

agenda

Briefing Session

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

ON **TUESDAY, 15 JUNE 2010**
COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 14 June 2010

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

DEPUTATION SESSIONS

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

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

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

TABLE OF CONTENTS

ITEM NO	TITLE	WARD	PAGE NO
1	OPEN AND WELCOME		x
2	DEPUTATIONS		x
3	PUBLIC QUESTION TIME		x
4	PUBLIC STATEMENT TIME		xii
5	APOLOGIES AND LEAVE OF ABSENCE		xii
6	DECLARATIONS OF FINANCIAL INTEREST /INTEREST THAT MAY AFFECT IMPARTIALITY		xii
7	REPORTS		
ITEM 1	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS – APRIL 2010 - [07032, 05961]	All	1
ITEM 2	PROPOSED CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE (BLOOD DONOR CENTRE): LOT 13 (57) JOONDALUP DRIVE, EDGEWATER - [38480]	North-Central	5
ITEM 3	RETROSPECTIVE CHANGE OF USE FROM SHOWROOM TO AN UNLISTED USE (TATTOO STUDIO) ON LOT 433 (30) CANHAM WAY, GREENWOOD - [44627]	South-East	13
ITEM 4	ADDITIONS TO EXISTING SHOP (PHARMACY) – LOT 2 (11) SHEPPARD WAY, MARMION - [100014]	South	21
ITEM 5	MIDGE MANAGEMENT STRATEGY PARTNERSHIP AGREEMENT - [03171]	All	31
ITEM 6	EXECUTION OF DOCUMENTS - [15876]	All	38
ITEM 7	TURF CRICKET WICKET MAINTENANCE AGREEMENTS 2010 – 2015 - [06182]	All	42

ITEM 8	2009/2010 SPORT DEVELOPMENT PROGRAM – ROUND 4 - [58536]	All	49
ITEM 9	MINUTES OF EXTERNAL COMMITTEES - [03149]	All	56
ITEM 10	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2010 ANNUAL GENERAL MEETING - [00033]	All	57
ITEM 11	MINUTES OF POLICY COMMITTEE MEETING HELD ON 27 APRIL 2010 - [26176] [13562] [75521] [29061]	All	60
ITEM 12	REVIEW OF CORPORATE DELEGATED AUTHORITY MANUAL - [07032]	All	66
ITEM 13	STATUS OF PETITIONS TO COUNCIL - [05386]	All	73
ITEM 14	LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2010 - [09882]	All	76
ITEM 15	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2010 - [07882]	All	79
ITEM 16	PANEL CONTRACTS - [100402]	All	82
ITEM 17	PETITION BEARING 13-SIGNATURES AGAINST PAID PARKING ON THE JOONDALUP HEALTH CAMPUS - [57618]	North	88
ITEM 18	MULTI-SIGNATURE LETTER AGAINST PAID PARKING ON THE JOONDALUP HEALTH CAMPUS - [57618]	North	91
ITEM 19	TENDER 009/10 – SUPPLY AND MAINTENANCE OF ORNAMENTAL STREETLIGHTS - [100732]	North, North-Central and South-West	95
ITEM 20	MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE HELD ON 27 APRIL 2010	All	99
ITEM 21	PETITION REQUESTING THE CONSTRUCTION OF A CONCRETE FOOTPATH ON WANDEARAH WAY, KINGSLEY AND THE UPGRADE OF A SECTION OF AN EXISTING SLAB FOOTPATH TO CONCRETE - [22076]	South-East	115
ITEM 22	PETITION REQUESTING UPGRADE OF FACILITIES AT BELDON PARK, BELDON - [04771]	Central	118
ITEM 23	UPGRADE OF COASTAL SHARED PATHWAY – HILLARYS BOAT HARBOUR TO BURNS BEACH - [06081] [07086] [01081]	All	124
ITEM 24	WATER REDUCTION WITHOUT AMENITY LOSS IN THE CITY OF JOONDALUP'S SPECIFIED AREA RATES AREAS - [13593] [47387]	All	129
ITEM 25	REMOVAL OF EXEMPTION FROM RATES	South	135

8	REPORT OF THE CHIEF EXECUTIVE OFFICER	
ITEM 26	OCEAN REEF MARINA DEVELOPMENT PROJECT – STATUS REPORT	139
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	NOTICE OF MOTION NO 1 – CR BRIAN CORR – COUNCIL POLICY - CODE OF CONDUCT - [78624] [08166] [09358]	144
	NOTICE OF MOTION NO 2 – CR JOHN CHESTER – ESTABLISHMENT OF COMMUNITY FOOD GARDENS - [78624] [100565]	147
10	REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS	

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 150610.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 15 JUNE 2010** commencing at **6.30 pm**

ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were submitted to the Briefing Session held on **18 May 2010**:

Mr M Travaglione, Duncraig:

Re: Item 4 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 (20) Burrarah Way, Duncraig:

Q1 Why, when adhoc planning amendments are not considered good Town Planning practice, did City of Joondalup Councillors vote contrary to the recommendation of City of Joondalup Town Planning Department and the wishes of local residents in the previous Council meeting regarding the above amendment?

A1 Council considered the five submissions received during the informal consultation process for the proposed amendment and decided to initiate the amendment for the purpose of formal public advertising as it was felt at that time that the application would not have a detrimental effect on the residential amenity of the area or on the volume of traffic on Burrarah Way, Duncraig or surrounding streets.

Ms L Sparta, Duncraig:

Re: Item 4 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 (20) Burrarah Way, Duncraig:

Q1 I understand that Duncraig Physio is currently operating with four Physios which are shown on their website. How can they operate as such if they only have a permit/licence to operate with one only Physio: Has the Council checked this out?

A1 The applicant currently has approval for only one physiotherapist to operate at any one time. Receipt of the proposal currently under consideration has led to the provision of information that suggests more than one physiotherapist is currently operating at any one time. This possible non-compliance will be followed up with the applicant, as a separate process to the proposed scheme amendment, to ensure compliance with the existing approvals.

Q2 *By amending to DPS2, would this give them a Medical Centre status. If so, a medical centre is not permitted within a Residential Zone, therefore Commercial zone requirement required.*

A2 The proposed scheme amendment does not change the zoning of the property. If, in the event that Council and subsequently the Minister for Planning supports the scheme amendment, the property will still be zoned 'Residential', however will have an additional use of 'Medical Centre'. This additional use would allow the owner to apply to the City to operate a medical centre on that property.

Mr B S Shah, Duncraig:

Re: Item 4 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 (20) Burrarah Way, Duncraig:

Q1 *Would Council please confirm whether the Amendment No 45 to DPS2 - Lot 535 (20) Burrarah Way, Duncraig, involves rezoning of the residential land to commercial land?*

A1 The proposed scheme amendment does not involve rezoning the land to a commercial zoning.

Q2 *Would Council please explain why the agenda report states under heading "Parking" in paragraph 3 that: "The City has not received any complaints regarding parking surrounding 20 Burrarah Way, Duncraig" when in fact many immediate neighbours have already complained otherwise?*

A2 Prior to the advertising of the scheme amendment proposal, the City had not received any complaints regarding parking surrounding 20 Burrarah Way, Duncraig.

Q3 *Would Council please explain why the agenda report states under "Parking" paragraph 1 that: "However, it is difficult to determine which premises any illegally parked vehicles are visiting" when in fact immediate neighbours have submitted photographic evidence of vehicles being parked on their verges in their objection submissions?*

A3 Vehicles parked on a particular verge may not be visiting the associated property. It is often not possible to determine which premises vehicles parked on a road or verge are visiting.

Q4 *Has Council fully investigated for how long Duncraig Physio has been operating with more than one physiotherapist?*

A4 The current operating practices of the physiotherapist business have been provided to the City by the applicant. The City will follow up any breaches of their existing planning approval as a separate process.

Q5 *Has Council investigated what impact any amendment will have on traffic on the neighbouring side roads in particular Kariong Circuit which links Chessell Drive to Burrarah Way and is a main access road used to reach Duncraig Physio?*

A5 Both Kariong Circuit and Burregah Way are capable of supporting more vehicles than currently use these roads. However, as stated in the report on this agenda, there will be more cars entering and exiting the site which will increase the frequency of traffic and associated noise, and may have a perceived negative impact on residential amenity.

4 PUBLIC STATEMENT TIME

The following statements were submitted to the Briefing Session held on 18 May 2010:

Mrs Tay, Duncraig:

Mrs Tay spoke in relation to Item 4 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 Burregah Way, Duncraig.

Mr M Travaglione, Duncraig:

Mr Travaglione spoke in relation to Item 4 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 Burregah Way, Duncraig – spoke in relation to petition.

5 APOLOGIES AND LEAVE OF ABSENCE

Apologies: Mayor Troy Pickard
Mr Garry Hunt

Leave of Absence previously approved

Cr John Chester	29 May 2010 – 8 June 2010 inclusive
Cr Liam Gobbert	19 June 2010 – 10 July 2010 inclusive
Cr Russ Fishwick	19 – 24 July 2010 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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.

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.

Name/Position	Mr Mike Smith, Acting Manager Leisure Cultural Services
Item No/Subject	Item 7 - Turf Cricket Wicket Maintenance Agreements 2010-2015
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Smith is a life member of the Joondalup District Cricket Club.

7 REPORTS

ITEM 1 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - APRIL 2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	07032, 05961
ATTACHMENTS:	Attachment 1 April 2010 Decisions planning applications Attachment 2 April 2010 Decisions building applications Attachment 3 April 2010 Subdivision applications processed

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, allow 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 two 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 April 2010 (see Attachments 1, 2 and 3 respectively).

BACKGROUND

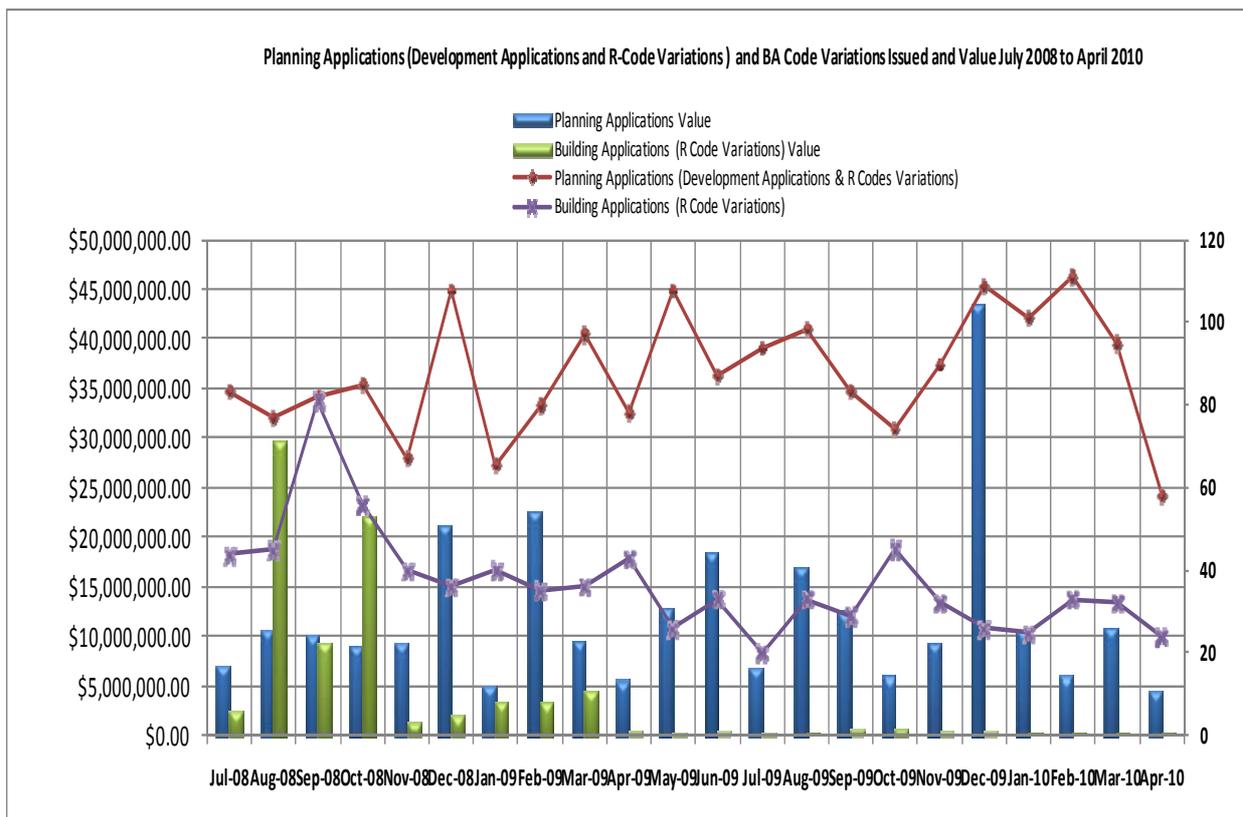
The District Planning Scheme No 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

