

# minutes

## Ordinary Meeting of Council

MEETING HELD ON **TUESDAY, 17 NOVEMBER 2009**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 17 NOVEMBER 2009

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1914 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### Mayor:

TROY PICKARD

### Councillors

Cr KERRY HOLLYWOOD	North Ward – <i>Deputy Mayor</i>
Cr TOM McLEAN	North Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr TRONA YOUNG	North-Central Ward
Cr LIAM GOBBERT	Central Ward <i>Absent from 2015 hrs to 2022 hrs</i>
Cr GEOFF AMPHLETT	Central Ward
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr JOHN CHESTER	South-East Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward <i>Absent from 2140 hrs to 2141 hrs</i>
Cr FIONA DIAZ	South Ward

### Officers:

MR GARRY HUNT	Chief Executive Officer
MR CLAYTON HIGHAM	Acting Director, Planning and Development
MR JAMIE PARRY	Director, Governance and Strategy
MR MIKE TIDY	Director, Corporate Services
MR MARTYN GLOVER	Director, Infrastructure Services
MR MIKE SMITH	Manager, Governance and Marketing
MR ROBERT FARLEY	Manager Planning Approvals and Environmental Services
MR GAVIN TAYLOR	Manager, Leisure and Cultural Services
MR MARK McCRORY	Media Advisor
MRS JANET FOSTER	Administrative Services Coordinator
MRS LESLEY TAYLOR	Administrative Secretary

There were 27 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions were taken on notice at the Council Meeting held on 13 October 2009:

**Mrs M Macdonald, Mullaloo:**

*Re: Unauthorised Spraying of Korella Park:*

Q1 *With respect to the motion that the City was to use all possible means to resolve the matter of unauthorised spraying of Korella Park by mediation, how has that matter progressed and how much of ratepayers' funds have been expended to date on the mediation process including staff time?*

A1 The mediation process with one of the respondents has taken place. The mediation with the other respondent has not proceeded as a result of that respondent not agreeing to the mediation terms and conditions set by the mediator. The City continues to incur costs and staff time due to the respondents delaying resolution of this matter.

*Re: Ocean Reef Marina development:*

Q2 *Would the City please confirm that there are no studies/documents of any kind, preliminary or otherwise which state that the Ocean Reef Marina development plan as put forward for public comment is environmentally, commercially or financially viable.*

A2 The concept plan indicated that Plan 7 had not been the subject of a detailed environmental study and that this would occur after the public comment period finished.

A business plan, that will include a detailed financial analysis of the project, will be undertaken post the analysis of the concept plan community comment period.

Q3 *What will be the effect of the proposed artificial reef, south of the Ocean Reef Marina development, on Mullaloo Beach and its water quality?*

A3 The concept plan indicated that Plan 7 had not been the subject of a detailed environmental study and that this would occur after the public comment period finished.

**The following written questions were submitted prior to the Council meeting:**

**Mrs M Macdonald, Mullaloo:**

Q1 *Council made a decision to take legal action against Turfmaster with respect to the spraying of the City's sumps. At what stage is the legal action and has a court date been set?*

Q2 *What has been the cost of the legal fees to date with respect of the legal action?*

Q3 *What has been the cost of removal of dead trees and reinstatement of plantings in the sumps to date?*

Q4 *In light of the Federal Government's statement this week on sea level rises and the destruction of coastal environments has the City reviewed the proposed development of Ocean Reef Marina with respect to this statement?*

A1-4 These questions will be taken on notice.

**The following questions were submitted verbally at the Council meeting:**

**Mr R Meney, Carine:**

*Re: CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.*

Q1 *Can the City provide assistance in obtaining a home base for the four Lions Clubs in the Joondalup area? The clubs require facilities for meetings twice a month, storage for equipment and somewhere for the sorting of newspapers for recycling.*

A1 This will be dealt with when the item comes before Council.

**Mr B Hildebrand, Padbury:**

*Re: CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.*

Mr Hildebrand reiterated the comments of Mr R Meney.

**PUBLIC STATEMENT TIME**

**Mr J Burgess, Burgess Design Group:**

Mr Burgess spoke in relation to CJ241-11/09 - Amendment to District Planning Scheme No 2 Lot 535 (20) Burregah Way, Duncraig - Additional Use, Medical Centre.

**Mr P Mak, Sorrento:**

Mr Mak spoke in relation to CJ260-11/09 - Community Sporting Facilities at Seacrest Park, MacDonald Park and Forrest Park.

**Mr K Still, Duncraig:**

Mr Still spoke in relation to CJ241-11/09 - Amendment to District Planning Scheme No 2 Lot 535 (20) Burregah Way, Duncraig - Additional Use, Medical Centre.

**Mrs D Prosser, Hamersley:**

Mrs Prosser spoke in relation to CJ241-11/09 - Amendment to District Planning Scheme No 2 Lot 535 (20) Burregah Way, Duncraig - Additional Use, Medical Centre.

**Mr J Le Cras, Kingsley:**

Mr Le Cras spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**Mrs T Whiteaker, Beldon:**

Mrs Whiteaker spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**Mrs P Meney, Carine:**

Mrs Meney spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**Mr K Wheeler, Waterman:**

Mr Wheeler spoke in relation to CJ241-11/09 - Amendment to District Planning Scheme No 2 Lot 535 (20) Burrarah Way, Duncraig - Additional Use, Medical Centre.

**Mrs L Webster, Duncraig:**

Mrs Webster spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**Mr B Montgomery, Greenwood:**

Mr Montgomery spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**Mr G Tate, Greenwood:**

Mr Tate spoke in relation to CJ247-11/09 - Adoption of Yellagonga Integrated Catchment Management Plan 2009-2014.

**Mr K Moore, Woodvale:**

Mr Moore spoke in relation to CJ254-11/09 - Tender 030/09 - Supply and Delivery of Work Wear and Personal Protective Equipment.

**C86-11/09****EXTENSION OF PUBLIC STATEMENT TIME**

**MOVED Cr Young, SECONDED Cr Hollywood that public statement time be extended for a period of ten (10) minutes.**

**The Motion was Put and****CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**Mr K McLeod, Madeley:**

Mr McLeod spoke in relation to CJ247-11/09 - Adoption of Yellagonga Integrated Catchment Management Plan 2009-2014.

**Mr K Pearce, Joondalup:**

Mr Pearce spoke in relation to CJ259-11/09 - Federal Infrastructure Grants - Proposed Projects – Lions Club Home Base Proposal.

**APOLOGIES AND LEAVE OF ABSENCE****C87-11/09                    REQUESTS FOR LEAVE OF ABSENCE – CR TRONA YOUNG, CR LIAM GOBBERT, CR JOHN CHESTER AND CR FIONA DIAZ – [78624]**

Cr Trona Young requested Leave of Absence from Council duties covering the period 26 November 2009 to 15 December 2009 inclusive.

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 22 January 2010 to 14 February 2010 inclusive.

Cr John Chester requested Leave of Absence from Council duties covering the period 21 November 2009 to 3 December 2009 inclusive.

Cr Fiona Diaz requested Leave of Absence from Council duties covering the period 19 December 2009 to 31 January 2010.

**MOVED Cr Hollywood, SECONDED Cr Young that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:**

<b>Cr Trona Young</b>	<b>26 November 2009 to 15 December 2009 inclusive;</b>
<b>Cr Liam Gobbert</b>	<b>22 January 2010 to 14 February 2010 inclusive.</b>
<b>Cr John Chester</b>	<b>21 November 2009 to 3 December 2009 inclusive;</b>
<b>Cr Fiona Diaz</b>	<b>19 December 2009 to 31 January 2010 inclusive.</b>

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**CONFIRMATION OF MINUTES****C88-11/09                    MINUTES OF COUNCIL MEETING, 13 OCTOBER 2009**

**MOVED Cr Amphlett, SECONDED Cr McLean that that the Minutes of the Council Meeting held on 13 October 2009 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**C89-11/09                    MINUTES OF SPECIAL COUNCIL MEETING, 20 OCTOBER 2009**

**MOVED Cr Hollywood, SECONDED Cr Amphlett that the Minutes of the Special Council Meeting held on 20 October 2009 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

## **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

### **SUMMER EVENTS**

Mayor Pickard advised the City of Joondalup's free summer events program starts this Friday, 20 November 2009 with the launch of the popular night markets in the City Centre opening from 6pm to 9pm.

He stated the night markets launch the start of the City's summer events calendar, with a variety of outstanding entertainment and talent being lined up for the local community, including three free concerts to be held throughout the suburbs over the summer months.

This year the Friday Markets will bring the City Centre inner streets to life between 20 November 2009 and 18 December 2009.

