from the Selkirk Drive Intersection to the MacNaughton Crescent intersection.*

BACKGROUND

Connolly Drive is classified within the Metropolitan Road Hierarchy as a District Distributor A. In August 2007 the City of Wanneroo completed the extension of Connolly Drive north through to Clarkson and in October 2008 the extension of the Mitchell Freeway through to Burns Beach Road was completed. This resulted in increased congestion on Connolly Drive north of Burns Beach Road which resulted in significant difficulty for the residents of Kinross to access Connolly Drive. The State Government recognised the issue and agreed to fund the upgrade of the road to a dual carriageway. The upgrade works on Connolly Drive commenced in May 2009 and the road works are due for completion in mid October. There still remains the requirement for landscaping, as well as pedestrian and cyclist facilities.

It was resolved at the Ordinary Meeting on 21 April 2009 that Council:

REQUESTS the City to prepare plans and costings for Council consideration for the provision of improved landscaping and secure pedestrian and cycling facilities to be included in the Connolly Drive project between Burns Beach Road and MacNaughton Crescent.

DETAILS

Issues and options considered:

Landscaping Design

The current landscape of this section of Connolly Drive consists of a range of tree varieties. These vary from Beach Sheoak (*Casuarina equisetifolia*) which form the majority of the street trees along the verges, especially the western verge through to a front row of various natives including Smooth-barked Apple (*Angophora costata*), Coolabah (*Eucalyptus microtheca*), unidentified Sheoak and some mature Tuart (*Eucalyptus gomphocephala*). Most of the Sheoaks have been planted in a parallel and angled pattern of four trees to a row.

There are also large stretches of verges without trees and areas where there is a mixture of tree varieties and sizes. The median island and roundabouts are currently without planting, apart from the Burns Beach Road intersection roundabout which is intended be left in its current landscape form. The roundabout at Kinross Drive also provides drainage compensation by acting as a sump with a large depression in the centre.

The tree sizes and quality vary from mature and healthy through to semi-mature and immature plants with many either struggling to grow or having suffered some form of physical damage. The Sheoaks planted too close to the existing bitumen pathway and residential properties are causing damage to the pathway and result in complaints from adjacent residents.

The Proposed Landscaping Design Concept is to form an avenue of the existing predominant tree-type on the verges and plant an alternative specie through the median islands. The medians at intersections and the roundabouts will form feature areas where the planting will be more significant. It is also proposed to improve the landscaping around the underpass which forms its own distinct area.

This design will augment the existing landscape as well as the future landscaping along Connolly Drive south of Burns Beach Road associated with the proposed Carriageway Duplication on the southern section of Connolly Drive. This is scheduled for construction later in 2010.

The Proposed Landscaping Design for Connolly Drive between Burns Beach Road and MacNaughton Crescent is in accordance with the City's Landscape Master Plan principles and is detailed in the follow points:

- 1 General landscaping will consist of retention of grassed areas on the property side of the path with mulch between the path and the road kerb. The median will be mulched except for the intersection treatments. There will be tree planting to the verges and road median with separate species. Grasstrees, native sedges and groundcovers to be planted in the Roundabouts (refer attachment 1).
- 2 The verge planting theme is to incorporate and match the existing mature tree species of mainly Beach Sheoak (*Casuarina equisetifolia*) and to plant the central median with Tuart (*Eucalyptus gomphocephala*) as shown in attachments 2, 3 and 4.
- 3 The roundabouts will be planted with an outer rim of groundcover, a mid-section of Grasstrees (*Xanthorrhoea preisei*) under planted with grasses and the centre will be planted with sedges as shown in attachments 5 and 6.
- 4 The existing large Tuarts and other established species will be retained where feasible or until the new background planting (35lt Stock) has grown sufficiently.
- 5 All weak, damaged, sickly, unsuitable varieties or incorrectly positioned trees will be removed. These will include Sheoaks that are too close to the existing pathways and neighbouring residential fences and walls.
- 6 It is envisaged that the existing red bitumen pathway will need to be lifted and replaced in some areas damaged by the street trees. The verge slopes will also need to be battered back and excavated so that they retain the mulch.
- 7 The roundabout at Kinross Avenue to have the large depression in the centre retained with limestone block walling to create a shallower gradient for planting at the perimeter of the roundabout.
- 8 Irrigation will be supplied to the tree planting and roundabouts.
- 9 Mulching will be carried out on the median, roundabouts and on the verge from the kerb to the existing and proposed footpaths.
- 10 There will be a break in this pattern of planting at the underpass which will be developed separately using mass planting of native bushes and groundcovers.
- 11 Paving will be carried out in narrow areas of median and verge that are impractical to have trees or mulch.

The reticulation work would be completed by the City's staff with the remainder of the works being contracted to private landscaping contractors.