The number of applications determined under delegated authority for the period of April 2010, is shown below:

Approvals determined under delegated authority – April 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	58	\$ 4, 475, 565
Building applications (R-Codes variations)	24	\$ 282 ,538
TOTAL	82	\$ 4, 758, 103

The number of development applications received during the period for April was 78 (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority From 1 April to 30 April 2010		
Type of approval	Number	Potential new lots
Subdivision applications	0	0
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 consideration 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 58 development applications determined during April 2010, consultation was undertaken for 21 of those applications. Applications for Residential Design Codes variations 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). The two subdivision applications determined during April 2010 were not 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 for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in this Report during April 2010;**
- 2 the subdivision applications described in this Report during April 2010.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf150610.pdf](#)

ITEM 2 PROPOSED CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE (BLOOD DONOR CENTRE): LOT 13 (57) JOONDALUP DRIVE, EDGEWATER

WARD: North Central

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 38480

ATTACHMENTS: Attachment 1 Location plans
Attachment 2 Development plans

PURPOSE

The purpose of this report is to seek Council's determination of an application for a change of use from Showroom to Medical Centre (Blood Donor Centre) at Lot 13 (57) Joondalup Drive, Edgewater.

EXECUTIVE SUMMARY

The application proposes to utilise a vacant tenancy, currently approved as Showroom, for a Medical Centre (Blood Donor Centre).

The subject site adjoins Joondalup Drive to the east and Mitchell Freeway to the west, and is commonly referred to as Joondalup Gate.

The site is zoned 'Business' under the City's District Planning Scheme No.2 (DPS 2). A Medical Centre is a Permitted (P) use in this zone.

Council at its meeting held on 16 February 2010, considered an application for Showrooms and additional car parking at this site. It was determined at that time that 666 car bays were adequate for the site. As the development approved in February 2010 has not been constructed, Council must determine this application based on the current car parking supply, therefore, whether the 599 on site bays are adequate to service the existing and proposed land uses.

BACKGROUND

Suburb/Location: Lot 13 (57) Joondalup Drive, Edgewater
Applicant: John McKenzie and Associates
Owner: Joondalup Gate Pty Ltd
Zoning: **DPS:** Business
 MRS: Urban
Site Area: 46,609m²
Structure Plan: N/A

The site adjoins Joondalup Drive to the east, Mitchell Freeway to the west, the Edgewater Train Station car park to the south, and Okely Park to the north. The subject lot forms part of a large Business zoned area known as 'Joondalup Gate'; that extends from the south of Okely Park to Ocean Reef Road. (Attachment 1 refers).

The entire site (Lot 13) comprises various buildings identified as C1 (yet to be constructed), C2, C3, C4, C8, N1, N2 (proposed location of Liquor Store approved in March 2010 by Council) and N3 (Attachment 1 refers). These buildings vary in size and contain multiple showroom tenancies.

In June 2003 the City approved a reduced car parking requirement for the addition of buildings C3 and C4, of 1 bay per 50m² NLA. This equated to a shortfall of 107 spaces for the total development.

In September 2005 Council approved minor extensions to buildings C4 and N1 of 96m², with no further requirement for car parking. This resulted in an increased shortfall of 111 bays for the site.

In October 2008 the City approved a change of use application for the site for a Showroom and Takeaway Food Outlet (change of use from Showroom). This resulted in an approved shortfall of an additional three bays, increasing the overall shortfall for the site to 114 bays.

In February 2010 Council approved a single storey showroom development, which included an additional 3,384m² net lettable area (NLA) and 75 bays. Notwithstanding the additional car parking provided, this development resulted in an overall shortfall for the site of 152 bays. Council in determining that application was satisfied that the provision of 666 bays was adequate for the site.

In March 2010 Council approved a change of use application at the site for a Liquor Store (change of use from Showroom). This resulted in an additional shortfall of 49 bays, increasing the overall shortfall for the site to 163 bays.

The development approved by Council in February 2010 (building C1) is yet to be constructed.

The current development on site consists of 20,911m² NLA and 599 bays.

DETAILS

The application proposes to utilise an existing Showroom tenancy as a Medical Centre. The tenancy is proposed to operate as a blood donor centre, and is considered to be within the definition of Medical Centre for the purposes of DPS2. The development plans are provided in Attachment 2. The applicant does not propose any additional car parking.

Council is required to determine the application as the car parking provided on site is less than the amount required by DPS 2 by more than 10%. The table below sets out the parking requirements for the site based on:

- the development currently on site, plus the additional bays required by this application;
- the approved development at the southern end of the site that is yet to be constructed (building C1), and the Liquor Store which is not currently in operation; and
- the total car parking requirements should this change of use be approved, building C1 be constructed and the Liquor Store is developed.

	Building Number	Land Use	Car Bays Required by DPS 2
Currently On-Site	C2 (3436m ²)	Showroom (1:30m ² NLA)	114.53
	C3 (1750m ²)	Showroom (1:30m ² NLA)	58.33
	C4 (1552m ²)	Showroom (1:30m ² NLA) Take Away Food Outlet (1 bay per four guests in seating area and 7:100m ² of serving area)	49.02 5.5
	C8 (5537m ²)	Showroom (1:30m ² NLA)	184.57
	N1 (2857m ²)	Showroom (1:30m ² NLA)	95.23
	N2 (3249m ²)	Showroom (1:30m ² NLA)	108.3
	N3 (2530m ²) (minus 478m ² to be converted to Medical Centre)	Showroom (1:30m ² NLA)	68.4 (remainder of N3 to be Medical Centre as set out below)
Medical Centre (6 practitioners)	N3 (478m ²)	Medical Centre (5 bays per practitioner)	30
Sub total			713.8 (714)
To be developed:			
Showroom	C1 (3384m ²)	Showroom (1:30m ² NLA)	112.8
Liquor Store	N2 (Showroom 1915m ² and Liquor Store 1334m ²)	Showroom (1:30m ² NLA) Liquor Store (7:100m ² NLA)	63.8 93.403
TOTAL			875.5 (876)
Bays currently provided on-site			599
Total number of bays to be provided on-site (including development of C1)			674

There are currently 599 bays on-site. This change of use will result in a shortfall of 115 bays. Should the additional bays proposed as part of the development of C1 be constructed, the shortfall will be 152 bays.

The most recent parking survey for the site was completed by Uloth & Associates – Traffic Engineering and Transport Planning Consultants (on behalf of the landowner) – on 10 October 2009. This assessment included a review of a detailed assessment provided to the City in 2006, with a site visit completed during the peak time of 12 noon on a Saturday. The survey identified a total parking demand within the Central (C2, C3, C4, and C8) and North (N1, N2, and N3) precincts of 179 spaces, compared to the 215 vehicles surveyed at a similar time in December 2006, and a total on-site parking supply of 599 spaces for the same area.

The applicant has also provided two aerial photographs of the site taken at approximately 11am on Thursday, 08 October 2009. These photographs show a low level of car park occupancy with many vacant parking spaces, particularly at the rear of the northern tenancies.

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

Medical Centre is a Permitted (P) use within the Business 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.*

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.*

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Public comments were not sought as it was considered that the proposal would not result in any significant adverse effect on surrounding landowners. This is primarily on the basis that the nearest residential property is approximately 70 metres away and is separated from the site by Joondalup Drive. It is considered that neither the proposed land use nor the proposed car parking shortfall will adversely impact on these properties.

COMMENT

Land Use

The proposed land use, 'Medical Centre' is a Permitted 'P' land use within the Business Zone under DPS 2.

Signage

No signage is proposed as part of this application. An advice note will be included on the decision letter if the application is approved, advising that any signage is to be the subject of a separate application for planning approval.

Car Parking

While noting the approvals in February and March 2010, the land owner is under no obligation to proceed with these developments. As such, this application is required to be determined based on current land uses and the existing 599 bays.

DPS 2 allows Council to determine whether the existing 599 bays across the site are sufficient to service the existing development, and the proposed Medical Centre. The options available to Council are:

- 1 Determine that the provision of 599 car parking bays currently provided on-site is appropriate;
- 2 Determine that the provision of 599 car parking bays currently provided on-site is not appropriate;
- 3 Determine that a cash-in-lieu payment is required for the shortfall in car parking.

The parking survey provided by the applicant in 2009 indicates an underutilisation of the car parking on the site. This survey indicated that during 12pm, Saturday, 10 October 2009 a total of 179 vehicles were on the site. Furthermore, an inspection by City Officers at 1pm on Friday 21 May 2010, identified 168 vehicles were on the site. The parking areas identified as the most heavily utilised were those adjacent buildings C3, C4 and C8. The utilisation of car parking in the vicinity of buildings N1, N2 and N3 (proposed location of Medical Centre) was approximately 19%. Including the car parking requirement for the approved Liquor Store (based on car parking standards prescribed under DPS 2), the total car parking utilisation for approved land uses would be 54%. This indicates that there is sufficient car parking available for the proposed Medical Centre.

In support of this application, the applicant has provided peak operating hours for the Medical Centre. The table below outlines the peak trading hours in relation to other land uses approved for the site:

Land Use	Peak Trading Period
Showroom	Thursday Evening 5.30pm to 9pm Saturday Morning 9am to 12pm
Liquor Store (yet to be developed)	Monday - Friday 2pm to 6pm Saturday Afternoon 1pm to 5pm
Medical Centre (proposed)	Tuesday and Wednesday Evening 5pm to 8pm Sunday Morning 8am to 1pm

Furthermore, the applicant has stated that the Medical Centre will be closed on Monday, Thursday and Friday evenings, and all day Saturday.

Given that the peak operating periods of the Medical Centre fall outside of the peak trading periods of the existing Showroom tenancies it is considered that there is sufficient car parking capacity for the land use as the site presently exists. Furthermore, whilst the approved Liquor Store is not yet operational, the peak operating hours for the Medical Centre will not conflict with the peak trading periods for that tenancy. It is therefore considered that the supply of 599 car parking bays for the site is sufficient.

Conclusion

The proposed land use and car parking shortfall are considered appropriate in this instance and will not have an adverse impact on the operations of Joondalup Gate or Joondalup Drive.

It is recommended that the proposal be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clauses 4.5.1 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that:**

- (a) Car parking provision of 599 bays in lieu of 714 bays**

is appropriate in this instance;

- 2 NOTES that the proposed Medical Centre contributes to the car parking shortfall for the site by 15 bays;**
- 3 NOTES that the abovementioned car parking figure does not include car parking required by, or proposed, as part of the Showroom development approved by Council on 16 February 2010, or the Liquor Store approved by Council on 16 March 2010;**

- 4 APPROVES the application for planning approval dated 1 April 2010 submitted by John McKenzie and Associates Architects, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Medical Centre (change of use from Showroom) at Lot 13 (57) Joondalup Drive, Edgewater, subject to the following conditions:**
- (a) A maximum of six medical practitioners (nurses) are permitted to operate from the Medical Centre at any one time.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf150610.pdf](#)

ITEM 3 RETROSPECTIVE CHANGE OF USE FROM SHOWROOM TO AN UNLISTED USE (TATTOO STUDIO) ON LOT 433, (30) CANHAM WAY, GREENWOOD

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	44627
ATTACHMENTS:	Attachment 1 Locality Plans Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for a retrospective change of use from a showroom to a tattoo studio.