Mayor Pickard advised that the City had been operating the markets for a number of years and they have brought vitality to the City Centre and have had a very positive impact on local businesses while providing significant social and cultural benefits for the community.

Other attractions include free kids' activities and of course, market stalls showcasing everything from food to fashion, toys to textiles and coffee to craftwork. The markets are a great family summer evening out!

### **WA OPEN COMES TO THE CITY OF JOONDALUP**

Mayor Pickard advised that Sorrento Tennis Club would host the 2009 WA Open next week from 23 – 27 November 2009 as some of Australia's best players come to the City of Joondalup to compete in the Australian Money Tournament.

He stated the City was to be a major sponsor of the event and that hosting the WA Open Australian Money Tournament for the first time was a huge coup for the Sorrento Tennis Club.

Mayor Pickard believed that holding such a prestigious international tennis tournament at the Sorrento Tennis Club was a ringing endorsement for this fantastic hard-court complex and highlighted that Sorrento was one of the biggest and most important tennis clubs in WA.

Mayor Pickard stated it would be great to see so many Australian and international world-ranked tennis players coming to play for money in our own backyard.

Past winners of this event include Lleyton Hewitt, Margaret Court and Stefan Edberg.

Mayor Pickard stated local star Casey Dellacqua would continue her comeback from injury at the event and Alicia Molik, former top 10 player would also be in the tournament.

Mayor Pickard encouraged the local community to get down to the Sorrento Tennis Club to enjoy some world-class tennis.

### **2009 LITTLE FEET FESTIVAL**

Mayor Pickard advised the City's Little Feet Festival was held on Sunday, 15 November 2009 at the ECU Joondalup campus and it was once again a big hit in the community with about 6000 people attending the popular annual event for young families.

Mayor Pickard thanked premier partner Community Newspaper Group and stated there were a host of exciting free activities on offer for the adventurous and young at heart.

He stated that this year's theme was "Explore!" and that the City's younger generation had fun participating in a range of hands-on activities and entertainment, including camel rides, an animal farm, arts and craft sessions and lots more.

The Little Feet Festival was also supported by Key Partners Big W, Spec Savers, ECU and Lakeside Joondalup Shopping City.

## DECLARATIONS OF INTEREST

### Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ244-11/09 – Proposed Alterations and Additions to Beldon Shopping Centre: Lot 519 (9) Gunter Grove, Beldon
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	One of Cr Gobbert's parents works at the chemist.

### Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ242-11/09 – Proposed Hotel Room and Conference Facility Additions to Joondalup Resort at Lots 535 (45) and 8888 (39) Country Club Boulevard, Connolly
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean lives in Connolly, adjacent to the Resort.

<b>Name/Position</b>	<b>Cr Trona Young</b>
<b>Item No/Subject</b>	CJ246-11/09 – Appointment of Representatives to Council – Created and External Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Members of the Ocean Reef Community Reference Group are known to Cr Young.

<b>Name/Position</b>	<b>Cr Philippa Taylor</b>
<b>Item No/Subject</b>	CJ246-11/09 – Appointment of Representatives to Council – Created and External Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Two members of the Ocean Reef Community Reference Group are known to Cr Taylor.

<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ247-11/09 – Adoption of Yellagonga Integrated Catchment Management Plan 2009-2014
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Chester was a member of a Committee which helped draft the Yellagonga Integrated Catchment Management Plan. Cr Chester also made a personal submission on the project.

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ259-11/09 – Federal Infrastructure Grants – Proposed Projects
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is an honorary member of the Whitfords Lions Club.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime</b>
<b>Item No/Subject</b>	CJ259-11/09 – Federal Infrastructure Grants – Proposed Projects
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hamilton-Prime has attended a Lions function and is in the process of becoming a member.

## IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

CJ261-11/09 CONFIDENTIAL REPORT – APPOINTMENT OF DIRECTOR PLANNING AND DEVELOPMENT

### C90-11/09 PETITIONS

- 1 PETITION IN RELATION TO ACCUMULATION OF RUBBISH AND ANTISOCIAL BEHAVIOUR, INTERSECTION OF PETERBOROUGH DRIVE AND SOMERSBY GARDENS, CURRAMBINE - [16970]

A 20-signature petition has been received from Currambine residents in relation to the accumulation of rubbish in the vicinity of the delicatessen on the corner of Peterborough Drive and Somersby Gardens, Currambine. In addition, the congregation of teenagers in the area is causing an on-going problem in respect to antisocial behaviour.

- 2 PETITION REQUESTING REMOVAL OF ROOF STRUCTURES AND LIGHT POLES – TROY AVENUE AND ROSS STREET, MARMION - [06527] [08069]

Cr Fishwick tabled a 142-signature petition on behalf of residents of the City of Joondalup requesting the removal of the:

- two shade structures at the viewpoints on Troy Street and Ross Avenue, Marmion which were part of the recent upgrade of West Coast Drive;
- lighting pole at the Troy Street structure as the lighting was intended for the dark 'dip' area only.

**MOVED Cr Fishwick, SECONDED Cr McLean that the following Petitions be RECEIVED referred to the CEO and subsequent reports presented to Council for information:**

- 1 Petition in relation to accumulation of rubbish and antisocial behaviour, intersection of Peterborough Drive and Somersby Gardens, Currambine;**
- 2 Petition requesting the removal of the recently installed northern and southern shade structures along West Coast Drive and the street lighting pole approximately adjacent to Troy Avenue, Marmion.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

## **CJ239-11/09 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

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### **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

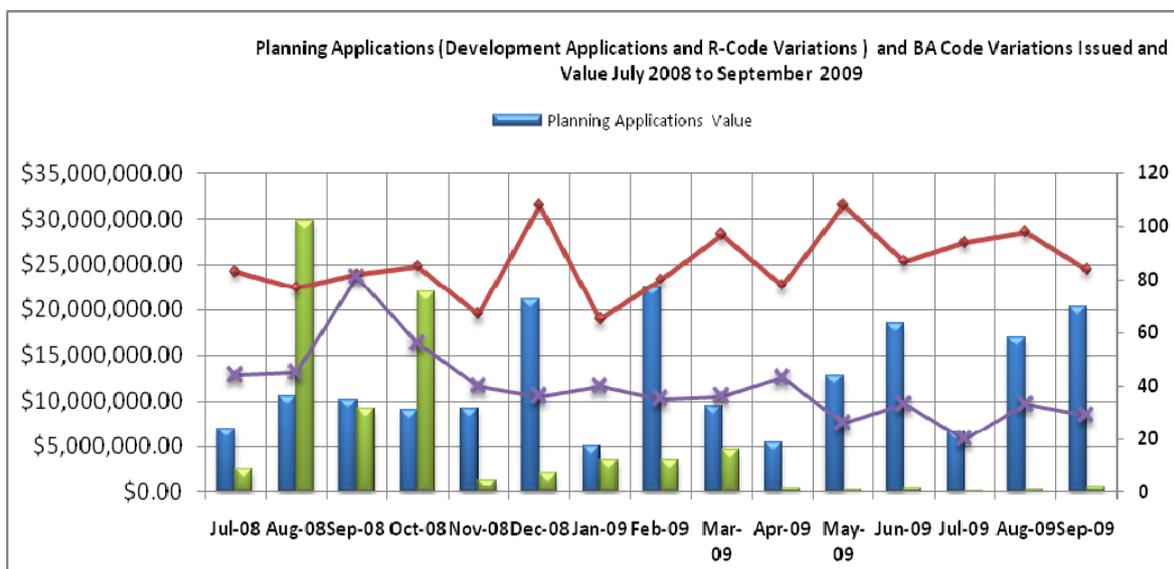
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

## 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
<b>TOTAL</b>	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).



<b>Subdivision Approvals Processed Under Delegated Authority From 1 September to 30 September 2009</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
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.

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications and R-Codes variations described in Attachments 1 and 2 to Report CJ239-11/09 during September 2009;**
- 2 subdivision applications described in Attachment 3 to Report CJ239-11/09 during September 2009.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn171109.pdf](#)*

**CJ240-11/09      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

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**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 6026	Duffy WA	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.

**MOVED Cr Amphlett, SECONDED Cr Gobbert 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.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 2 refers*

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

## **CJ241-11/09      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

**FILE NUMBER:** 86629, 02076

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

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### **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 m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located on the corner of Burragah 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.

It is important to note that the scheme amendment process is a separate process to the development application process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant would then be required to submit a development application for the Medical Centre, which would be subject to a further public comment period.

The development application process would deal in more detail with issues such as how the medical centre would operate (eg hours of operation, number of staff) and the provision of car parking and access.

The proposal presently before Council is to consider the scheme amendment only.