Pedestrian and Cycling Facilities

The existing pedestrian and cycling facilities include a shared use path the full length of Connolly Drive on the east side. The shared use path on the western side of Connolly Drive extends from Burns Beach Road to the underpass immediately north of Selkirk Drive. This underpass provides pedestrians and cyclists road crossing facilities adjacent to the Kinross Central Shopping Centre. Other crossing facilities exist at the intersection of Geoff Russell Avenue, MacNaughton Crescent, Burns Beach Road and Kinross Drive.

The current roadworks include installation of enhanced crossing facilities at the intersections of Geoff Russell Avenue and MacNaughton Crescent. Selkirk Drive intersection will be constructed with traffic lights which will include a parallel walk phase across Selkirk Drive only. This is to encourage crossing of Connolly Drive via the underpass 80 metres north of the intersection.

Proposed improvement to the pedestrian and cyclist facilities for consideration include the extension of the shared use path on the west side of Connolly Drive from the underpass to MacNaughton Circle intersection. This is a distance of 800 metres.

Pedestrian road crossing facilities should also be installed adjacent to the bus stops. This will require three crossing facilities one at each pair of bus embayments. Each crossing will consist of a path section between the shared use path and the carriageway adjacent to each bus bay and an associated path section across the median island. Two six metre sections of path should also be installed to connect the shared use path on the east side of Connolly Drive to the parallel roads Kirkdale Turn and Monkton Place.

A post construction traffic analysis including a seven day traffic count survey and an independent Road Safety Audit (RSA) will be undertaken once the dual carriageway is operational and traffic movements have settled. This Road Safety Audit will highlight any perceived short comings of the facilities provided for pedestrians and cyclists.

A review of the student pedestrian activity in the vicinity of the Geoff Russell Avenue and Connolly Drive intersection will also be included as part of this RSA. Subject to the outcome of the audit findings, an upgraded pedestrian crossing facility may be considered eg traffic light controlled crossing.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable

Strategic Plan

Key Focus Area: The built environment

Objective: To progress a range of innovative and high quality urban development projects within the City

Policy Not Applicable

Risk Management considerations:

The proposals will reduce the City's public liability risks along this section of Connolly Drive by improving pedestrian and cyclist access.

Financial/Budget Implications:

The State Government grant and approved project budget for the Carriageway Duplication for this 1.5km section of Connolly Drive was originally \$3,750,000 in 2008/09. Funds were expended on the design and tender process in 2008/09 which resulted in a new budget amount in 2009/10 of \$3,364,627. The tender price for the construction work is \$2,396,069.96 with \$91,879.79 of variations currently approved. The consultant's agreed fee is \$380,506.50. The proposed landscaping, pedestrian and cycling facilities are estimated to cost \$741,000.00. The remaining funds will be \$140,543.75 which will be retained as contingency for the extra works. The detailed expenditure is listed in the table below:

Connolly Drive Finances		Balance
Total Budget	\$ 3,750,000.00	\$ 3,750,000.00
Roadworks Tender Price	\$ 2,396,069.96	\$ 1,353,930.04
Consultant's "Agreed Fee"	\$ 380,506.50	\$ 973,423.54
Variations to date.	\$ 91,879.79	\$ 881,543.75
Landscaping estimate	\$ 465,000.00	\$ 416,543.75
Improved Underpass Lighting	\$ 24,000.00	\$ 392,543.75
Road Safety Audit	\$ 25,000.00	\$ 367,543.75
Ped & Cycling Improvements	\$ 127,000.00	\$ 240,543.75
Controlled Pedestrian Crossing	\$ 100,000.00	\$ 140,543.75

The financials for the project as at 4 November 2009 are as follows:

Account No:	W1106
Budget Item:	Connolly Drive-Burns Beach Rd to MacNaughtonRDC1008
Budget Amount:	\$3,364,627
Actual Cost YTD:	\$1,417,966
Total Expenditure:	\$2,370,103

Regional Significance:

Connolly Drive is a District Distributor "A" road under the Regional Road Hierarchy. Therefore the road is a regionally significant road providing a link to the City of Wanneroo north of the City of Joondalup's boundary.

Sustainability implications:

Environmental

The proposed landscaping is in accordance with the City's Landscape Master Plan, that is, it is designed using sustainable environmental principles.

Social

The provision of the improved pedestrian facilities will increase the access amenity for residents either side of the arterial road.

Economic

The reduced congestion resulting from the dual carriageway reduces costs for those who travel along this route. The completed project provides another quality asset for the City and the use of Landscape Master Plan principles for the landscaping will reduce the maintenance requirement.

Consultation:

The City originally consulted with the Kinross Residents Association and the P & C of the Kinross Primary School in terms of improved pedestrian facilities. The landscape design has been developed with internal consultation mindful of the Landscape Master Plan principles.