EXECUTIVE SUMMARY

The applicant is seeking retrospective approval for a change of use from a showroom to a tattoo studio within the Canham Way service industrial area in Greenwood.

A tattoo studio does not fall within any of the land uses listed under the City's District Planning Scheme No 2 (DPS2). The use is therefore required to be treated as an Unlisted Use which requires the Council to determine whether the use is consistent with the objectives of the Service Industrial zone in making a decision on the application.

The tattoo studio is considered to satisfy the objectives and is in keeping with the surrounding land uses in this instance. It is recommended that the application be approved.

BACKGROUND

Suburb/Location:	Lot 433 (4/30) Canham Way, Greenwood
Applicant:	Urban and Rural Perspectives
Owner:	David Lindsay Love
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	1,637m ²
Structure Plan:	N/A

In 2009 a retrospective change of use application from lunch bar to a tattoo studio was received by the City for the subject site. At the time of considering the application the City determined that a tattoo studio could be considered under the use class 'Beauty Parlour'. A Beauty Parlour is a prohibited ("X") land use with the Service Industrial Zone. As a result the application was refused.

The current application requests that the proposal be considered as an Unlisted Use, as per Clause 3.3 of DPS2. The City has recently received legal advice stating that a tattoo studio cannot reasonably be determined to fall within the scheme definition of the use class “beauty parlour”, nor within any other use class defined in the DPS2. As a result the proposal should be treated as an Unlisted Use.

At its meeting of 20 April 2010 Council, pursuant to Clause 6.9.1(d) of DPS2, resolved to defer the determination of this application. The purpose of this was to allow for consultation with surrounding businesses and residents regarding the proposal.

DETAILS

Lot 433 (No 30) Canham Way is located in the south-western corner of Canham Way in Greenwood. Refer to Attachment 1 – Locality Plan. Canham Way forms part of an existing Service Industrial area comprising land uses including light industrial, trade display, showroom and warehouses. The subject site accommodates up to four separate tenancies, which currently include a party hire showroom and the tattoo studio. A change of use to a Vehicle Hire Premises has been recently approved for Units 1 and 2. The vehicles will be stored inside the tenancy, and staff car parking will be located at the front of the development. Directly south of the subject site a pedestrian access way separates the subject site from low density residential development.

The operating details of the tattoo studio are summarised below:

Number of employees/staff per day	2
Anticipated number of customers per day	3 (all via appointment)
Hours of operation	Tuesday to Saturday – 10am to 7pm (closed Sunday and Monday)

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

- Written submission outlining the proposed development;
- Legal advice in support of treating the tattoo studio as an Unlisted Use;
- 27 written submissions of no objections signed by a number of tenants of surrounding businesses on Canham Way and residences within close proximity;
- Written justification for the car parking proposed.

Summary of the justification as provided by the applicant is summarised below:

- *A ‘tattoo studio’ is clearly not classified as a ‘beauty parlour’ and comfortably falls within the classification of an ‘unlisted use’.*
- *The existing business has been established on the site without causing any adverse impacts on the surrounding landowners or resulting in any verbal or written complaints from the adjoining landowners.*

- *The location of the ‘tattoo studio’ in an industrial area is consistent with the location of other tattoo studios throughout the Perth Metropolitan area, including existing business located within the Joondalup Service Industrial Area (such as Winton Road, Joondalup).*
- *The use of the land for the lawful establishment of a ‘tattoo studio’ is unlikely to compromise the existing character, amenity or compatibility of land use in the immediate locality or give rise to any series land use conflicts due to its location the type and variety of other existing uses and the nature of the business activities.*
- *The ‘tattoo studio’ on the subject land is not intensive and utilises the existing building and vehicle access and parking areas constructed as part of the previous approved use.*
- *The noise generated by the use of the land as a ‘tattoo studio’ is minimal and considerably less than the noise generated by other existing industrial type uses in the immediate locality.*

Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of DPS 2, or whether it should be considered an unlisted land use.

Option 1: If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Service Industrial Zone under DPS 2.

Option 2: If it is considered that the proposed use is an Unlisted Use class in DPS2, Council then needs to determine whether the proposal meets the objectives and purpose of the Service Industrial Zone and therefore, if the proposed use can be permitted.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for a change of use.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No 2

When determining this application Clauses 3.2, 3.3 and 4.8 and 6.8 of DPS2 apply.

Clause 3.2 indicates the manner in which Table 1, the Zoning Table sets out the permissibility of uses within zones. However, due to the nature of the proposed development a “tattoo studio” does not fall within any of the definitions under Schedule 1 of DPS2. Therefore, the Council is required to make a determination under Clause 3.3 of DPS2.

3.3 Unlisted Use

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

3.10 The Service Industrial Zone

The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

6.8 MATTERS TO BE CONSIDERED BY THE 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 to 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.*

Strategic Plan City of Joondalup Strategic Plan 2008 - 2011

Key Focus Area: Economic Prosperity and Growth

Objective: To increase employment opportunities within the City.

Policy: Not Applicable.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposed application was advertised for 14 days via a letter to three immediate surrounding properties between 11 February 2010 and 23 February 2010.

No submissions were received.

Additionally, 27 written submissions stating no objections and signed by a number of surrounding residents and tenants on Canham Way were included with the initial application.

At its meeting of 20 April 2010, Council, pursuant to Clause 6.9.1(d) of DPS 2, resolved to defer the determination of this application. The purpose of this was to allow for consultation with surrounding businesses and residents regarding the proposal.

The application was subsequently advertised by letter to all properties within a 400 metre radius of the subject site for a period of 14 days. A total of 293 owners and business occupiers were written to. Advertising closed on 27 May 2010. Attachment 2 - Notification Area Map refers.

A total of eight responses were received being three objections and five submissions of support.

One objection was received from a business owner in Canham Way who feels that a Tattoo Studio is “not the type of commercial business for the area”.

One objection was received from a resident who does not live in the immediate vicinity of the site but some 200 metres away. This resident felt that “this is an inappropriate place, so close to schools and young families and unfortunately this studio would attract more people with issues relating to crime than not. This area is family oriented and we wish it to stay like this”.

A third objection was received from a resident around 300 metres away who gave no reason for their objection.

The Manager of the Tattoo Studio also collated and submitted a further 15 non objections.

The main issues raised in these statements:

- *“It has been an improvement in the area and I fully support fresh and new business in the area. Over the past year we have had a substantial decrease in vandalism and graffiti in the surrounding area”;*
- *“Does not affect our business in any way”.*

COMMENT

Land Use and Permissibility

It is considered that a "tattoo studio" is not a listed land use under Table 1 – the Zoning Table of DPS2; this position has been verified by legal advice from the City's solicitors. Therefore, it is appropriate that Council determines the use as an Unlisted Use and considers whether the application meets the objectives of the Service Industrial zone.

As stated earlier the Service Industrial area is intended to provide for a wide range of uses that may be inappropriate in a commercial or business zone. The specific objectives of the zone identify the anticipated land uses and the issue of the amenity.

It is considered that the use is consistent with the objectives and purpose of the Service Industrial zone, as set out earlier in this report. In addition, it is considered that the use is:

- capable of being conducted in a manner which will not be obtrusive or detrimental to the locality;
- compatible with the existing business activities established in the immediate locality;
- unlikely to compromise the existing character, amenity or compatibility of land use within the immediate area or give rise to land use conflicts due to its location, the type and variety of other existing uses and the nature of business activities.

Carparking:

As the use 'tattoo studio' is considered an Unlisted Use in DPS2, there is no carparking standard set out for a tattoo studio. Therefore the following car parking standard is recommended:

- one bay per 50m² of Net Lettable Area ;

Under DPS2 the use class Industrial requires a parking standard of one per 50m², which the site currently provides for. The tattoo studio does not involve an increase in the floor area. The parking standard is considered to be appropriate for the following reasons:

- The 'tattoo studio' provides for an exclusive service with clientele numbers approximately three per day between Tuesday and Saturday. As such the use does not generate a high demand for parking spaces;
- The car parking demand generated by the 'tattoo studio' is less than the car parking demand generated by the previous land use which was a showroom;

It is believed that the demand for parking created for this use will not conflict with the demand created for parking for other land uses within the lot.

CONCLUSION:

The “tattoo studio” is considered to be consistent with the objectives of the Service Industrial Zone, and it is recommended that it be determined that it is a permitted use in this zone.

The car parking provision for the site is considered to be adequate, given the limited demand for use of the site.

It is recommended that Council approves the application.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 DETERMINES that under Clause 3.3(a) and 6.12 of the City of Joondalup District Planning Scheme No 2 that:**
 - (a) Tattoo Studio is deemed to be an Unlisted Use;**
 - (b) The proposed use meets the objectives and purpose of the Service Industrial zone, and therefore, is a permitted land use;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) in this instance the car parking standard for the use “Tattoo Studio” shall be one car parking bay per 50m² Net Lettable Area;**
 - (b) the number of existing and proposed parking bays (3) meets the standard referred to Clause in 2 (a) above;**
- 3 Subject to Clause 1 above, APPROVES the application for Planning Approval dated 15 January 2010 submitted by Urban and Rural Perspectives, the applicant, on behalf of the owner, David Lindsay Love, for a Change of Use from Showroom to a Tattoo Studio at No 30 Canham Way, Greenwood.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf150610.pdf](#)

ITEM 4 ADDITIONS TO EXISTING SHOP (PHARMACY) - LOT 2 (11) SHEPPARD WAY, MARMION

WARD:	South
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	100014
ATTACHMENTS:	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Advertising map

PURPOSE

The purpose of this report is to seek Council's determination of an application for an extension to an existing Shop (pharmacy) at Lot 2 (11) Sheppard Way, Marmion.

EXECUTIVE SUMMARY

The applicant proposes a single storey extension to an existing Shop (pharmacy) located within the Marmion Professional Centre. The site is adjoined by Marmion Village Shopping Centre to the east, existing residential properties to the west, Sheppard Way to the north, and Piers Road to the south (Attachment 1 refers).

Under the City's District Planning Scheme No.2 (DPS 2), the site is zoned Commercial, with 'Shop' a permitted ('P') use.

The extensions will provide an additional 148m² Net Lettable Area (NLA) for the tenancy, located towards the rear of the subject site. An additional six car parking bays are also proposed.

The proposal seeks approval for the following variations to DPS 2:

- A minimum side setback (eastern boundary) of nil in lieu of three metres;
- A minimum landscaping strip of 1.2 metres width in lieu of three metres, located to the west of the access along Sheppard Way;
- An additional shortfall of six car parking bays, increasing the overall shortfall for the site from 23 bays to 29 bays.

It is considered that there will be no significant adverse effect from the proposed development on any neighbouring property or the area generally.

It is recommended that the application be approved with conditions.

BACKGROUND

Suburb/Location: Lot 2 (11) Sheppard Way, Marmion
Applicant: Martin Dickie, Dickie Architects
Owner: P.J Ledger
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 3,158m²
Structure Plan: Not Applicable

The Marmion Professional Centre was approved in 1979, with further additions approved in 1984. The site is located adjacent to the Marmion Village Shopping Centre. Single residential properties adjoin the site to the west. There is a reciprocal access agreement in place between the Professional Centre and Shopping Centre which enables vehicle access to the subject site off Whiley Road via the back of the Shopping Centre, and access off Sheppard Way.

A condition of approval for the additions approved by Council in 1984 also required a reciprocal parking agreement between the subject site and Lot 3 (Marmion Village Shopping Centre). This condition was reconsidered by Council in April 1985, where it agreed to not require a reciprocal car parking agreement.

In 1998, the City approved an application for Tea Rooms at the site, which resulted in a shortfall of 34 car parking bays, based on the then requirements of City of Wanneroo Town Planning Scheme No.1 (TPS 1).