### 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.

It is also noted that, while the existing car park layout may cater for the current intensity of land use, the provision of car parking and access would be reassessed in the event that an application is made for an additional medical practitioner. In particular, the current manoeuvring space may not be workable should demand for the car bays be increased by an additional medical practitioner.

### 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

**OFFICER'S RECOMMENDATION:** That Council RESOLVES not to initiate an Amendment to the City of Joondalup District Planning Scheme No 2 to include Lot 535 (20) Burragah 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.

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council:**

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 45 to the City of Joondalup District Planning Scheme No. 2 for the purposes of public advertising for a period of 42 days, by adding additional use 1-21 to Lot 535 (20) Burragah Way, Duncraig in Schedule 2 – Section 1 (Clause 3.15) – Additional Uses as follows:**

<b>NO</b>	<b>STREET/LOCALITY</b>	<b>PARTICULARS OF LAND</b>	<b>ADDITIONAL USE</b>
<b>1-21</b>	<b>20 Burragah Way, Duncraig</b>	<b>Lot 535</b>	<b>Medical Centre with a maximum of 2 health consultants, being general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load.</b>

- 2 Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;**
- 3 NOTES that the application will not have a detrimental effect on the residential amenity of the area or on the volume of traffic on Burragah Way, Duncraig or surrounding streets.**

In accordance with Regulation 11(da) of the Local Government (Administration) Regulations 1996, the reason for the decision being made significantly different to that recommended is because the Council considered that the application will not have a detrimental effect on the residential amenity of the area or on the volume of traffic on Burragah Way, Duncraig or surrounding streets.

**The Motion was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young **Against the Motion:** Crs Chester and Corr

*Appendix 3 refers*

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

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ242-11/09 – Proposed Hotel Room and Conference Facility Additions to Joondalup Resort at Lots 535 (45) and 8888 (39) Country Club Boulevard, Connolly
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean lives in Connolly, adjacent to the Resort.

**CJ242-11/09 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

<b>Suburb/Location:</b>	Lot 535 (39) and Lot 8888 (45) Country Club Boulevard, Connolly
<b>Applicant:</b>	James Christou & Partners Architects
<b>Owner:</b>	Joondalup Hotel Investments Pty Ltd & Joondalup Country Club Holdings Ltd.
<b>Zoning:</b>	<b>DPS:</b> Private Clubs/Recreation
	<b>MRS:</b> Urban
<b>Site Areas:</b>	48239m <sup>2</sup> (Lot 535) 864449m <sup>2</sup> (Lot 8888)
<b>Structure Plan:</b>	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 <sup>2</sup> of drinking area	259m <sup>2</sup>	86
	1 bay per 5m <sup>2</sup> of seating area	283m <sup>2</sup>	56.6
Place of Assembly	1 bay per 4 seats	265 seats	66.3
<b>Total</b>			<b>278.9 (rounded to 279)</b>

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 - Meeting rooms 5, 6 & 7 -Tiered seminar room and meeting rooms 1, 2, 3 & 4, which can only be used in conjunction	1 bay per 4 seats	54 seats 80 seats	13.5 20
<b>Total</b>			<b>85.5 (rounded to 86)</b>

### 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.

### **MOVED Cr Hollywood, SECONDED Cr McLean 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.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 4 refers*

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

## **CJ243-11/09 PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM SHOP) AT LOT 1 (153) TRAPPERS DRIVE, WOODVALE**

<b>WARD:</b>	Central
<b>RESPONSIBLE A/DIRECTOR:</b>	Mr Clayton Higham Planning and Development (Acting)
<b>FILE NUMBER:</b>	100291
<b>ATTACHMENTS:</b>	Attachment 1 Location Plan Attachment 2 Aerial Photograph Attachment 3 Development Plans

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### **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 change of use does not alter the approved floor area of the shopping centre.

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:** 14983.209m<sup>2</sup>  
**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 proposed change of use does not alter the approved net-lettable area of the shopping centre.

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 <sup>2</sup> 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.

**COMMENT**Proposed 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 form the view that the additional 7 car parking bays are required by DPS2.

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 of 7 car bays.
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.

**MOVED Cr Amphlett, SECONDED Cr Gobbert 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.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 5 refers*

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

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ244-11/09 – Proposed Alterations and Additions to Beldon Shopping Centre: Lot 519 (9) Gunter Grove, Beldon
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	One of Cr Gobbert's parents works at the chemist.

*Cr Gobbert left the Chamber at 2015 hrs.*

## **CJ244-11/09      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 519, whilst "Beldon Shopping Centre" refers to the shopping centre contained on Lot 519.

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 3,405m<sup>2</sup> 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.
- An additional 42m<sup>2</sup> of additional storage floor space to the existing bottle shop
- An additional 39.4m<sup>2</sup> of additional floor space to the beer garden of the existing tavern

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**

<b>Legislation</b>	Not Applicable.
<b>Strategic Plan</b>	City of Joondalup Strategic Plan 2008-2011
<b>Key Focus Area:</b>	The Built Environment
<b>Objective:</b>	To ensure high quality urban development in the area
<b>Policy</b>	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 4,500m<sup>2</sup> NL.A.

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*

<b>LOCALITY</b>	<b>DESCRIPTION OF CENTRE AND COMMERCIAL ZONES</b>	<b>NLA (m<sup>2</sup>)</b>
<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 4,500m<sup>2</sup> 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 4,500m<sup>2</sup>. The proposed extensions will increase the net lettable area of the shopping centre by 42m<sup>2</sup> resulting in a total of 3,696m<sup>2</sup> 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. The existing trees on the Gunter Grove frontage will be retained by the way of new landscaping strips as located between the car bays. 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 <sup>2</sup> of NLA	638m <sup>2</sup>	45	
Tavern	1 per 3m <sup>2</sup> NLA of standing area plus 1 per 5m <sup>2</sup> for seating area	Standing area 22m <sup>2</sup> Seating 221m <sup>2</sup>	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, 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 form 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

**MOVED Cr Amphlett, SECONDED Cr Chester that Council:**

- 1 DETERMINES** that in regard clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, 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.

**AMENDMENT MOVED Cr Corr, SECONDED Cr Young that an additional clause 3(m) be ADDED to the Motion to read:**

***“(m) The tuart tree as located on the Gunter Grove frontage shall be protected and maintained throughout construction and thereafter to the satisfaction of the City. A management strategy plan, prepared by a suitably qualified Arborist, shall be submitted prior to the Building Licence confirming how the tuart tree will be protected during construction.”***

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

The Original Motion, as amended, being:

That Council:

- 1 **DETERMINES** that in regard clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, 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;
- (m) The tuart tree as located on the Gunter Grove frontage shall be protected and maintained throughout construction and thereafter to the satisfaction of the City. A management strategy plan, prepared by a suitably qualified Arborist, shall be submitted prior to the Building Licence confirming how the tuart tree will be protected during construction.

**Was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 6 refers*

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

*Cr Gobbert entered the Chamber at 2022 hrs.*

## **CJ245-11/09 PUBLIC LIBRARY FRAMEWORK & FUNDING AGREEMENTS**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO	
<b>FILE NUMBER:</b>	59011	
<b>ATTACHMENTS:</b>	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

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### **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

**MOVED Cr Amphlett, SECONDED Cr Gobbert 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.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 8 refers*

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

<b>Name/Position</b>	<b>Cr Trona Young</b>
<b>Item No/Subject</b>	CJ246-11/09 – Appointment of Representatives to Council – Created and External Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Members of the Ocean Reef Community Reference Group are known to Cr Young.

<b>Name/Position</b>	<b>Cr Philippa Taylor</b>
<b>Item No/Subject</b>	CJ246-11/09 – Appointment of Representatives to Council – Created and External Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Two members of the Ocean Reef Community Reference Group are known to Cr Taylor.

## **CJ246-11/09 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.

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### **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)

**OFFICER'S 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.

### **ADDITIONAL INFORMATION**

The Joondalup Business Association has advised that its Constitution does not allow for the appointment of ex-officio representatives.

**MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:**

- 1 (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:
- Mayor Troy Pickard  
Cr Fiona Diaz  
Cr Trona Young  
Cr Christine-Hamilton Prime  
Cr John Chester  
Cr Liam Gobbert  
Cr Kerry Hollywood  
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 (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             | Cr Tom McLean               |
| North-Central Ward     | Cr Trona Young              |
| Central Ward           | Cr Geoff Amphlett           |
| South-West Ward        | Cr Christine Hamilton-Prime |
| South-East Ward        | Cr John Chester             |
| South Ward             | Cr Fiona Diaz               |
| Mr Robert (Andy) Cowin | External Member             |
- 3 (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                      Cr Tom McLean  
North-Central Ward          Cr Philippa Taylor  
Central Ward                    Cr Geoff Amphlett  
South-West Ward              Cr Mike Norman  
South-East Ward               Cr Brian Corr  
South Ward                      Cr Russ Fishwick

- 4 (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                      Cr Tom McLean  
North-Central Ward          Cr Trona Young  
North-Central Ward          Cr Philippa Taylor  
Central Ward                    Cr Geoff Amphlett  
South-West Ward              Cr Christine Hamilton-Prime  
South-East Ward               Cr Brian Corr  
South Ward                      Cr Russ Fishwick

- 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 (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:**

<b>Mayor Troy Pickard</b>	
<b>North Ward</b>	<b>Cr Kerry Hollywood</b>
<b>North-Central Ward</b>	<b>Cr Trona Young</b>
<b>Central Ward</b>	<b>Cr Liam Gobbert</b>
<b>South-West Ward</b>	<b>Cr Christine Hamilton-Prime</b>
<b>South-East Ward</b>	<b>Cr John Chester</b>
<b>South Ward</b>	<b>Cr Fiona Diaz</b>

**7 (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:**

<b>Mayor Troy Pickard</b>	
<b>North Ward</b>	<b>Cr Tom McLean</b>
<b>North-Central Ward</b>	<b>Cr Philippa Taylor</b>
<b>Central Ward</b>	<b>Cr Geoff Amphlett</b>
<b>South-West Ward</b>	<b>Cr Mike Norman</b>
<b>South-East Ward</b>	<b>Cr Brian Corr</b>
<b>South Ward</b>	<b>Cr Russ Fishwick</b>

**8 NOMINATES the following persons to represent the City of Joondalup on the:****(a) Community Board of Advice (Joondalup Health Campus)**

**Cr Trona Young**  
**Cr Philippa Taylor (deputy)**

**(b) District Emergency Management Committee**

**Cr John Chester  
Manager Asset Management  
Emergency Management Officer**

**(c) Joondalup Business Centre**

**Cr Tom McLean  
Cr Geoff Amphlett**

**(d) Joondalup Lotteries House Inc**

**Coordinator Community Services**

**(e) Local Emergency Management Committee**

**Manager Asset Management  
Emergency Management Officer  
Principal Environmental Health Officer**

**(f) Mindarie Regional Council**

**Cr Russ Fishwick  
Cr Kerry Hollywood**

**(g) North West District Planning Committee**

**Cr Liam Gobbert  
Cr Christine Hamilton-Prime (deputy)**

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

**Cr Christine Hamilton-Prime  
Cr Liam Gobbert (deputy)  
Director Infrastructure Services**

**(i) Perth Region NRM Local Government Reference Group**

**Cr Mike Norman  
Cr Brian Corr (proxy)**

**(j) Small Business Centre Inc**

**Cr Tom McLean  
Cr Geoff Amphlett (proxy)**

**(k) Tamala Park Coastal Reserve Community Advisory Committee**

**Cr Kerry Hollywood  
Cr Tom McLean (deputy)**

**(l) Tamala Park Regional Council**

**Mayor Troy Pickard  
Cr Geoff Amphlett**

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

Mayor Troy Pickard  
Cr Russ Fishwick  
Cr Tom McLean  
Cr Mike Norman  
Cr Christine Hamilton-Prime (deputy)  
Cr Kerry Hollywood (deputy)  
Cr John Chester (deputy)  
Cr Liam Gobbert (deputy)

**(n) Yellagonga Regional Park Community Advisory Committee**

Cr John Chester  
Cr Mike Norman (deputy)  
Conservation Officer.

**AMENDMENT MOVED Cr Chester, SECONDED Cr Norman that Point 8(m) of the Motion be AMENDED to read:**

**“(m) Western Australian Local Government Association – North Metropolitan Zone**

Mayor Troy Pickard  
Cr Russ Fishwick  
Cr Tom McLean  
*Cr John Chester*  
Cr Christine Hamilton-Prime (deputy)  
Cr Kerry Hollywood (deputy)  
*Cr Mike Norman (deputy)*  
Cr Liam Gobbert (deputy)”

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**AMENDMENT MOVED Cr Norman, SECONDED Cr Corr that Point 8(f) of the Motion be AMENDED to read:**

**“(f) Mindarie Regional Council**

Cr Russ Fishwick  
*Cr Mike Norman”*

**The Amendment was Put and**

**LOST (3/10)**

**In favour of the Amendment:** Crs Chester, Corr and Norman **Against the Amendment:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Taylor and Young

**The Original Motion, as amended, being:**

**That Council:**

- 1 (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:**

**Mayor Troy Pickard**  
**Cr Fiona Diaz**  
**Cr Trona Young**  
**Cr Christine-Hamilton Prime**  
**Cr John Chester**  
**Cr Liam Gobbert**  
**Cr Kerry Hollywood**  
**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 (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:**

<b>Mayor Troy Pickard</b>	
<b>North Ward</b>	<b>Cr Tom McLean</b>
<b>North-Central Ward</b>	<b>Cr Trona Young</b>
<b>Central Ward</b>	<b>Cr Geoff Amphlett</b>
<b>South-West Ward</b>	<b>Cr Christine Hamilton-Prime</b>
<b>South-East Ward</b>	<b>Cr John Chester</b>
<b>South Ward</b>	<b>Cr Fiona Diaz</b>
<b>Mr Robert (Andy) Cowin</b>	<b>External Member</b>

- 3 (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:**
- |                           |                           |
|---------------------------|---------------------------|
| <b>Mayor Troy Pickard</b> |                           |
| <b>North Ward</b>         | <b>Cr Tom McLean</b>      |
| <b>North-Central Ward</b> | <b>Cr Philippa Taylor</b> |
| <b>Central Ward</b>       | <b>Cr Geoff Amphlett</b>  |
| <b>South-West Ward</b>    | <b>Cr Mike Norman</b>     |
| <b>South-East Ward</b>    | <b>Cr Brian Corr</b>      |
| <b>South Ward</b>         | <b>Cr Russ Fishwick</b>   |
- 4 (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:**
- |                           |                                    |
|---------------------------|------------------------------------|
| <b>Mayor Troy Pickard</b> |                                    |
| <b>North Ward</b>         | <b>Cr Tom McLean</b>               |
| <b>North-Central Ward</b> | <b>Cr Trona Young</b>              |
| <b>North-Central Ward</b> | <b>Cr Philippa Taylor</b>          |
| <b>Central Ward</b>       | <b>Cr Geoff Amphlett</b>           |
| <b>South-West Ward</b>    | <b>Cr Christine Hamilton-Prime</b> |
| <b>South-East Ward</b>    | <b>Cr Brian Corr</b>               |
| <b>South Ward</b>         | <b>Cr Russ Fishwick</b>            |
- 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 Champion

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 (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	Cr Kerry Hollywood
North-Central Ward	Cr Trona Young
Central Ward	Cr Liam Gobbert
South-West Ward	Cr Christine Hamilton-Prime
South-East Ward	Cr John Chester
South Ward	Cr Fiona Diaz

**7 (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	Cr Tom McLean
North-Central Ward	Cr Philippa Taylor
Central Ward	Cr Geoff Amphlett

**South-West Ward      Cr Mike Norman**  
**South-East Ward      Cr Brian Corr**  
**South Ward              Cr Russ Fishwick**

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

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

**Cr Trona Young**  
**Cr Philippa Taylor (deputy)**

**(b)      District Emergency Management Committee**

**Cr John Chester**  
**Manager Asset Management**  
**Emergency Management Officer**

**(c)      Joondalup Business Centre**

**Cr Tom McLean**  
**Cr Geoff Amphlett**

**(d)      Joondalup Lotteries House Inc**

**Coordinator Community Services**

**(e)      Local Emergency Management Committee**

**Manager Asset Management**  
**Emergency Management Officer**  
**Principal Environmental Health Officer**

**(f)      Mindarie Regional Council**

**Cr Russ Fishwick**  
**Cr Kerry Hollywood**

**(g)      North West District Planning Committee**

**Cr Liam Gobbert**  
**Cr Christine Hamilton-Prime (deputy)**

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

**Cr Christine Hamilton-Prime**  
**Cr Liam Gobbert (deputy)**  
**Director Infrastructure Services**

**(i)      Perth Region NRM Local Government Reference Group**

**Cr Mike Norman**  
**Cr Brian Corr (proxy)**

**(j) Small Business Centre Inc**

Cr Tom McLean  
Cr Geoff Amphlett (proxy)

**(k) Tamala Park Coastal Reserve Community Advisory Committee**

Cr Kerry Hollywood  
Cr Tom McLean (deputy)

**(l) Tamala Park Regional Council**

Mayor Troy Pickard  
Cr Geoff Amphlett

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

Mayor Troy Pickard  
Cr Russ Fishwick  
Cr Tom McLean  
Cr John Chester  
Cr Christine Hamilton-Prime (deputy)  
Cr Kerry Hollywood (deputy)  
Cr Mike Norman (deputy)  
Cr Liam Gobbert (deputy)

**(n) Yellagonga Regional Park Community Advisory Committee**

Cr John Chester  
Cr Mike Norman (deputy)  
Conservation Officer.