COMMENT

The proposed landscaping is a simple native theme which requires minimum irrigation and is low maintenance. The use of lines of large single species provides a tunnel effect which in turn encourages a low speed environment. The proposed pedestrian facilities will improve safety at the interfaces with the road and provide alternatives for pedestrian movement in and around this area.

RECOMMENDATION**That Council:**

- 1 APPROVES the proposed concept plan for the landscaping component for Connolly Drive, Kinross Duplication project as shown on Attachment 1 and Attachment 2 to this Report;**
- 2 SUPPORTS the construction of the shared use path on the western side of Connolly Drive from the Selkirk Drive Intersection to the MacNaughton Crescent intersection.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf101109.pdf](#)

ITEM 20 PETITION REQUESTING IMPROVED SAFETY AT THE PEDESTRIAN CROSSING TO WARRIGAL PARK ON BOTTLEBRUSH DRIVE, GREENWOOD

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	03498, 01766
ATTACHMENTS:	Attachment 1 Proposed Traffic Treatments Attachment 2 Existing traffic management treatments Attachment 3 Existing pedestrian crossing

PURPOSE

To consider a petition requesting the provision of traffic management treatments on Bottlebrush Drive, Greenwood to improve the operation of the pedestrian crossing facility to Warrigal Park.

EXECUTIVE SUMMARY

Council at its meeting of 21 July 2009 received a petition from residents of Greenwood and surrounding areas requesting Council *“improve traffic safety at the pedestrian crossing to Warrigal Park on Bottlebrush Drive, Greenwood.”*

The pedestrian crossing facility provides pedestrian access from residential areas south of Bottlebrush Drive to Warrigal Park, West Greenwood Primary and Greenwood Senior High Schools in the north. A technical review of the facility confirmed that a number of traffic treatments are in place on Bottlebrush Drive which are designed to control traffic speeds and traffic movements. Pedestrian kerb ramps, grab rails, street lighting and advanced warning signs have been provided as part of the crossing facility’s infrastructure. Visual sight lines were found to be clear and meet the appropriate requirements as detailed in AUSTRROADS guidelines.

A pedestrian count survey undertaken in September and October 2009 confirmed that approximately 40 to 43 pedestrians utilise the crossing during morning and afternoon school peak periods. The survey confirmed that traffic volumes ranged between 88 and 103 vehicles per hour for the same period.

To assist vulnerable road users, such as school children, additional traffic management treatments including raised median islands as shown on Attachment 1, would further control traffic movements, limit traffic speeds and therefore provide additional reaction time for pedestrians to cross.

It is recommended that Council:

- 1 LISTS the provision of traffic treatments and pedestrian crossing improvements on Bottlebrush Drive, Greenwood, as shown on Attachment 1 to this Report for consideration in the 2010/2011 Capital Works Program;*
- 2 ADVISES the petition organiser for the provision of traffic treatments on Bottlebrush Drive, Greenwood, of its decision.*

BACKGROUND

A 129 signature petition was received by Council at its Ordinary Meeting of 21 July 2009 from residents of Greenwood and surrounding areas requesting “*to improve traffic safety at the pedestrian crossing to Warrigal Park on Bottlebrush Drive, Greenwood. Measures such as but not limited to Speed Mounds, Improved Signage, Tree Pruning and/or other traffic slowing devices are needed immediately to slow vehicles travelling in both directions and improve the presently obscured view for both drivers (of the crossing) and pedestrians (of oncoming traffic).*”

The pedestrian crossing located on Bottlebrush Drive between Maple Street and Melaleuca Drive provides pedestrian access from residential areas south of Bottlebrush Drive to Warrigal Park, West Greenwood Primary and Greenwood Senior High Schools in the north.

DETAILS

Existing Road Environment

Bottlebrush Drive connects Coolibah Drive in the west to Melaleuca Drive in the east. The road is 700m in length and is classified as a Local Access Road under the Metropolitan Functional Road Hierarchy and is capable of carrying 3,000 vehicles per day. The default urban speed limit of 50km/h applies to this road.

A number of traffic treatments are in place on Bottlebrush Drive in the vicinity of the pedestrian crossing facility as shown on Attachment 2. The traffic treatments are designed to control traffic speeds and are a combination of blister islands and red asphalt bitumen treatments.

An on site review undertaken in October 2009 confirmed that visual sight lines are clear for pedestrian crossing purposes and exceed the distance requirements for 50km/h speed zone roads. Verge trees in the vicinity of the crossing were found to be set back sufficiently from the carriageway with no impact on sight lines. Pedestrian warning signs are located on both west and east approaches to the crossing facility. Both warning signs are in accordance with Main Roads WA standards, however the sign on the western approach was found to be faded and lacking reflectivity. Main Roads WA has since been requested to replace the western approach warning sign.