In 2001, the City approved an application for a Veterinary Consulting Room. This application reduced the overall shortfall to 27 car parking bays.

The site currently consists of an office, medical centres, pharmacy, hair salon, beauty salon, and veterinary consulting room.

DETAILS

The following table summarises the assessment of the proposal in accordance with the requirements of DPS 2:

Standard	Requirement under DPS 2	Proposed	Complies
Front Setback (Sheppard Way)	9.0m	52.0m	Yes
Side Setback (eastern boundary)	3.0m	0.0m	No
Side Setback (western boundary)	3.0m	9.0m	Yes
Rear Setback (Pierse Way)	3.0m (as per Clause 4.7.2 of DPS 2)	19.0m	Yes
Landscaping	8% (252.65m ²) Minimum 3m wide landscaping to street boundaries	375m ² 1.2m minimum to Sheppard Way (refer Attachment 1) 6.0m to Pierse Way	No

Carparking:

Unit Number	Car parking bays required by DPS 2
Shop (7 bays per 100m ² NLA)	Unit 1 & 2 (127m ²) = 8.89 Proposed extension to Unit 1 (148m²) = 10.36 Unit 3 (86m ²) = 6.02 Unit 8 (57m ²) = 3.99
Medical Centre (5 bays per practitioner)	Unit 4 & 5 (1 practitioner) = 5 Unit 6 (3 practitioners) = 15 Unit 7 (1 practitioner) = 5
Veterinary Consulting Room (5 bays per practitioner)	Unit 9 (1 practitioner) = 5
Office (1 bays per 30m ² NLA)	Unit 10 (70m ²) = 2.33
Total Required	61.59 (62)
Provided	33

Previous approvals granted for the site have not placed a condition restricting the number of practitioners which can operate from the medical tenancies. Further investigations by the City have revealed there are a total of six practitioners currently operating from the various medical centres and the veterinary consulting room at any one time. As per City records, there were also six practitioners operating from these tenancies in 2001. It is therefore considered appropriate that the car parking requirement for the site is calculated on this basis.

The proposed extension will result in a requirement for 11 bays. Six new bays are proposed with one existing bay being removed. This will increase the overall shortfall for the site to 29 bays, or 49.4%.

The applicant has provided the following justification as part of the application:

- *Extra space will enable the pharmacist to provide professional services such as a Diabetes Association Agency, supplying free needles, other diagnostic aids and access to more insulin products. The closest facility is presently at Whitfords City;*
- *Overall, the additional space will provide valuable additions to the amenity of users of this centre, the majority of whom will be coming to Sheppard Way anyway: the extra facilities are not likely to generate a substantial amount of additional parking;*
- *The centre adjoins, and operates in concert with, a shopping centre which has an extensive car park, counted as around 164 spaces. A record of the number of car spaces being used have been tabulated between November to January, showing that at no time were all the car parking spaces occupied, though those in the Professional Centre and those that are more accessible were regularly fuller. Occupancy averaged around 55% of the available spaces;*

- *We understand that the shopping centre car parking provision is less than that required by DPS 2, but there are always spare parking spaces here or in the professional centre at all times of the day, suggesting that the parking standard should not be rigorously applied to a small neighbourhood centre. This could be for a number of reasons:*
 - *The Centre is surrounded by houses and a proportion of the users arrive by foot or on bicycles;*
 - *The nature of the uses is predominantly 'take-away' and, apart from staff, does not generate a need for long term parking;*
 - *The actual shopper 'density' in these shops is less than expected, perhaps since there is a larger portion of storage or food preparation space;*
- *The building is proposed to be extended mainly to the rear, but also up to the lot boundary with the shopping centre. This side expansion will provide better continuity with the shopping centre;*
- *Additional bays will be provided by remarking and extending car bays in the central (and most heavily used) parking area and with spaces for staff on the lot perimeter. These latter bays are on the boundary of a residential lot but will be landscaped and their use for centre staff will result in minimal impact on the neighbour's amenity.*

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

'Shop' 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"

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

- 4.7.1** *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be setback from the property boundaries as follows:*

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety and no adverse effect on the amenity of any adjoining properties or the locality generally.*

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.*

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 *Where 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% 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 the car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

Clause 4.5 of the DPS 2 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.*

The matters listed under Clause 6.8 require consideration:

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.*

Strategic Plan

Key Focus Area: Economic Growth and Prosperity

Objective: 3.2 To increase employment opportunities within the City

Policy City Policy - Notification of Approved Commercial Development

The Policy requires the City to notify residential properties within 30 metres where advertising has not otherwise been carried out. As the City has consulted with the three landowners affected by the proposal (including two residential properties), other residential properties will not be notified should approval be granted.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Clause 6.7.2 of the DPS 2 allows public consultation to be undertaken prior to the consideration for Planning Approval where this is considered necessary/appropriate. The proposal was advertised to three nearby landowners (Attachment 3 refers) via a letter for a period of 14 days. Advertising occurred between 10 March 2010 and 5 April 2010.

No submissions were received.

COMMENT

Landscaping

The additional car parking bays provided to the west of the site are setback 1.2 metres from the front property boundary, encroaching into the three metre landscaping strip required under DPS 2.

The variation to the landscaping strip requirement is considered minor, impacting on only 4.2% (three metres) of the overall length of the front boundary. The remainder of the landscaping strip along Sheppard Way meets the requirements of DPS 2, with 11.9% landscaping provided across the site, which is above the required minimum of 8%. This ensures that an attractive setting for the centre is maintained.

Side Setback

The development is proposed to have a nil setback to the side (eastern) boundary in lieu of the three metres required under Clause 4.7 of DPS 2.

The rear of the site currently consists of a paved area, six car parking bays and a bin store. The extension includes reconfiguration of this car parking area resulting in a loss of one car parking bay, and relocation of the bin store.

It is considered that the proposed nil boundary setback will not have an adverse effect on the amenity of the area, with the nil setback proposed being to the common boundary with the adjoining shopping centre site. An existing pedestrian access located on the shopping centre site immediately adjacent the proposed extension ensures that access to Pierse Way is maintained. There will be no changes to vehicle access to the rear of the site. On this basis the proposed setback variation is supported.

Car Parking

The extension to the pharmacy requires the provision of an additional 11 bays. A net gain of five bays will be provided as part of this application, increasing the overall shortfall for the site to 29 bays.

DPS 2 allows Council to determine whether the 33 bays that will be provided are sufficient to service the existing development, and the proposed extension. The options available to Council are:

1. Determine that the provision of 33 bays car parking bays currently provided on-site is appropriate; or
2. Determine that the provision of 33 car parking bays currently provided on-site is not appropriate; or
3. Determine that a cash-in-lieu payment is required for the shortfall in car parking.

In support of this development, the applicant has provided a parking survey conducted between October and January. This survey was continued by City Officers during April. The survey indicates that the current car parking is underutilised, with an average utilisation of 67%, and peak utilisation of 85%. The current utilisation of the car parking indicates that there will be sufficient bays on-site to cater for the additional shortfall resulting from the extension.

Whilst the extension will allow for some additional services to be provided (diabetes equipment, pharmaceutical consulting and the like), given that it is an extension to an existing use, it is not likely to generate a significant demand for additional car parking. Furthermore, compatibility between land uses within the Professional Centre and the adjoining Marmion Village Shopping Centre allows for multi-purpose trips, reducing the demand for car parking for specific uses.

The parallel bays to the west of the site are to be used for staff parking only, to reduce the volume of traffic movement nearest the intersection. This will also allow the more accessible car bays to be available for customers.

It is considered that the addition of five bays as a part of this development is sufficient to cater for the extension given the current underutilisation of car parking, and the compatibility between land uses.

Conclusion

The side setback and landscaping variations are considered minor and will not have an adverse impact on the operation or amenity of the Professional Centre or neighbouring properties. Furthermore, the additional five bays provided as part of the development is considered sufficient to service the extension.

It is recommended that the proposal be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that:**
 - (a) car parking provision of 33 bays in lieu of 62 bays;**
 - (b) side setback (eastern boundary) of 0.0m in lieu of 3.0m;**
 - (c) a landscaping strip of 1.2 metres along Sheppard Way, Marmion in lieu of 3.0 metres**

are appropriate in this instance;

- 2** NOTES that the proposed Shop extension contributes to the car parking shortfall for the site by six bays;
- 3** APPROVES the application for planning approval dated 3 February 2010 submitted by Martin Dickie, Dickie Architects, the applicant, on behalf of the owner, P.J Ledger, for shop extension at Lot 2 (11) Sheppard Way, Marmion, 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 Car parking (AS/NZS2890.1:2004). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;
 - (b) Car parking bays 30 - 33 as shown on the approved plan shall be marked and permanently set aside for staff parking only;
 - (c) All construction works shall be contained within the property boundaries;
 - (d) The boundary wall shall be of clean finish and made good to the satisfaction of the City;
 - (e) All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf150610.pdf](#)

ITEM 5 MIDGE MANAGEMENT STRATEGY PARTNERSHIP AGREEMENT

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 03171

ATTACHMENTS: Attachment 1 Midge Management Strategy Partnership Agreement 2010-2015
Attachment 2 Midge Management Strategy Implementation Plan 2010-2015

PURPOSE

To seek Council's endorsement of a new five year Midge Management Strategy Partnership Agreement between the City of Joondalup, and the City of Wanneroo and Department of Environment and Conservation (DEC).

EXECUTIVE SUMMARY

The City of Joondalup has had a formal agreement with the City of Wanneroo and the DEC for managing midge within the wetlands of the Yellagonga Regional Park since 1999.

The current Midge Management Strategy Partnership Agreement 2005-2010 is due to expire. A new Partnership Agreement is necessary to ensure ongoing issues associated with midge management are addressed for local residents.

The Partnership Agreement is in line with the Yellagonga Regional Park Management Plan, 2003-2013 and the Yellagonga Integrated Catchment Management Plan, 2009-2014

It is recommended that Council:

- 1. APPROVES the new Midge Management Strategy Partnership Agreement 2010-2015 forming Attachment 1 to this Report, subject to a commitment from the City of Wanneroo and the Department of Environment and Conservation to participate and provide funding for an equivalent term;*
- 2. LISTS for consideration an amount of \$51,250 per year for the next five years to fund the Midge Management Strategy Partnership Agreement 2010-2015, subject to appropriate funding from the City of Wanneroo and Department of Environment and Conservation.*

BACKGROUND

The Yellagonga Regional Park contains a wetland system that includes Lake Goollelal, Walluburnup Swamp, Beenyup Swamp and Lake Joondalup. The water quality of these wetlands is affected by the surrounding catchment area which in turn impacts the prevalence of midge.

In 1999, residents living in the vicinity of Lake Joondalup suffered plague proportions of adult midge. This event led to the establishment of a formal agreement between the City of Joondalup, the City of Wanneroo and the DEC for the management of midge.

This partnership was established as it was considered that the midge issue emanates from the surrounding catchment areas and midge management requires the expertise and resources of the three agencies to be integrated.

Midge swarming becomes a nuisance to residents living near these wetlands during the summer months. Dense populations of midge can be representative of poor water quality within the wetland. Midge do not present a public health risk.

At its meeting held on 17 May 2005, the Council resolved that it:

- *Agrees to the City of Joondalup advising the City of Wanneroo of its in principle support to continue as a member of the Midge Management Strategy for a further five years, subject to a commitment from the other financial members of this committee agreeing to participate and provide funding for an equivalent term;*
- *Agrees to formalise its role as a partner to the agreement subject to presentation and subsequent adoption of a new Midge Management Strategy (2005-2010) specifying actions, responsibility, funding arrangements and amounts;*
- *Approves the review and formalisation of the roles of the relevant stakeholders of the Midge Management Partnership;*
- *Lists for consideration an amount of up to \$51,250 per year for the next five years to fund the Midge Management Partnership agreement, subject to appropriate funding from the City of Wanneroo and Department of Conservation and Land Management.*

DETAILS

Midge Management Strategy Partnership Agreement 2005-2010

The main objective of the Midge Management Strategy Partnership Agreement 2005-2010 (the Partnership Agreement) is to encourage an effective and sustainable partnership for the purposes of managing nuisance midge within wetlands of the Yellagonga Regional Park. This is achieved through improving cooperation, communication and collaboration between local and state government.