**Was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 9 refers*

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

<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ247-11/09 – Adoption of Yellagonga Integrated Catchment Management Plan 2009-2014
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Chester was a member of a Committee which helped draft the Yellagonga Integrated Catchment Management Plan. Cr Chester also made a personal submission on the project.

## **CJ247-11/09 ADOPTION OF YELLAGONA INTEGRATED CATCHMENT MANAGEMENT PLAN 2009-2014**

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

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### **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 Integrated Catchment 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

**MOVED Cr Chester, SECONDED Cr Corr that Council ADOPTS the Yellagonga Integrated Catchment Management Plan 2009-2014 for implementation, subject to the modifications presented in Attachment 2 to Report CJ247-11/09.**

**AMENDMENT MOVED Cr Chester, SECONDED Cr Norman that the following words be ADDED at the end of the motion:**

***"... including the addition that the City acknowledges the significant fox predation on iconic wetland fauna species and will support action for effective fox control."***

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**The Original Motion, as amended, being:**

**That Council ADOPTS the Yellagonga Integrated Catchment Management Plan 2009-2014 for implementation, subject to the modifications presented in Attachment 2 to Report CJ247-11/09, including the addition that the City acknowledges the significant fox predation on iconic wetland fauna species and will support action for effective fox control.**

**Was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 10 refers*

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

**CJ248-11/09 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)*

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**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

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council NOTES the minutes of the meetings of the:**

- 1 North West Regional Road Sub Group held on 23 September 2009 forming Attachment 1 to Report CJ248-11/09;**
- 2 Western Australian Local Government Association – North Metropolitan Zone held on 1 October 2009 forming Attachment 2 to Report CJ248-11/09;**

### **3 Mindarie Regional Council held on 15 October 2009 forming Attachment 3 to Report CJ248-11/09.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 11 refers*

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

## **CJ249-11/09 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

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### **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%

<b>Service/Facility</b>	<b>Satisfaction 2006/07</b>	<b>Satisfaction 2007/08</b>	<b>Satisfaction 2008/09</b>
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:

<b>Service/Facility</b>	<b>Satisfaction 2006/07</b>	<b>Satisfaction 2007/08</b>	<b>Satisfaction 2008/09</b>
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:

<b>The City can act on</b>	<b>Number of mentions</b>
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

<b>The City can act on</b>	<b>Number of mentions</b>
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
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.

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council RECEIVES the Customer Satisfaction Survey 2008/09 Results Report forming Attachment 1 to Report CJ249-11/09.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 12 refers*

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

## **CJ250-11/09 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

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### **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:*

- 1 Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2009 forming Attachment 1 to Report CJ250-11/09;*
- 2 Capital Works Overview Report for the period 1 July – 30 September 2009 forming Attachment 2 to Report CJ250-11/09.*

### **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.

**MOVED** Cr Amphlett, **SECONDED** Cr Gobbert that Council **RECEIVES** the:

- 1 **Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2009 forming Attachment 1 to Report CJ250-11/09;**
- 2 **Capital Works Overview Report for the period 1 July – 30 September 2009 forming Attachment 2 to Report CJ250-11/09.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 13 refers*

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

## **CJ251-11/09 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

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## **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 forming Attachment 1 to Report CJ251-11/09.*

## **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 1.

**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.

**MOVED** Cr Amphlett, **SECONDED** Cr Gobbert that Council **NOTES** the Financial Activity Statement for the period ended 30 September 2009 forming Attachment 1 to Report CJ251-11/09.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 14 refers*

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

## **CJ252-11/09 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	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

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## **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	<b>Cheques</b> 85007 - 85243 and EF 8151 - 8593 Net of cancelled payments	\$11,830,771.73
	<b>Vouchers</b> 579A – 584A	\$2,952,888.64
Trust Account	<b>Cheques</b> 202976 - 203014	\$46,253.13
<b>Total</b>		<b>\$14,829,913.50</b>

### 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.

**MOVED** Cr Amphlett, **SECONDED** Cr Gobbert 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 Report CJ252-11/09, totalling \$14,829,913.50.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 15 refers*

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

## **CJ253-11/09      TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW (NO.2) 2009 - COMMUNITY CONSULTATION RESULTS**

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

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### **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 (No2.) 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.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council ADOPTS the City's *Trading in Public Places Amendment Local Law (No.2) 2009* in the manner prescribed in Attachment 1 to Report CJ253-11/09.**

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 16 refers*

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

## **CJ254-11/09 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

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## 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:

<b>Qualitative Criteria</b>		<b>Weighting</b>
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 Alsafe 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:

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

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:**

<b>Current Year Budget Allocation for this Contract 2009/2010</b>	<b>Projected Expenditure on these Services to 30 June 2010</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$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

**MOVED Cr Norman, SECONDED Cr Young 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.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 17 refers*

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

## **CJ255-11/09 TENDER 021/09 - LANDSCAPING SERVICES FOR BURNS BEACH ROAD AND HODGES DRIVE, JOONDALUP**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

**FILE NUMBER:** 61628

**ATTACHMENTS:** Attachment 1 Summary of Tender Submissions

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## **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:

<b>Qualitative Criteria</b>	<b>Weighting</b>
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.

<b>Tenderer</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>	<b>Lump Sum</b>
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

**MOVED Cr Amphlett, SECONDED Cr Gobbert 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).**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 18 refers*

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

**CJ256-11/09      PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - JOONDALUP CITY CENTRE (NORTH)**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07190 57618
<b>ATTACHMENTS:</b>	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

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**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 Nottinghill 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						
		Bethnal Green	Blackfriars Road	Lakeside Drive	Nottinghill Street	St Pauls Crescent	The Embankment	Upney Mews
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
<b>Total</b>	<b>96</b>	<b>78</b>	<b>86</b>	<b>80</b>	<b>87</b>	<b>85</b>	<b>81</b>	<b>82</b>
% Supported	<b>78%</b>	<b>69%</b>	<b>74%</b>	<b>74%</b>	<b>77%</b>	<b>73%</b>	<b>73%</b>	<b>76%</b>
% Not Supported	<b>19%</b>	<b>23%</b>	<b>22%</b>	<b>23%</b>	<b>20%</b>	<b>22%</b>	<b>21%</b>	<b>20%</b>

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

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:**

- 1 ADOPTS the proposed amendments to the Parking Scheme – Joondalup City Centre (North) as shown on Attachment 2 to Report CJ256-11/09;**
- 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.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 19 refers*

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

## **CJ257-11/09      CONNOLLY DRIVE LANDSCAPE CONCEPT PLAN AND PEDESTRIAN ACCESS IMPROVEMENTS**

**WARD:** North

**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

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## 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 Attachments 1 and 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.*

## 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 preissei*) 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:

<b>Account No:</b>	W1106
<b>Budget Item:</b>	Connolly Drive-Burns Beach Rd to MacNaughtonRDC1008
<b>Budget Amount:</b>	\$3,364,627
<b>Actual Cost YTD:</b>	\$1,417,966
<b>Total Expenditure:</b>	\$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.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:**

- 1 APPROVES the proposed concept plan for the landscaping component for Connolly Drive, Kinross Duplication project as shown on Attachments 1 and 2 to Report CJ257-11/09;**
- 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.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 20 refers*

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

## **CJ258-11/09      PETITION REQUESTING IMPROVED SAFETY AT THE PEDESTRIAN CROSSING TO WARRIGAL PARK ON BOTTLEBRUSH DRIVE, GREENWOOD**

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

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### **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 85<sup>th</sup> 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

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:**

- 1 LISTS the provision of traffic treatments and pedestrian crossing improvements on Bottlebrush Drive, Greenwood, as shown on Attachment 1 to Report CJ258-11/09 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.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of Item CJ261-11/09, Page 139 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 21 refers

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

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ259-11/09 – Federal Infrastructure Grants – Proposed Projects
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is an honorary member of the Whitfords Lions Club.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime</b>
<b>Item No/Subject</b>	CJ259-11/09 – Federal Infrastructure Grants – Proposed Projects
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hamilton-Prime has attended a Lions function and is in the process of becoming a member.