The onsite review confirmed that concrete pedestrian ramps and grab rails that highlight the crossing facility are in place. However, a number of grab rails are lacking reflective markings and tactile ground indicators have not been provided to the pedestrian ramps. The alignment of the pedestrian pathways and kerb ramps north and south of the carriageway were also found to be offset slightly from either side of the carriageway, as outlined in Attachment 3.

Crash Analysis

A five year crash analysis for the period of 1 January 2004 to 31 December 2008 confirmed that three property damage (non-injury) crashes had occurred on Bottlebrush Drive within this period. The crashes were not pedestrian related.

Traffic Data

A traffic count survey undertaken in October 2009 revealed that the traffic volumes on Bottlebrush Drive in the vicinity of the pedestrian crossing are 755 vehicles per day (vpd). The recorded 85th percentile traffic speed in the vicinity of the pedestrian crossing is 57km/h. Both traffic volumes and traffic speeds are considered to be within the acceptable limits for a road of this type.

Pedestrian Count Survey

To gauge the extent of the pedestrian crossing operation, a pedestrian count survey was carried out over five days in September and October 2009. The survey based on one hour duration, confirmed that approximately 40 to 43 pedestrians utilise the crossings during morning and afternoon school peak periods. Traffic volumes recorded as part of the pedestrian count ranged between 88 and 103 vehicles for the same survey period.

Issues and options considered:

The options to be considered are:

- Provide traffic management treatments on Bottlebrush Drive as shown on Attachment 1.
- No change to the existing pedestrian crossing or road environment on Bottlebrush Drive.

Legislation/Strategic Plan/Policy Implications

Legislation

Not Applicable

Strategic Plan

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

4.2.6 The City implements and if necessary, refines its Capital Works Program.

Policy

Not Applicable

Risk Management considerations:

The City receives many requests to provide traffic management measures on local roads. The requests are prioritised based on a number of factors including vulnerable road users, road environment, traffic speed, traffic volumes and crash history.

Financial/Budget Implications:

The completion of Bottlebrush Drive traffic treatments will require funding consideration as part of the 2010/2011 Capital Works Program. It is anticipated that the project will cost in the order of \$35,000.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

No community consultation for Bottlebrush Drive has occurred to date.

COMMENT

The petition signatories have requested a number of traffic treatments to improve the crossing facility. The request for “*Speed Mounds*” is not supported due to noise issues associated with vertical displacement of vehicles with this type of device and the negative impact to residents’ amenity. The request for “*Tree Pruning*” was also not supported due to the clear sight lines and verge trees being set back from the carriageway.

The existing pedestrian crossing is considered appropriate with sufficient sight distance to enable adequate reaction time for pedestrians to cross. However, to assist primary school children and mothers with prams, improvements to the crossing facility will assist in controlling vehicle movements and limiting traffic speeds. The proposed traffic treatments include two raised traffic islands located on both the west and east approaches to the crossing facility. Modifications to the pathway on the north side of the carriageway are also required to adequately align with the pathway on the southern side of the crossing facility.

The road carriageway at the crossing facility includes a number of stormwater drainage pits that capture road water run-off. The underground drainage system that connects to the pits is extensive and would restrict the ability to widen the road for the purpose of constructing a pedestrian refuge island. Therefore this option was not progressed further.

A summary of the proposed traffic treatments and modifications to the pedestrian cross facility as shown on Attachment 1 include:

- Installation of central median treatment on Bottlebrush Drive to control traffic movements and limit traffic speeds.
- Reconstruct the existing shared pathway on the northern side of the crossing facility on Bottlebrush drive to align with the southern side.
- Install tactile ground indicators to pedestrian kerb ramps.
- Provide reflective markings to the pedestrian grab rails for night time operation.
- Request Main Roads to replace the western pedestrian advanced warning sign with a new reflective sign.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 LISTS the provision of traffic treatments and pedestrian crossing improvements on Bottlebrush Drive, Greenwood, as shown on Attachment 1 to this Report for consideration in the 2010/2011 Capital Works Program;**
- 2 ADVISES the petition organiser for the provision of traffic treatments on Bottlebrush Drive, Greenwood, of its decision.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf101109.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

PROPOSED FARMERS MARKET AT SPRINGFIELD PRIMARY SCHOOL – 31 BRIDGEWATER DRIVE, KALLAROO

An application for a Farmers Market at Springfield Primary School located at 31 Bridgewater Drive, Kallaroo has been received.

The Chief Executive Office advises that the application is under review given recent applications for similar Farmers Markets and the Poynter Primary School application (refused by Council at its September meeting – DA09/0694) is currently before the State Administrative Tribunal.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
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Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
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- (a) *in a written notice given to the CEO before the meeting; or*
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called