The Partnership Agreement provides for the establishment of a Midge Steering Group to discuss and make recommendations on any issues associated with midge management. The Midge Steering Group consists of the Principal Environmental Health Officers of the Cities of Joondalup and Wanneroo and the Manager of Regional Parks Branch, DEC.

A cost sharing arrangement exists under the current Partnership Agreement. The City of Joondalup and City of Wanneroo each contribute 25% of the total budget and the DEC contributes 50% of the total budget.

Key components of the existing partnership agreement are:

Monitoring

A midge larvae monitoring program has been implemented to provide quantitative data to help predict potential adult midge nuisance and reduce the need for chemical treatment. This data assists in determining when a treatment would be most effective.

The midge larvae monitoring program involves the weekly sampling of a number of sites within the wetlands, recording the number of midge larvae present and the subsequent identification of the species of midge using a microscope.

Monitoring also involves a water sampling program to provide information on the physical and chemical characteristics of the water and determine the nutrient status and habitat factors influencing the midge population.

Information obtained from monitoring provides historical data that can also be used to identify trends and improvements.

Nuisance Reduction

The only effective method to provide short term relief to adult midge swarms for residents is by the application of a chemical treatment to the wetlands.

Chemical treatment is a last resort to control midge populations as such action may have a negative impact on the environment. Non target invertebrates can be affected by the application of the chemical. The granular form of the chemical also contributes to the nutrient load of the wetland.

Chemical treatment of any wetland would only occur where the Cities of Joondalup and Wanneroo and DEC all agree. The criteria for treatment includes a threshold limit of midge larvae being reached, a demand from residents to chemically treat and an assessment of adult midge swarms by officers of each partner agency to verify the prevalence of the midge nuisance.

Only a proportion of the lake would be treated to allow the natural recovery of any non target species that could potentially be affected. Lake Joondalup is limited to a maximum of four treatments per year. The number of treatments has been set by the DEC.

Nuisance reduction also includes other intervention strategies to reduce the reliance on chemical treatment. This has included the installation of light traps on Lake Joondalup to destroy emerging adult midge.

Research Projects

An important component to the Partnership Agreement is for the provision of funding for research projects to gain a better understanding of the factors contributing to seasonal midge plagues. It allows investigation into alternate intervention strategies to reduce the reliance on chemical treatment, and to develop an understanding of the nutrient contributors in the catchment.

A reduction on the reliance of chemical treatment provides for a more sustainable social, environmental and economic outcome.

Research projects will compliment or be carried out in conjunction with the Yellagonga Integrated Catchment Management Plan 2009-2014.

Public Information and Education

The existing Partnership Agreement provides funding associated with the production of information packages for local residents. This includes information on how to reduce the impact of adult midge and individual measures that can be taken to reduce a residents own impact on water quality.

Midge Management Strategy Partnership Agreement 2010-2015

A new Midge Management Partnership Agreement 2010-2015 (*Attachment 1*) has been developed in consultation with the City of Wanneroo and DEC to ensure the ongoing management of nuisance midge within the wetlands of the Yellagonga Regional Park.

The new Partnership Agreement adopts the same objectives and principles applied over the previous five years.

Changes to the New Partnership Agreement

The most significant change to the new Agreement is the formalisation of Lake Goollelal as part of a midge management strategy.

Traditionally, Lake Goollelal has not been subject to issues associated with midge, most likely due to its physical characteristics including its water quality. The current partnership agreement has focused funding and resource arrangements only on Lake Joondalup.

In December 2007, the City of Joondalup agreed to an informal arrangement with the City of Wanneroo and the DEC for the monitoring of midge larvae within Lake Goollelal. The City of Joondalup assisted with:

- one day monitoring per fortnight;
- Processing of samples and providing results after each sampling;
- Identifying species of midge;
- Liaising with residents and administering a register for complaints; and
- Conducting adult midge surveys.

This arrangement continued in the 2008/09 and 2009/10 summer period.

The Yellagonga Regional Park Management Plan, 2003-2013 and the Yellagonga Integrated Catchment Management Plan, 2009-2014 provides justification for the inclusion of Lake Goollelal in the new Partnership Agreement. These plans state that the Cities of Joondalup and Wanneroo, the DEC and various community groups, recognise that land use practices in the surrounding catchment from both past and present activities can have detrimental impacts on the wetlands of the Yellagonga Regional Park.

Under the new Partnership Agreement, Lake Joondalup will maintain a maximum of four treatments per year, with Lake Goollelal limited to a maximum of two treatments per year.

The maximum number of treatments has been determined in consultation with the DEC and takes into consideration:

- The differing nature of these wetlands;
- The effect of repetitive use of chemical treatment on non-target invertebrates;
- The potential for unintended impacts upon other sections of the Yellagonga wetlands due to the flow of water to Lake Joondalup via Walluburnup Swamp and Beenyup Swamp; and
- The Yellagonga Regional Park Management Plan 2003-2013 which states that the annual drying of Lake Joondalup leads to a reduction of nutrients from the system which is an important process in the ecology of the lake, whereas Lake Goollelal does not dry out annually which may lead to a concentration of nutrients in the sediment.

The new Partnership Agreement adopts an implementation plan for managing midge (*Attachment 2 refers*).

Issues and options considered:

Should Council decide not to enter into a new partnership agreement, issues associated with nuisance midge for local residents would likely go unresolved.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: The Natural Environment

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

Policy Not Applicable.

Risk Management considerations:

A community expectation exists that the City will take action to address issues associated with nuisance midge within all wetlands of the Yellagonga Regional Park. If no action is taken, the City could expect a strong negative reaction from the community.

The application of a chemical treatment can affect non-target invertebrates. The number of treatments are therefore limited and carried out in consultation with the DEC and specialist officers. Only a proportion of the lake would be treated to allow the natural recovery of any non target species.

In its granular form, the chemical can contribute to the nutrient load of the wetland system. The partnership agreement, through research projects, has a strong focus in reducing the overall nutrient load by identifying the major nutrient contributors.

Financial/Budget Implications:

The annual contribution from the City of Joondalup for the duration of the new Partnership Agreement would be \$51,250. This amount remains unchanged from the previous five year period due to efficiencies in the application of chemical treatment. This amount is proposed in the City's 2010/11 Budget.

The allocation of funds is indicated in the new Partnership Agreement and the implementation plan and the City of Joondalup contribution would be distributed as follows for each component:

- Monitoring - \$8,750
- Nuisance Reduction - \$30,000
- Other intervention - \$3,750
- Research - \$7,500
- Public Information and Education - \$1,250

Regional Significance:

Residents near the wetland system of the Yellagonga Regional Park are affected by the prevalence of adult midge swarms, particularly those located near Lake Joondalup and Lake Goollelal.

Sustainability implications:

The reliance of chemical treatment to control midge is the only effective method to provide short term relief to adult midge swarms for residents but is not environmentally sustainable. Conducting research, education and assisting with improving water quality are important in the long term environmental, social and economic sustainability.

Consultation:

Not Applicable.

COMMENT

The partnership agreement is particularly important to ensure that the impact of adult midge swarms to our residents is reduced.

The inclusion of the City of Joondalup as a partner agency compliments the Yellagonga Regional Park Management Plan, 2003-2013 and the Yellagonga Integrated Catchment Management Plan, 2009-2014.

The Yellagonga Regional Park Management Plan 2003-2013 was endorsed by both the Cities of Joondalup and Wanneroo and identifies that both local governments and the DEC have shared responsibilities for the management of wetlands in the park, to some extent, which also includes managing midge.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **APPROVES the new Midge Management Strategy Partnership Agreement 2010-2015 forming Attachment 1 to this Report, subject to a commitment from the City of Wanneroo and the Department of Environment and Conservation to participate and provide funding for an equivalent term;**
- 2 **LISTS for consideration an amount of \$51,250 per year for the next five years to fund the Midge Management Strategy Partnership Agreement 2010-2015, subject to appropriate funding from the City of Wanneroo and Department of Environment and Conservation.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf150610.pdf](#)

ITEM 6 EXECUTION OF DOCUMENTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the Chief Executive Officer
FILE NUMBER:	15876
ATTACHMENTS:	Nil.

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 29 January 2010 to 22 April 2010.

EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to the Council for information on a regular basis.

BACKGROUND

Nil.

DETAILS

The following documents have been executed by affixing the Common Seal.

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Clayton John Sanders
Description:	Withdrawal of City's Caveat from Lots 183 and 184 Regents Park Road, Joondalup on Plan 21379. Recent application to Strata Title Lots 183 and 184 reflect the car parking easements as required by the Deed, and requirements of Caveat and Deed will be fulfilled upon the issue of these new Strata Titles reflecting the easement.
Date:	29.01.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and IL and AJ Williams
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 186 (3) Bell Court, Heathridge WA. This document was required to be re-signed and sealed. – Refer 16.03.10 entry.
Date:	10 .02.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and A and G Kotlyar
Description:	Section 70A Notification to restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 371(8) Cowrie Place, Mullaloo.
Date:	09.03.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and IL and AJ Williams
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 186 (3) Bell Court, Heathridge WA. Document of 10.02.10 resubmitted for signing and sealing.
Date:	16.03.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and PM and ME Kuriata
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 421 (5) Ensign Way, Beldon.
Date:	23.03.10
Signed/Sealed:	Sealed

Document:	Agreement
Parties:	City of Joondalup and JBT Corporation Pty Ltd.
Description:	Agreement to defer creation of reciprocal easements at properties Lot 311, 321 and 313 McLarty Avenue, Joondalup as the Lots are in the same ownership and not possible to create the required reciprocal easements at this point in time.
Date:	23.03.10
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and C Castersen
Description:	Withdrawal of Caveat to enable transfer of land to occur at properties Lot 668 (No.15) Ash Grove, Duncraig and Lot 669 (No.17) Ash Grove, Duncraig. The City's Caveat is supported by the terms of a Deed dated 15 March 2009 and a replacement Deed has been prepared and is to follow for execution.
Date:	13.04.10
Signed/Sealed:	Sealed

Document:	Deed
Parties:	City of Joondalup and C Gorgolis
Description:	To ensure the new Landowner of Lot 668 (No.15) Ash Grove, Duncraig and Lot 669(No.17) Ash Grove, Duncraig enters into the same Deed Agreement as the previous owner relating to structures straddling Lot boundaries.
Date:	13.04.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and Hazel Baker
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 188(65) Balanus Way, Heathridge.
Date:	20.04.10
Signed/Sealed:	Sealed

Document:	Agreement
Parties:	City of Joondalup and Griffiths Group (WA) Pty Ltd, National Australian Bank Ltd, Electricity Networks Corporation, Water Corporation and WA Land Authority.
Description:	Agreement for variation to Easement F788686 (Form A5) to extinguish a portion of the Easement depicted as "portion to be extinguished" on Deposited Plan 57488 and limiting that portion of the easement depicted as "portion of easement to be restricted to 51.1m AHD" on Deposited Plan 57488 to 51.1m AHD in height at Lot 517 (No.91) Reid Promenade Joondalup.
Date:	22.04.10
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

(2) The local government is a body corporate with perpetual succession and a common seal.

(3) The local government has the legal capacity of a natural person.

Strategic Plan Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

Policy

Nil.

Risk Management considerations:

Nil.

Financial/Budget Implications:

Some of the documents executed by the City may have financial and budget implications.

Regional Significance:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

COMMENT

The various documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 29 January 2010 to 22 April 2010 executed by means of affixing the common seal.

Name/Position	Mr Mike Smith, Acting Manager Leisure Cultural Services
Item No/Subject	Item 7 - Turf Cricket Wicket Maintenance Agreements 2010-2015
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Smith is a life member of the Joondalup District Cricket Club.