## **CJ259-11/09      FEDERAL      INFRASTRUCTURE      GRANTS      - PROPOSED PROJECTS**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Garry Hunt  
Office of the CEO

**FILE NUMBER:** 00571

**ATTACHMENTS:** Attachment 1 Funding Guidelines for Regional and Local  
Community Infrastructure Program Round 2 –  
2009/10.  
Attachment 2 Padbury Community Centre site.

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide information to the Council on the content of the funding guidelines for the *Regional and Local Community Infrastructure Program 2009-10* and to put forward recommendations for appropriate infrastructure projects that funding may be applied for.

### **BACKGROUND**

On 25 June 2009, the Federal Government announced that additional funding of \$220 million for the Regional and Local Community Infrastructure Program (RLCIP) would be made available in 2009-10.

The City received an allocation of \$833,000 in the first round of the funding program.

This funding is being made available to assist local governments to build and modernise community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure and is intended to support local jobs and provide long-term benefits to communities by renewing and upgrading local infrastructure.

The City has now received the funding guidelines for the 2<sup>nd</sup> Round of the Program which has assisted in determining which City infrastructure projects are most eligible. \$360,000 has been made available to the City providing that its infrastructure projects are compliant with the conditions set in the funding guidelines.

The City also has opportunity to apply for additional funding for strategic infrastructure projects of a larger scale. There is a total of \$120 million available under this Program component which will be assessed on a nationally competitive basis. Projects must be a minimum of \$1 million to be eligible. Recommendations for the Strategic Projects will be the subject of a separate report to Council.

## DETAILS

### Individual local government funding allocation

Below is a summary of the funding guidelines for the \$360,000 which is provided in full at Attachment 1:

- Project Eligibility:
  - Social and cultural infrastructure (Art Spaces, Stadiums)
  - Recreational facilities (swimming pools, sports stadiums)
  - Tourism infrastructure
  - Children, youth and seniors facilities (Playgroup Centres, Senior Citizen Centres)
  - Access facilities (boat ramps, footbridges)
  - Environmental initiatives (drain/sewerage upgrades and recycling plants)

Eligible projects must be additional, ready to proceed or additional stages of current projects. Additional projects are those which have not been included in the local government's financial budget for 2009/10 and can be brought forward as a result of RLCIP funding.

Local Governments are encouraged to include projects in their application that address the needs of the local indigenous population.

Local Governments are also encouraged to consider environmental sustainability when preparing project proposals, and how their RLCIP activities will promote green building technologies, design practices and operations.

- Funding to be used for:
  - Construction or fit-out
  - Preparatory work such as necessary engineering and geo-technical studies
  - Land surveys and site investigations
  - Project management costs
- Funding *not* to be used for:
  - Operational and maintenance costs
  - Transport infrastructure such as roads
- Project Requirements:
  - Details of eligible projects must be provided to the relevant Federal Government Department by **20 November 2009**.
  - If found to be eligible, funding must be expended by **31 December 2010**.
- Progress Reports:
  - Interim progress reports must be submitted by **31 May 2010, 31 July 2010, and 31 November 2010**.

- Final report on expenditure must be submitted by **28 February 2011**. If not fully spent, action may be taken to recover funds where requirements have not been met.

Based on these parameters, the City considers the following projects as appropriate for submission to the Department of Infrastructure, Transport, Regional Development and Local Government (the Department) for funding approval.

#### **Issues and options considered:**

The Projects have been prioritised however it is recommended that the full list of projects is submitted to the Department of Infrastructure, Transport, Regional Development and Local Government in case the higher priority projects are deemed ineligible. The Department recommends that local governments submit alternative projects in case a highly prioritised project is deemed ineligible and lower priority eligible projects need to be substituted in its place.

In the event that the Priority 1 Project, the Padbury Community Centre is deemed ineligible, the majority of the remaining Projects would be considered given that, in total, the funding requested for the lower priority projects is \$380,740.

The City has four Lions Clubs that service the Joondalup region including Kingsley/Woodvale Lions Club, Ocean Reef Lions Club, Whitfords Lions Club and Duncraig Lions Clubs.

Whilst all of the Projects are creditable, the development of a community centre at Gibson Park Reserve, Gibson Avenue, Padbury provides community meeting space and storage facilities for the City's four Lions Clubs will significantly assist in the delivery of community services provided by these Clubs.

Currently the Whitfords Lions Club operates out of a shed located on one of the City's reserves which is at capacity in meeting their storage requirements. The Duncraig Lions Club have no dedicated storage areas for their equipment. Club members store equipment such as trailers, BBQ's, tents and other equipment at individual residences which makes it difficult to manage the provision of equipment at events and services provided by the Club. The Kingsley/Woodvale and Ocean Reef Lions Clubs have no specific storage requirements.

Another challenge faced by the City's four Lions Clubs is the availability of meeting space for their weekly meetings. The provision of a community Centre would provide a dedicated meeting space and 'home' for each of the four Clubs whilst providing the community access to the facilities for hire outside of the Clubs weekly requirements.

**Table 1: Recommended Projects based on priority and funding eligibility**

<b>Project</b>	<b>Funding</b>	<b>Location</b>	<b>Suggested Works</b>
<b>Option 1 – Padbury Community Facility Extension</b>			
<b>Provision of new storage and club room facilities for Lions Club.</b>	\$1,060,000 Fed Government - \$360,000	Padbury	Padbury Community Centre extension to include meeting room, storage facility, kitchen, toilets and car parking. This option would require a co-contribution from the City.
<b>General connection to Strategic Plan – Community Wellbeing</b>	City Funds - \$700,000		The proposed site currently

Project	Funding	Location	Suggested Works
			<p>accommodates for the storage facility of the Whitfords Lions Club.</p> <p>The proposed site is on crown land vested in the City to manage for the purpose of sport and recreation.</p>

<b>Option 2 – Shared Pathways</b>			
<b>Shared pathway Hodges Drive</b>  <i>Bike Plan</i>	\$60,000	Ocean Reef	Construct a new 630m pathway between Venturi Ave and Marmion Avenue
<b>Shared pathways on northern side of Hepburn Ave</b>  <i>Bike Plan</i>	\$82,000	Padbury Kingsley	Construct a new 810m pathway between Marmion Ave and Gibson Ave, and between Barridale Drive and Goollelal Drive.
<b>Shared pathways on eastern side of Marmion Ave</b>  <i>Bike Plan</i>	\$45,000	Currambine Kinross	Construct a new 460m pathway between Moore Drive and Delamere and between Dazelle Turn and Dorian Loop.
<b>Option 3 – Coastal Biodiversity Signage</b>			
<b>Installation of coastal biodiversity signage</b>  <i>Local Action Biodiversity Project</i>	\$55,000	Key coastal locations	The development and installation of interpretive signage along a 15km stretch of coastal dual use pathways.
<b>Option 4 – Photovoltaic System on City Building and Lighting Control System at Craigie Leisure Centre</b>			
<b>Photovoltaic System on City Building</b>  <i>Renewable Energy Feasibility Study</i>	\$75,000	Civic Centre or other City Building	Install a 5kW PV System on a City Building – as per the Renewable Energy Feasibility Study.
<b>Craigie Leisure Centre – Lighting Control System</b>  <i>Energy Audit Report</i>	\$38,000	Craigie	Install lighting control system for the Centre.

<b>Option 5 – Libraries – upgrade lighting</b>				
<b>Whitfords Lighting</b>	<b>Library</b>	\$9,240	Whitfords	Upgrade baton fluorescents to single lamps with reflectors
<i>Energy Audit Report</i>				
<b>Woodvale Lighting</b>	<b>Library</b>	\$16,500	Woodvale	Upgrade baton fluorescents to single lamps with reflectors
<i>Energy Audit Report</i>				

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

**Legislation**                      Not Applicable

### **Strategic Plan**

**Key Focus Area:**        This item has a general connection to the Strategic Plan

### **Policy**

Not Applicable.

### **Risk Management considerations:**

Not Applicable.

### **Financial/Budget Implications:**

This report relates to funding from the Federal Government for current City infrastructure projects.

If Option 1 is supported, the City would be required to contribute \$700,000 towards the project. The timing for commencing the project is February 2010, which provides Council with an opportunity to consider funding this project as part of the mid-year budget review.

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

External funding for large infrastructure projects will increase the City's financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents

### **Consultation:**

Local governments are responsible for community consultation and determining the priority given to potential infrastructure projects within their jurisdictions.

## COMMENT

The listed projects are provided for consideration and prioritisation by the Council. Local Governments are encouraged to submit a number of prioritised projects, the aggregate value of which exceeds their allocation. If a highly prioritised project is deemed ineligible by the Department, a lower priority eligible project may be substituted in its place.