ITEM 7 TURF CRICKET WICKET MAINTENANCE AGREEMENTS 2010 - 2015

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 06182

ATTACHMENTS: Attachment 1 Cost Comparisons between Local Government Authorities in the Metropolitan Area

PURPOSE

To seek endorsement for new agreements outlining funding support to clubs for Turf Cricket Wicket Maintenance through the development of new five year agreements.

EXECUTIVE SUMMARY

In June 2005, Council agreed to provide financial assistance to three cricket clubs, Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitfords & Districts Senior Cricket Club, to maintain the City's turf cricket wicket facilities from 2005/06 for a five year period (CJ139 - 06/05 refers).

The current Turf Cricket Wicket Maintenance Agreements that the City has with the three clubs are all due to expire on 30 September 2010. Each agreement stipulates funding support to the total of \$2,500 per cricket pitch within the centre match wicket blocks. Following increases through annual inflation figures since 2005, there is a gap between the level of support provided by the City and the costs incurred by the clubs to maintain the City's turf cricket wicket facilities.

It is proposed to adjust the base figure of \$2,500 by CPI Perth figures (30 June) since 2006 to arrive at a current subsidy amount. This amount is to be set at \$3000 per cricket pitch with the proposed agreement including annual increments based on CPI movements.

It is recommended that Council:

1. *AGREES to provide financial assistance to the following cricket clubs to maintain turf cricket facilities commencing from 1 October 2010 for a five year period:*
 - *Joondalup District Cricket Club - \$30,000 per annum;*
 - *Whitford and Districts Senior Cricket Club - \$15,000 per annum;*
 - *Ocean Ridge Cricket Club - \$12,000 per annum;*
2. *DEVELOPS agreements for a five year period with the clubs detailed in (point 1) above, with the agreement to include annual increases based on CPI Perth for the period ending 30 June.*

BACKGROUND

The City of Joondalup has three turf cricket wicket facilities utilised by the following community sporting groups:

- *Joondalup Districts Cricket Club - Iluka District Open Space, Iluka. two centre wicket blocks each with five cricket pitches, plus 16 practice wickets;*
- *Whitford & Districts Senior Cricket Club - MacDonald Reserve, Padbury. one centre wicket block with five cricket pitches, plus 5 practice wickets;*
- *Ocean Ridge Cricket Club - Flinders Park, Hillarys. one centre wicket block with four cricket pitches;*

The 2005 agreement for the Ocean Ridge Cricket Club indicated that Flinders Park had only three cricket pitches in the centre wicket block to maintain; however, following discussions with the club it has been identified that four pitches exist.

At its meeting in June 2005, Council endorsed the following recommendations:

- 1 *AGREES to provide financial assistance to the following cricket clubs to maintain the City's turf cricket wicket facilities commencing from 2005/06 for a five year period:*
 - *Joondalup District Cricket Club to a maximum of \$25,000*
 - *Whitford & Districts Senior Cricket Club to a maximum of \$12,500*
 - *Ocean Ridge Cricket Club to a maximum of \$ 7,500*
- 2 *DEVELOPS Agreements for periods of five years with the Joondalup District Cricket Club, Whitford & Districts Senior Cricket Club and the Ocean Ridge Cricket Club regarding the maintenance of the City's turf cricket wicket facilities commencing from 2005/2006;*
- 3 *NOTES that any requests for additional turf cricket wickets in the future must comply with the:*
 - (a) *West Australian Cricket Association's Strategic Facilities Plan*
 - (b) *Guidelines from the North Metropolitan Regional Recreation Advisory Committee;*

and would be submitted to Council for endorsement.

The Turf Cricket Wicket Maintenance agreements were developed to provide turf cricket clubs within the City of Joondalup with equal and consistent levels of financial support. The agreements provided assistance to clubs in the preparation of centre wicket blocks with a sum of \$2,500 per cricket pitch maintained.

Prior to the Council decision in 2005, the Whitford & Districts Senior Cricket Club was the only club that had a Turf Cricket Wicket Maintenance Agreement (2000-2005) in place with the City. The expiration of the 2000-2005 Agreement provided the City with an opportunity for a new arrangement to be developed that would offer assistance equitably to all cricket clubs utilising turf wickets. Upon a review prompted by the club, it was determined that one of the clauses in the Whitford & Districts Senior Cricket Club's previous agreement alluded to a continuation of the terms and conditions for a further five years until 2009/2010.

The 2000-2005 Agreement between the City and the Whitford & Districts Senior Cricket Club states that the City would continue to pay the Club \$20,000 a year (plus CPI) for a second five year term, which suggested there would be a payment to the club beyond 2005. This represented an additional cost to the City of \$7,500 per annum (plus CPI) for the five (5) years, over and above the amount endorsed by Council in June 2005 (\$12,500 per annum).

Legal advice concluded that the City should honour a second five year term, ending on 30 September 2010. The City considered that it would be inappropriate to reduce the level of funding provided to the club, given this legal interpretation, and the potential negative impact on the City's relationship with the Club.

The completion of the agreement between the City and the Whitford & Districts Cricket Club on 30 September 2010, now allows equitable assistance to all turf cricket clubs based on the original calculations developed in 2005.

DETAILS

The three turf cricket clubs located within the City are represented through the following levels of competition; one Western Australian Cricket Association (WACA) Grade club and two Western Australian Suburban Turf Cricket Association (WASTCA) Grade clubs.

In Western Australia, the WACA Grade is the State's premier cricket competition fielding 16 teams from across the Perth Metropolitan Area. Each team represents its relevant district area and provides a pathway for young cricketers to progress through to the State and National teams. The WASTCA Grade is a metropolitan competition for affiliated cricket clubs that is also required to be played on turf cricket wickets.

Issues and options considered:

As a result of the expiry of its agreements with the Joondalup District Cricket Club, Whitfords & Districts Cricket Club and the Ocean Ridge Cricket Club, three alternatives exist for Council to consider:

- 1 To increase the funding assistance to turf cricket clubs through applying CPI increases to the 2005 developed model, that is equitable to each;

- 2 Renew the current agreements with the turf cricket clubs continuing to provide the current financial assistance of \$2,500 per cricket pitch maintained; or
- 3 Resolve to discontinue financial assistance to any club using turf cricket wickets making all management and maintenance the responsibilities of the individual clubs.

Option 1

“To increase the funding assistance to turf cricket clubs through applying CPI increases to the 2005 developed model, that is equitable to each.”

In the development of the 2005 model, the primary goal was to create equality between the three (3) clubs concerned through a sum of \$2,500 being provided per cricket pitch. The structure of the new agreements is proposed for the City to increase the assistance in line with the ABS figures for CPI for Perth between 2006 and 2009, plus the WALGA forecast for 2010 of 3.5%. This brings the adjusted base figure for the commencement of the agreement at \$3,000. This would then be increased based on CPI figures for Perth for the period ending 30 June of each year, for the period of the five year agreement.

If the City increases the support to cricket clubs maintaining turf cricket wickets, the formula in Table 1 demonstrates the assistance to be provided to each club in Year 1 (2010/2011):

Table 1: Turf Cricket Wicket Maintenance Payment Formula

Name of Facility	Number of Centre Wicket Blocks	Number of Pitches in Centre Wicket Block	Current Rate per Cricket Pitch	Total
Iluka District Open Space	2	5 in each Total = 10	\$3,000	\$30,000
MacDonald Reserve	1	5	\$3,000	\$15,000
Flinders Park	1	4	\$3,000	\$12,000
TOTAL (2010/2011)				\$57,000

Option 2

“Renew the current agreements with the turf cricket clubs continuing to provide the current financial assistance of \$2,500 per cricket pitch maintained.”

It is assumed that the cost to maintain a turf cricket has increased since the establishment of the agreement. This rise has resulted in a gap existing between the level of support provided by the City and what the real costs of maintaining turf cricket wickets are. If the City was to decide to renew the current agreements with no increase in the subsidy, the next five year agreement would result in an even greater gap between the level of financial support and the real costs incurred by the clubs.

Option 3

“Resolve to discontinue financial assistance to any club using turf cricket wickets making all management and maintenance the responsibilities of the individual clubs.”

With the expiration of the three turf wicket agreements, the City has the opportunity to avoid involvement in the business of contributing to turf wicket maintenance and the financial burdens associated. Enforcing the three clubs who utilise turf cricket wickets to be solely responsible for management and maintenance would save the City in excess of \$50,000 per annum.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: 5.1 To ensure the City’s facilities and services are of a high quality and accessible to everyone.
5.2 To facilitate healthy lifestyles within the community.

Policy 6-1 Reserves, Parks and Recreation Grounds

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

In 2009/10, the budget allocation for turf cricket wicket maintenance is \$55,376. It is proposed that through the CPI increases to financial support provided by the City, that an amount of \$59,375 be budgeted for 2010/11. Over the period of the five year agreements with the three turf cricket clubs, the total cost to the City would be \$296,875.

The funds will be held within the Natural Areas and Parks Contributions account.

The turf cricket clubs are responsible for the area within a 25 metre radius from the centre of the match wicket blocks. The turf management costs incurred by the City to maintain the broad acre grass areas on each of the reserves with turf wicket facilities, excluding labour costs, are:

- Iluka District Open Space: \$43,000
- MacDonald Park: \$24,000
- Flinders Park: \$21,000

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The three turf cricket clubs; Joondalup Districts Cricket Club; Whitford & Districts Cricket Club; and the Ocean Ridge Cricket Club, were consulted regarding the level of financial support they currently receive and the conditions of their agreements.

A review with other Metropolitan Local Government's revealed that the City's contribution was comparable to other contributions made across the industry.

COMMENT

There are varying levels of support for turf cricket clubs throughout Local Government Authorities. In some cases the LGA assumes full responsibility of maintaining turf cricket facilities at their own cost. The Cost Comparisons between Local Government Authorities in the Metropolitan Area are demonstrated in Attachment 1.

It is recommended that the City adopt Option 1, ensuring an equitable approach to all turf cricket clubs, while applying CPI increases to the agreed 2005 model. The evidence provided in Attachment 1, demonstrates that it is standard for support to be provided by Local Government Authorities to turf cricket clubs. This includes variations from the City of Stirling contributing \$35,000 and specialised equipment to WACA grade clubs; to the City of Bayswater maintaining turf wickets at its own cost to the value of \$150,000 per year. Option 1 is considered a cost effective way to assist in the provision of turf cricket playing facilities within the City of Joondalup.

The Joondalup District Cricket Club and the Whitford & Districts Cricket Club, each have turf practice wickets that are used for training. In addition, the Joondalup District Cricket Club has approached the City to install additional practice wickets to cater for the growth in demand on turf 'practice' wickets at their club. It is recommended that the maintenance of turf practice wickets remains the responsibility of the individual cricket clubs and that the City continue to not contribute additional funds to these facilities. It is possible to train or practice on the synthetic cricket wickets supplied by the City and still play matches on the turf wickets.

Clubs competing in the WACA competition must have turf cricket wickets to participate, with captains and umpires conducting pitch ratings after each match to report on facility standards. WASTCA clubs must have one playing field for every two teams it has in competition, but they do not necessarily have to have a turf-playing wicket. Almost all clubs participating in this competition have turf wickets and those who do not, are forced to play all matches as away fixtures.

The cost to maintain turf cricket wicket facilities is the same regardless of the competition that clubs are participating in and as a result, the set amount detailed in Option A has been recommended based on the number of pitches that clubs maintain within the centre wicket block(s). In addition, the increases to the agreed 2005 model, based on CPI figures and forecasts for the next five year period, bridges the gap between the level of support provided by the City and the actual costs incurred currently by the clubs.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 **AGREES** to provide financial assistance to the following cricket clubs to maintain turf cricket facilities commencing from 1 October 2010 for a five year period:
 - Joondalup District Cricket Club - \$30,000 per annum;
 - Whitford and Districts Senior Cricket Club - \$15,000per annum;
 - Ocean Ridge Cricket Club - \$12,000 per annum;
- 2 **DEVELOPS** agreements for a five year period with the clubs detailed in (point 1) above, with the agreement to include annual increases based on CPI Perth for the period ending 30 June.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf150610.pdf](#)

ITEM 8 2009/2010 SPORT DEVELOPMENT PROGRAM - ROUND 4

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 58536

ATTACHMENTS: Attachment 1 Joondalup Brothers Rugby Union Football Club
Application Assessment
Attachment 2 City of Joondalup Funding and Grants Summary

PURPOSE

To provide a recommendation for funding as part of the City's 2009/10 Sports Development Program – Round 4.