If a high priority project is deemed ineligible and the City has not submitted any lower priority projects, the Department will allow the City to submit a revised application; however this will lengthen the Department's processing timelines significantly, and delay the payment of their allocation. Irrespective of any delays arising from this process, local governments are still required to complete their projects and expend all funding no later than 31 December 2010.

## VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the recommended projects listed in Table 1 for the \$360,000 funding and submits these to the Federal Government for funding under the Regional and Local Community Infrastructure Program Round 2 – 2009/10;
- 2 NOTES that Option 1 will require Council to consider a re-allocation of \$700,000 in municipal funds to the Padbury Community Centre in the 2009/2010 mid-year budget review.

### MOVED Mayor Pickard, SECONDED Cr Gobbert that Council:

- 1 **APPROVES** the recommended projects in order of priority listed in Table 1 for the \$360,000 funding and submits these to the Federal Government for funding under the Regional and Local Community Infrastructure Program Round 2 – 2009/10;
- 2 **NOTES** that Option 1 will require Council to consider a re-allocation of \$700,000 in municipal funds to the Padbury Community Centre in either the 2009/2010 mid-year budget review or the 2010/2011 budget;
- 3 **ADVERTISES** for public comment Option 1 – Padbury Community Facility Extension for a period of 21 days. In the event that there is no significant adverse comment received to the project, there is no requirement to resubmit the project to the Council;
- 4 **LISTS** for consideration during the 2010/11 budget deliberations all Options listed in Table 1 not successful for funding under the Regional and Local Community Infrastructure Program round 2 – 2009/10.

The Motion was Put and

**CARRIED (9/4)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood and McLean **Against the Motion:** Crs Corr, Norman, Taylor and Young

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22agn171109.pdf](#)

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ260-11/09 COMMUNITY SPORTING FACILITIES AT SEACREST PARK, MACDONALD PARK AND FORREST PARK**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of the CEO

**FILE NUMBER:** 02416

**ATTACHMENTS:** Nil.

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**PURPOSE**

For the Council to consider granting delegated authority to the Chief Executive Officer for the Community Sporting Facilities Project to assist in meeting the notified timeframes of the Federal Government funding agreement.

**EXECUTIVE SUMMARY**

This report outlines the rationale for granting the delegating authority to the Chief Executive Officer to accept tenders for architectural services for the Community Sporting Facilities at Seacrest Park, MacDonald Park and Forrest Park to a maximum value of \$400,000 (excluding GST).

The Chief Executive Officer currently has delegated authority for the acceptance of tenders to the value of \$250,000 (Regulation 18(1) to 18(7) Local Government (Functions & General) Regulations 1996 refers).

Granting delegated authority to the Chief Executive Officer to accept architectural services tenders for this project will allow the City to expedite the project to meet the completion date requirements of the Federal funding agreement.

*It is recommended that Council:*

- 1 *NOTES that the City has commenced consultation with all stakeholders and that the consultation process will be finalised by 30 November 2009;*
- 2 *NOTES that the preliminary schematic drawings for each of the proposed facilities will be presented to Council for approval prior to proceeding with the project;*
- 3 *BY AN ABSOLUTE MAJORITY, In accordance with Section 5.42 of the Local Government Act 1995, DELEGATES to the Chief Executive Officer the authority to accept tenders for the architectural services for Community Sporting Facilities at Seacrest Park, MacDonald Park and Forrest Park to a maximum amount of \$400,000 (excluding GST) SUBJECT TO the delegated authority including the assurance that the appointment of contractors will strictly adhere to the Local Government Act 1995 and City policies relating to the tender process and the appointment of contracts and will be based on selection criteria which include (but are not limited to):*
  - *Demonstrated experience relating to the development of similar community facilities;*

- *The ability to meet the critical timeframes required for completion of the project;*
- *Demonstrated ability to provide the necessary resources required for the completion of the project.*

## **BACKGROUND**

In March 2009, the City made an application to the Federal Government's Regional and Local Community Infrastructure Strategic Projects scheme for the Seacrest Community Sporting Facility which was endorsed by Council at its meeting on 17 March 2009 (CJ049-03/09 refers).

Council noted at that time the City would undertake community consultation with local residents and sporting clubs on the proposed project, once it had received feedback on the success of the application.

In May 2009, the City was informed of the successful grant application for the proposed Community Sporting Facility at Seacrest Park. The financial contributions for the project include \$2,609,200 from the Federal Government, \$2,214,000 from the City and \$400,000 from Whitford Amateur Football Club.

In accordance with Council's decision of March 2009, the City undertook community consultation for the proposed Community Sporting Facility in June 2009. The results of the community consultation were presented to Council at its meeting held 1 September 2009 (JSC12-09/09 refers).

In consideration of the findings of the community consultation process and in addressing the needs of the affected sporting clubs in the locality, Council adopted a revised and integrated solution comprising:

- (a) The construction of a revised Seacrest Park Community Facility at Seacrest Park that provides a facility similar to Penistone Clubrooms located at Penistone Reserve, namely a single storey clubroom facility comprising change rooms, toilets, kitchen, storage, meeting room and function room. The revised Seacrest Park Community Facility is to be used by Sorrento Duncraig Senior Cricket Club, Sorrento Duncraig Junior Cricket Club, Sorrento Duncraig Junior Football Club and Wanneroo Joondalup Tee-Ball Club and is to be designed in keeping with its close proximity to the residential area and incorporate a Management Plan including, but not limited to, the prohibition of night time facility hire to casual users;
- (b) Upgrade and extension to the Fleur Freame Pavilion at MacDonald Reserve including but not limited to an upgrade of existing facilities and an extension to the clubroom to cater for the Whitford Amateur Football Club, Whitford Junior Football Club and Whitford and Districts Senior Cricket Club and the construction of a new clubroom to the south west of the existing clubroom to cater for the Whitford Hockey Club;
- (c) Upgrade an extension to the change room and toilet block facility at Forrest Reserve including but not limited to an upgrade of the existing change room and toilet facility and the construction of a new clubroom including storage, kitchen and function room to cater for the Whitford Amateur Football Club, Whitford Junior Football Club and the Northern Warriors Veteran Football Club.

Council also resolved that the revised integrated solution when finalised will be presented to a future Council meeting for approval prior to implementation.

It was further resolved that the City advises the Federal Minister for Infrastructure, Transport, Regional Development and Local Government of Council's decision not to proceed with the original proposal for a Seacrest Park Community Sporting Facility project and requests a variation to the approved Regional and Local Community Infrastructure Program project to enable the revised integrated solution to be implemented (JSC12-09/09 refers).

## DETAILS

In accordance with Council's resolution arising from its meeting held 1 September 2009, the City has made application to the Minister for Infrastructure, Transport, Regional Development and Local Government for a variation to the approved Regional and Local Community Infrastructure Program project. The application is currently being assessed.

The Regional and Local Community Infrastructure Program is linked to the Federal Government's stimulus initiative which aims to provide immediate stimulus to the Australian economy. A key element of the initiative is the commencement and completion of projects within a specific timeframe and full expenditure of all grant monies prior to 31 December 2010.

The awarding of the original Regional and Local Community Infrastructure Program grant was conditional on completing the project by 31 December 2010 and advice received from the Department of Infrastructure, Transport, Regional Development and Local Government suggests that approval for the variation will be conditional on the City's ability to adhere to this completion date. The variation request highlighted that the project could not commence on the previously agreed date of 1 December 2009 and included the following revised timeframe for the project:

Calling of tenders for architect and consultant team	November 2009
Close of tenders	November 2009
Appointment of architect and consultant team	November 2009
Schematic designs completion for approval (2 weeks)	December 2009
Design development and completion of contract documentation for calling tenders to construct (5 weeks)	February 2010
Calling tenders for construction	February 2010
Close tenders for construction and acceptance of tender	March 2010
Commence construction	March 2010
Construction period (9 months maximum)	
Completion	December 2010

To enable the project to proceed in accordance with the above timeframe it is necessary for the tenders for architectural services to be accepted (in accordance with Local Government regulations) with minimal delay. Consideration of delegating authority to the Chief Executive Officer to accept tenders for architectural services will ensure the project is completed within the required timeframe.

It should also be noted that it is intended, in accordance with the Council resolution (JSC12-09/09 refers) to present schematic designs to Council for approval prior to proceeding. To enable this to occur and remain within the regulated timeframe, Council's approval will be required with minimal delay.

### **Issues and options considered:**

The Chief Executive Officer's current delegation of authority for acceptance of tenders (currently \$250,000) is below the anticipated price for architectural services, therefore a decision of the Council would be required. As the revised project timeframe requires the acceptance of tenders in December 2009 which is during the Council recess period, this would delay commencement of construction substantially, extending the notified completion date to beyond that required by the conditions of the Regional and Local Community Infrastructure Program grant.