EXECUTIVE SUMMARY

The Sports Development Program aims to assist local not for profit, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

The City reviewed one application in Round 4 of the 2009/2010 Sports Development Program.

The application was received from the Joondalup Brothers Rugby Union Football Club and has been presented to Council for approval.

Following the second year of administering the Sport Development Program on a quarterly basis, the City has compiled figures relating to the decrease in the quantity and quality of applications received. It is recommended that the program be administered on a twice per year basis, linking to the sporting seasons of summer and winter.

It is recommended that Council;

1. *APPROVE a \$15,000 grant to the Joondalup Brothers Rugby Union Football Club for their 'Premier Grade' Project, subject to the club entering into a formal funding agreement with the City of Joondalup;*
2. *AGREES that the Sports Development Program as detailed in the Community Funding Policy revert to be administered based on the summer/winter seasonal application periods.*

BACKGROUND

In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support (item CJ136-06/02). In September 2002, Council endorsed the City of Joondalup's Sports Development Program providing an annual budget of \$60,000

The Sports Development Program aims to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

The Sports Development Program offers support to sporting clubs to enable them to establish sporting and club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its support.

At its meeting in May 2008, Council endorsed the following recommendation (item CJ089-05/08):

AGREES that the Sports Development Program as detailed in Policy 5-2 – Community Funding be administered on a quarterly application period.

Prior to the May 2008 Council decision, the Sports Development Program had been administered on an annual basis. Quarterly administration was designed to encourage greater participation and to increase the number of applications submitted.

Round 4 of the 2009/2010 Sports Development Program was promoted directly to all eligible clubs in April 2010. The clubs that were sent information include:

- Arena Swim Club
- Breakers Swim Club
- ECU Joondalup Soccer Club
- Greenwood Tennis Club
- Joondalup & Districts Rugby League Club
- Joondalup Brothers Rugby Union Club
- Joondalup Lakers Hockey Club
- Kingsley Tennis Club
- North Coast Triathlon Club
- Ocean Ridge Tennis Club
- Perth Outlaws Softball Club
- Sorrento Tennis Club
- Wanneroo Basketball Association
- Wanneroo Lacrosse Club
- Westside Steelers Gridiron Club
- Whitford Hockey Club

The five clubs, Joondalup Districts Cricket Club and Sorrento Football Club (2008/2009 funding), and Stirling Basketball Association, Joondalup Netball Association and the Ocean Reef Sea Sports Club (2009/10 funding) were not eligible to apply as they had recently received grants.

The 2009/2010 Sport Development Program budget is \$60,000. Following the first two rounds of funding, \$30,920 was allocated to three clubs. This resulted in a total of \$29,080 being available for the final two rounds of the program in 2009/10.

The City received no applications in Round 3, and one application in Round 4 of the 2009/2010 Sports Development Program. The application is to recruit coaches and specialist support personnel to develop local Joondalup players at the Joondalup Brothers Rugby Club.

As a result of the decision of the Council in May 2008, the City has administered the Sports Development Program on a quarterly application period. In 2008/09, applications were received by two clubs requesting \$22,600; while in 2009/10 a total of four clubs applied for funding requesting a total of \$45,920. In addition to the clubs that submitted applications, five clubs expressed an interest in the grant and the City Officers continues to work with those clubs to access future funding for their respective programs.

Table 1: Application Figures for the Sport Development Program: 2005/06 to 2009/10

Financial Year	Number of Expressions of Interest (EOI) Received	Number of Applications Received	Number of Successful Applications
2005/06	5	5	5
2006/07	5	5	5
2007/08	4	4	4
2008/09	6	2	2
2009/10	5	4	3 *

* Does not include application from Joondalup Brothers Rugby Union Football Club as part of Round 4 as a successful application.

DETAILS

The Joondalup Brothers Rugby Union Football Club is the only rugby union club located within the City, based at the Iluka District Open Space; soon to be located at Arena Joondalup as part of the Arena Community Sport and Recreation Association (ACSRA). The club is one of the biggest junior rugby clubs in Western Australia, and their main objective is to develop those pathways required to deliver the club into the highest level of rugby in WA.

In 2006/2007, the Club was funded as part of the Sport Development Program, a total of \$10,000, to secure the services of a highly credentialed coach from New Zealand. In developing this application, it has been identified that the addition of specialised coaches will further develop the local junior talent to achieve 'Premier Grade' status.

The program will target approximately 480 participants (100 senior and 380 junior) and involves the employment of specialist coaches to assist the Club in reaching its goal of becoming one of Rugby WA's 'Premier Grade' Clubs.

Full details of the project are included in Attachment 1.

The program will be conducted for an 11 month period incorporating one (1) winter rugby season from December 2010 – November 2011. The City's grant will be used for Rugby Skills Coaching Services, Strength and Conditioning Coach, a Dietician and a Sports Physiologist. The total cost of the program is \$20,000 with the club contributing \$5,000 towards the program Rugby Skills Coaching Services and the Arena Joondalup Gym Membership. The balance of the funding for the program is \$15,000, which is the application presented to the City.

	Actual Cost	Amount Requested from the City
The costs for the program are;		
Arena Joondalup Gym Membership	\$ 3,000	\$ 0
Strength and Conditioning Coach	\$ 2,000	\$ 2,000
Dietician	\$ 2,000	\$ 2,000
Sports Physiologist	\$ 1,000	\$ 1,000
Rugby Skills Coaching Services	\$12,000	\$ 1,000
Total Cost	\$20,000	Total Cost \$15,000

The Club has indicated that it will continue the program illustrating the potential for long term sustainability.

Full details of the assessment panel's evaluation of the project are included in Attachment 1.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: 5.2 - To facilitate healthy lifestyles within the community.

Strategy: 5.2.1 - The City provides high quality recreation facilities and programs

Outcome: The Joondalup community is provided with opportunities to lead a healthy lifestyle.

Policy The Sports Development Program is conducted in line with City Policy - Community Funding.

Risk Management considerations:

In 2006/07, the Club was funded as part of the Sport Development Program, a total of \$10,000, to secure the services of a highly credentialed coach from New Zealand. Due to personal business commitments, unfortunately the coach was unable to fulfil the role and required the club to source a replacement.

The aim of the 2006/07 grant was to achieve 'Premier Grade' status; however, the club is yet to be promoted to the highest level of rugby competition in WA. In reviewing the current application it was identified that there were similarities between the two applications.

The club will be required to work with the City to develop a five year Strategic Plan, outlining key objectives and strategies, and regularly review the plan to ensure targets are being met.

Financial/Budget Implications:

Account No:	1.443.A4409.3293.4023
Budget Item:	Sponsorships
Budget Amount:	\$60,000
YTD Amount:	\$30,920
Round 4:	\$15,000
Funds Remaining:	\$14,080

Regional Significance:

Not Applicable.

Sustainability implications:

The City has followed a clear and equitable process in the administration of the Sports Development Program. Applicants have been provided the opportunity to meet with the City to receive feedback on their proposed projects and to help ensure that it meets the program's objectives and priorities.

The Sports Development Program provides for a positive effect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

The Joondalup Brothers Rugby Union Football Club will conduct the project over a one year period, incorporating one winter rugby season. At the completion of the one year period the Association will continue to conduct the program for the benefit of their members and the growth of rugby in the region. The Club is aiming to achieve 'Premier Grade' status within five years.

Consultation:

Applicants are encouraged to discuss funding proposals with the City prior to submission to ensure that the application is in line with program objectives and contains the level of detail required for assessment.

Following the submission of their application, the Joondalup Brothers Rugby Union Football Club was invited to supply additional information so that City Officers could complete the assessment and provide recommendations to Council.

COMMENTSport Development Program Round 4 - Applications

The Sports Development Program offers support to sporting clubs in areas that are operational and often prohibitive to club development under normal circumstances. The program aims to ensure that the City receives appropriate recognition for its support. The maximum grant available to an individual club is \$20,000 in any one year and the level of recognition to the City may vary accordingly.

The City considered the funding request from the Joondalup Brothers Rugby Union Football Club against the program guidelines, identified priorities and the level of sponsorship exposure offered to the City. The total amount of funding recommended to the Joondalup Brothers Rugby Union Football Club is \$15,000.

As part of the condition of funding, the Joondalup Brothers Rugby Union Football Club are required to recognise the City through naming rights of the program and displaying the City's logo on all related promotional material.

In assessing the application, the benefit to the Club was evident through the improvement in rugby delivery within the region and the expected continued growth of its membership figures.

The Chief Executive Officer, under delegated authority, can approve applications for funding up to \$10,000. The funding requested from the Joondalup Brothers Rugby Union Football Club is greater than \$10,000 and therefore requires the approval of Council.

Sport Development Program Round 4 - Administration

Following the decision of Council in May 2008, to administer the Sport Development Program quarterly, there has not been an increase in the number of applications. In order to meet the target of quarterly administration, it requires the application periods be conducted back-to-back throughout the year, which creates a greater workload in ensuring the applications received are reflective of the financial support they are seeking. As a result of the increase in administration and the change in administering the program not resulting in its project objective, it is suggested that the program be administered twice per year.

The Sport Development Program is unique to the City of Joondalup, and the level of funding provided each year of \$60,000 is not matched by any other Metropolitan Local Government Authority (LGA) for enhancing the delivery of sport to the community. The City provides multiple funding programs to local sporting and recreation clubs and individuals at varying times throughout the year, as detailed in the City of Joondalup Funding and Grants Summary (Attachment 2).

It is recommended that the City administer the Sport Development Program twice per financial year, based on the annual sporting seasons of summer and winter. The recommended application periods would fall in July and January. This approach would allow City Officers to be readily available to discuss the proposed projects with the clubs and assist in developing high quality applications reflective of the funding request, which in some cases is up to \$20,000. In addition, it would also give the clubs the opportunity to submit further information, if required, without the impact of short time frames in order to meet reporting deadlines.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 APPROVES a \$15,000 grant to the Joondalup Brothers Rugby Union Football Club for their 'Premier Grade' Project, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 2 AGREES that the Sports Development Program as detailed in the Community Funding Policy revert to be administered based on the summer/winter seasonal application periods.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf150610.pdf](#)

ITEM 9 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 03149

ATTACHMENTS: Attachment 1 Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 22 April 2010.
Attachment 2 Minutes of the Special Meeting of the Mindarie Regional Council held on 6 May 2010.

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the Mindarie Regional Council held on 22 April 2010.
- Special Meeting of the Mindarie Regional Council held on 6 May 2010.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 Ordinary Meeting of the Mindarie Regional Council held on 22 April 2010 forming Attachment 1 to this Report;**
- 2 Special Meeting of the Mindarie Regional Council held on 6 May 2010 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here: [externalminutes150610.pdf](#)

ITEM 10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2010 ANNUAL GENERAL MEETING

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 00033

ATTACHMENTS: Nil.

PURPOSE/EXECUTIVE SUMMARY

For Council to give consideration to nominating its voting delegates for the 2010 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 7 August 2010.

BACKGROUND

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the State have representatives attending.

Mayor Troy Pickard and Cr Tom McLean were nominated as the City's voting delegates in 2009, with the Chief Executive Officer as their 'proxy' delegate.

DETAILS

The 2010 WALGA Annual General Meeting will be held on Saturday, 7 August 2010.

Voting delegates

In order to participate in the voting on matter received at the Annual General Meeting, each member Council must register its voting delegates by Monday, 14 July 2010. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

On 7 April 2010, Mayor Troy Pickard was elected as President of WALGA.