Granting the Chief Executive Officer's delegated authority status to allow acceptance of tenders (within the assigned budget) for architectural services for this project only would allow it to proceed in accordance with the notified timeframes in accordance with the Regional and Local Community Infrastructure Program grant conditions.

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

**Legislation**                      Local Government Act 1995, Sections 3.57, 5.42 and 5.43  
City of Joondalup Delegated Authority Register

### **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**

### **Risk Management considerations:**

A delay in the commencement of the project jeopardises the City's ability to complete the project within the timeframe stipulated in the Regional and Local Community Infrastructure Program grant conditions.

### **Financial/Budget Implications:**

A revised budget in consideration of the rescoping of the project is as follows:

<b>TOTAL:</b>	<b>\$4,823,300</b>
City of Joondalup contribution	\$2,214,000
RLCIP Contribution	\$2,609,200

### **Regional Significance:**

Seacrest Park, MacDonald Park and Forrest Park are active sporting reserves catering for a variety of sports including Australia Rules Football, cricket and hockey. The size and facilities provided at these parks cater for both local residents and more broadly sporting teams that live both within and beyond the City of Joondalup. Both Seacrest Park and MacDonald Park are considered regionally significant.

**Sustainability Implications:**

Any development and/or refurbishment at Seacrest Park, MacDonald Park and Forrest Park will consider sustainable design features to ensure the construction processes and ongoing operations of the facilities minimise environment impact.

**Consultation:**

In accordance with Council's resolution to establish a working group to contribute to the design and development of the revised proposal for the Seacrest Park Community Facility, this group comprising members of the Save Seacrest Committee and representatives from each of the sporting clubs involved met on two occasions to consider the facilities and management options for the facility to be constructed at Seacrest Park.

The Seacrest Park Community Facility Working Group reached consensus on the design options, size and site location of the new facility as well as the model for on-going management once the facility is in use. The City has also engaged with the existing sporting club users at MacDonald Park and Forrest Park for their contribution to the proposed upgrade and extensions at these sites.

The affected clubs have been requested to provide information regarding their specific requirements and preferences and meetings are scheduled to refine and clarify the available options. It is anticipated that the consultation process for the three facilities will be finalised by 30 November 2009 and the outcome will form part of the brief to the architects on the key design components for each facility.

**COMMENT**

Part of the delegated authority to the Chief Executive Officer will include the assurance that the awarding of contracts for architectural services and construction will strictly adhere to Local Government Act 1995 and City policies relating to the tender process and the appointment of contractors. The awarding of the contracts for the managing architect will be based on selection criteria which include (but are not limited to):

- Demonstrated experience relating to the development of similar Community Facilities;
- The ability to meet the critical timeframes required for completion of the project;
- Demonstrated ability to provide the necessary resources required for the completion of the project.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:**

- 1 NOTES that the City has commenced consultation with all stakeholders and that the consultation process will be finalised by 30 November 2009;**
- 2 NOTES that the preliminary schematic drawings for each of the proposed facilities will be presented to Council for approval prior to proceeding with the project;**
- 3 in accordance with Section 5.42 of the Local Government Act 1995, DELEGATES to the Chief Executive Officer the authority to accept tenders for**

the architectural services for Community Sporting Facilities at Seacrest Park, MacDonald Park and Forrest Park to a maximum amount of \$400,000 (excluding GST) SUBJECT TO the delegated authority including the assurance that the appointment of contractors will strictly adhere to the Local Government Act 1995 and City policies relating to the tender process and the appointment of contracts and will be based on selection criteria which include (but are not limited to):

- Demonstrated experience relating to the development of similar community facilities;
- The ability to meet the critical timeframes required for completion of the project;
- Demonstrated ability to provide the necessary resources required for the completion of the project.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

**C91-11/09**

**COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr Gobbert that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations En Bloc, Council **ADOPTS** Items CJ239-11/09, CJ240-11/09, CJ243-11/09, CJ245-11/09, CJ248-11/09, CJ249-11/09, CJ250-11/09, CJ251-11/09, CJ252-11/09, CJ255-11-09, CJ256-11/09, CJ257-11/09 and CJ258-11/09.

The Motion was Put and

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Cr Fishwick left the Chamber at 2140 hrs.*

**CJ261-11/09      APPOINTMENT OF DIRECTOR PLANNING AND DEVELOPMENT**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of the CEO

**FILE NUMBER:** 100186

**ATTACHMENTS:** Attachment 1 Confidential Attachment - Applicant Interview Notes  
Attachment 2 Confidential Attachment - Applicant Details  
Attachment 3 Confidential Attachment - Recommended Applicant CV

To seek Council's endorsement of the Chief Executive Officer's recommendation for the appointment of the Director Planning and Development.

### **EXECUTIVE SUMMARY**

On 15 July 2009, the contract of the Director Planning and Community Development, Mr Clayton Higham, ceased. Mr Higham was then engaged to act in the new role of Director Planning and Development until 18 December 2009, and as such, it became necessary to recruit a replacement for this role.

The change of role from Director Planning and Community Development to Director Planning and Development has previously been reported to the Elected Members.

In accordance with the Local Government Act, 1995, the Chief Executive Officer is required to inform the Council of the proposal to appoint a senior officer, and this recommendation requires the endorsement of the Council.

### **BACKGROUND**

On 15 July 2009, the previous holder of the position of Director Planning and Development ceased his contract with the City. As such, it became necessary to recruit a suitable replacement.

The recruitment process was initiated with support services being provided by Lester Blades Executive Search Recruitment & Retention. The position was initially advertised on the weekend of 20 June 2009 in The West Australian and Weekend Australian newspapers and on the website Seek Executive. At that time, the recruitment process progressed to the identification of a preferred applicant, and a report was to be tabled at the Council meeting on 18 August 2009. On 17 August 2009, however, the preferred applicant withdrew their application, resulting in the recruitment process having to be recommenced.

The position was re-advertised in The West Australian and Weekend Australian newspapers on 26 September 2009, as well as in the Local Government job directory and the SEEK Executive and New Zealand SEEK websites from 24 September 2009.

As a result of re-advertising the position, 18 applications were received and, following detailed analysis of these applications and preliminary interviews by Mr Geoff Blades of Lester Blades Pty Ltd, four applicants were short listed for second interviews.

Second round interviews of the remaining two applicants considered capable of meeting the requirements of the position were conducted on 4 and 5 November 2009. The applicants were interviewed by:

- The Chief Executive Officer
- Mr Geoff Blades of Lester Blades Pty Ltd

The Chief Executive Officer then met the recommended applicant again.

A memorandum was issued to Elected Members by the Chief Executive Officer outlining the recruitment process undertaken, which is as follows:

- Lodgement of advertisements;
- Recruiting agent reviews all applications;
- Recruiting agent presents to CEO list for determination of shortlist for interview;
- Shortlisted applicants interviewed;
- Second round interviews conducted;

- Preferred applicant selected;
- Reference checks conducted;
- Confidential report drafted for Council;
- Recommended applicant available to meet Elected Members in informal session prior to Council meeting;
- Council considers recommendation of the Chief Executive Officer.

In accordance with the Local Government Act, 1995, Council has previously resolved that all Directors are deemed senior officers of the City. Section 5.41 of the Act stipulates that one of the functions of the Chief Executive Officer is to be responsible for the employment, management, supervision, direction and dismissal of employees. However, in respect of designated senior officers, the Chief Executive Officer (CEO) is required to:

*“..... inform the Council of each proposal to employ or dismiss a senior employee. The Council may accept or reject the CEO’s recommendation, but if the Council rejects a recommendation it has to inform the CEO of the reasons for its doing so.”*

As a result of the selection process that has taken place, and the comprehensive analysis of the four short listed applicants, it is considered that the recommended applicant is the most appropriate applicant to be appointed to the position of Director. This opinion is formed having regard to qualifications and general experience and having given due regard to the role that this person is required to undertake as Director Planning and Development.

#### **VOTING REQUIREMENTS**

Simple Majority

*Cr Fishwick entered the Chamber at 2141 hrs.*

**MOVED Cr Hollywood, SECONDED Cr McLean that Council ENDORSES the recommendation of the Chief Executive Officer to appoint Dale Page to the position of Director Planning and Development on a performance based contract for a maximum period of five (5) years at a total employment cost of \$200,000 pa.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

*Appendix 23 refers - Confidential - as appended hereto in the Official Minute Book*

#### **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

#### **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2142 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr P TAYLOR  
Cr T YOUNG  
Cr L GOBBERT  
Cr G AMPHLETT  
Cr J CHESTER  
Cr B CORR  
Cr C HAMILTON-PRIME  
Cr M NORMAN  
Cr R FISHWICK  
Cr F DIAZ