Council at its meeting held on 20 April 2010 (CJ065-04/10 refers) appointed Cr Geoff Amphlett as a replacement representative for Mayor Troy Pickard on the WALGA North Metropolitan Zone.

The current City of Joondalup members of the WALGA North Metropolitan Zone are:

Members

Cr Geoff Amphlett
Cr Russ Fishwick
Cr Tom McLean
Cr John Chester

Deputies

Cr Christine Hamilton-Prime
Cr Kerry Hollywood
Cr Mike Norman
Cr Liam Gobbert

Crs Amphlett and Chester are the City's delegate and deputy delegate respectively, to the WALGA State Council.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

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:

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Matters considered at the 2010 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council GIVES consideration to nominating its:

- 1 two voting delegates for the 2010 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 7 August 2010;**
- 2 'Proxy' voting delegates for the 2010 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 7 August 2010 in the event that Council's appointed representatives are unable to attend.**

ITEM 11 MINUTES OF POLICY COMMITTEE MEETING HELD ON 27 APRIL 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 26176 13562 75521 29061

ATTACHMENTS: Attachment 1 Minutes of Policy Committee Meeting held on 27 April 2010
Attachment 2 City Policy – Elected Members – Allowances
Attachment 3 Draft City Policy – Legal Representation for Elected Members, the CEO and Employees
Attachment 4 Draft City Policy – Burning on Private Property

PURPOSE

To submit the unconfirmed minutes of the Policy Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 23 February 2010 to consider the following matters:

- Item 1 - Review of Policy – Elected Members - Allowances
- Item 2 - Review of Policy – Representation for Elected Members and Employees
- Item 3 - Review of Policy - Public Participation
- Item 4 - Proposal to Ban Burning on Private Properties - Update

BACKGROUND

Council established a Policy Committee and endorsed a new Policy Framework on 26 April 2005. (*CJ064–04/05 refers*). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. Officers may be requested by the Policy Committee to draft specific policies as required for referral to the Policy Committee.

City policies are to be developed and drafted for Policy Committee consideration and recommendation to the Council. The Policy Committee may determine, if appropriate, to request that a City Policy be subject to public comment prior to recommending it for Council adoption.

DETAILS

Issues and options considered:

The Motions carried at the Policy Committee meeting held on 27 April 2010 are shown below, together with officer's comments:

Item 1 – Policy Elected Members – Allowances

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council AMENDS Clause 7.3(c) of Policy – Elected Members – Allowances as outlined on Attachment 1 to this Report.”

Officer's Comment

The Policy Committee's recommendation is supported.

Item 2 – Review of Policy – Representation for Elected Members and Employees

The following Officer's recommendation was presented to the Committee:

“That the Policy Committee RECOMMENDS that Council ADOPTS the Draft Policy 8-7 Legal Representation for Elected Members, the Chief Executive Officer and Employees in the format provided at Attachment 1 to this Report.”

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council DOES NOT amend Draft Policy 8-7 Legal Representation for Elected Members and Employees as shown on Attachment 1 to this Report.”

Officer's Comment

The Policy Committee's recommendation can be supported.

Item 3 – Review of Policy - Public Participation

The following Officer's recommendation was presented to the Committee:

"That the Policy Committee Recommends that Council:

- 1 *DELETES Council Policy 1.2 – Public Participate forming Attachment 2 to this Report;*
- 2 *ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 1 to this Report."*

The following motion was carried:

"That debate on the Item pertaining to Council Policy – Community Consultation be adjourned until the Policy Committee meeting to be held on 24 August 2010."

Officer's Comment

The Policy Committee's recommendation can be supported.

Item 4 – Proposal to Ban Burning on Private Properties – Update

The following Officer's recommendation was presented to the Committee:

"That the Policy Committee NOTES the status report dated 27 April 2010, in relation to the proposal to Ban Burning on Private Properties."

The following motion was carried:

"That the Policy Committee RECOMMENDS that Council:

- 1 *publishes a notice in the local newspaper stating that:*

"burning of residential garden refuse and rubbish on private property and the use of incinerators are prohibited within the City of Joondalup at all times, excluding devices used for the purposes of cooking or heating.";
- 2 *AMENDS Policy 6-5 – Burning on Private Property to reflect Part 1 above and that the City will not issue permits."*

Officer's Comment

With regard Part 2 of the Policy Committee's recommendation it is recommended that *Policy – Burning on Private Property* be amended as shown on Attachment 1 to this Report.

With regard Part 1 of the Policy Committee's recommendation this can be supported, however, in relation to the ability of the City to enforce the Policy amendment it is considered prudent to publish the Council's notice in the Gazette to ensure that the amendment is enforceable.

It is therefore recommended:

That the Policy Committee RECOMMENDS that Council:

- 1 *PUBLISHES the following notice in the local newspaper and the Government Gazette:*

“Bush Fires Act 1954

City of Joondalup

Prohibition on the burning of garden refuse or rubbish

NOTICE

Notice is hereby given that the City of Joondalup has resolved, pursuant to section 24G of the Bush Fires Act 1954, to prohibit the burning of garden refuse or rubbish by any person at any time on private land within the district of Joondalup.

This prohibition does not apply to devices which are specifically designed and used for the purposes of cooking or heating.

A local government may, by notice given under section 24G, prohibit or impose restrictions on the burning of garden refuse or rubbish that is otherwise permitted under section 24F of the Bush Fires Act.

Accordingly, the effect of this notice is, that the burning of garden refuse, either in an incinerator or on the ground which is permitted under section 24F, is now prohibited at all times during the year.

GARRY HUNT

Chief Executive Officer

Dated 22 June 2010”

- 2 *AMENDS City Policy – Burning on Private Property as shown on Attachment 4 to this Report to reflect Part 1 above and that the City will not issue permits.*

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Street Lighting

Information was requested in relation to the replacement and cost of street lighting shades and the process to be undertaken by residents in liaising with Western Power.

Officer's Comment

It was advised that investigations would be undertaken and information provided to Elected Members.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively.

Policy

As detailed in this Report.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Relevant officer's comments have been made regarding the matters considered by the Committee.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Policy Committee meeting held on 27 April 2010, forming Attachment 1 to this Report;**
- 2 AMENDS Clause 7.3(c) of Policy – Elected Members – Allowances as outlined on Attachment 2 to this Report;**
- 3 DOES NOT amend Draft Policy Legal Representation for Elected Members and Employees as shown on Attachment 3 to this Report;**

- 4 PUBLISHES the following notice in the local newspaper and the Government Gazette:**

“Bush Fires Act 1954

City of Joondalup

Prohibition on the burning of garden refuse or rubbish

NOTICE

Notice is hereby given that the City of Joondalup has resolved, pursuant to section 24G of the Bush Fires Act 1954, to prohibit the burning of garden refuse or rubbish by any person at any time on private land within the district of Joondalup.

This prohibition does not apply to devices which are specifically designed and used for the purposes of cooking or heating.

A local government may, by notice given under section 24G, prohibit or impose restrictions on the burning of garden refuse or rubbish that is otherwise permitted under section 24F of the Bush Fires Act.

Accordingly, the effect of this notice is, that the burning of garden refuse, either in an incinerator or on the ground which is permitted under section 24F, is now prohibited at all times during the year.

***GARRY HUNT
Chief Executive Officer
Dated 22 June 2010”***

- 5 AMENDS City Policy – Burning on Private Property as shown on Attachment 4 to this Report to reflect Part 4 above and that the City will not issue permits.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf150610.pdf](#)

ITEM 12 REVIEW OF CORPORATE DELEGATED AUTHORITY MANUAL

WARD: All

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

FILE NUMBER: 07032

ATTACHMENTS: Attachment 1 Explanation of proposed changes
Attachment 2 Revised Delegated Authority Manual
Attachment 3 Protocol – Use of the Common Seal

PURPOSE

For Council to review, consider recommended changes to and adopt the revised Delegated Authority Manual.

EXECUTIVE SUMMARY / BACKGROUND

The *Local Government Act 1995* (the Act) requires that, at least once each financial year the delegator (either the Council or the Chief Executive Officer) reviews its delegations. The Council last reviewed its delegations on 16 June 2009 and met its legislative requirements (CJ127-06/09refers).

This report details the suggested changes to the Delegated Authority Manual, for consideration by Council.

Further, due to recent amendments to the Act concerning the execution of documents, the protocol for authorising the common seal has also been reviewed.

DETAILS

An annual review has been undertaken of the Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1.

The Delegated Authority Manual, with the recommended revisions marked, forms Attachment 2 to this Report. A number of amendments have been made to the Manual to:

- Improve ease of understanding;
- Consolidate delegations;
- Improve references.

Review of the Common Seal Protocol

The *Local Government Amendment Act 2009* introduced two new sections into Part 9 of the Act concerning the execution of documents and contract formalities – Sections 9.49A and 9.49B, as follows:

9.49A Execution of documents

- (1) A document is duly executed by a local government if:
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of:
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,

each of whom is to sign the document to attest that the common seal was so affixed.

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

9.49B Contract formalities

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person;
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract;

- (3) Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

The new sections were inserted to clarify the formal requirements and procedures by which local governments authorise the making of contractual and other legal arrangements.

Historical Context of Use of the Common Seal

A local government is a corporate entity established under Section 2.5 of the Act with perpetual succession and the legal capacity of a natural person to enter contracts and acquire or dispose of property. Because it is a corporation, each local government has a common seal which may be affixed to a document to evidence the fact that the local government has agreed to enter a legal agreement. Under the common law, the affixing of the seal in this way had a similar effect to the signature of a person on a document.

Over time, the common law requirement for documents to be sealed has been modified by statute but in some cases, there may still be a statutory requirement that certain documents be sealed – see for example, Section 9(2) of the *Property Law Act* concerning deeds affecting property transactions.

Purpose of new sections

The purpose of new Sections 9.49A and 9.49B is to clarify the formalities concerning the execution of documents by a local government and to set out the procedural requirements by which a local government may authorise its Chief Executive Officer (CEO) or other employees entering into contractual and other legal arrangements on behalf of the local government.

Section 9.49A provides two avenues by which documents may be duly executed:

1. Council, by resolution, authorises the circumstances under which a document is executed with the affixing of the common seal; or
2. Council, by resolution, authorises the CEO or another employee or agent to sign documents on the local government's behalf.

There are two other notable features of the section:

- the common seal is to be affixed to the document in the presence of the Mayor and the CEO (or a senior employee authorised by the CEO); and
- the CEO is prohibited from delegating the authorisation to sign documents on behalf of the local government under the second option above as a result of changes to Section 5.43 of the Act, which places limitations on the CEO's capacity to delegate.

Documents may be sealed for transactions affecting interests in land – for example, transfer of title, leases, restrictive covenants, caveats, easements – however, execution by signing is sufficient for documents which do not require sealing, such as tender contracts and the myriad of contracts for goods and services which City officers enter on a regular basis.

Existing practices and protocols

The City has a protocol for the *Execution of the Common Seal* which sets out the administrative requirements for the use of the seal. The protocol derives from previous Council resolutions made shortly after the establishment of the City, and most recently in 2006, when the text of the attestation clause was changed.

Revised Protocol for Affixing the Common Seal

Although the requirements of Section 9.49A concerning the common seal may be considered to be largely satisfied under the existing protocol, the protocol has been revised to align with the new statutory procedure and to accommodate necessary changes to the attestation clause. Although not required by statute, the revised protocol also sets out best practice requirements for the safe custody of the common seal, the recording of its use and regular reporting to Council.

Delegations and Section 9.49B

Under the City's Register of Delegations, the CEO and employees, are authorised to exercise specific functions on behalf of the City which includes the authority to enter into contracts and other legal agreements on behalf of the City which are incidental to the performance of the delegated function.

Section 9.49B confirms that, if the authorisation requirements of Section 9.49A have been met, contracts which have been made under appropriate delegated authority will meet the conventional legal formalities for the making of a valid contract.

Leaving aside the authorisation requirements of Section 9.49A, it is considered that the existing delegations otherwise satisfy the requirements of Section 9.49B. That is, the delegation confers the requisite authority on the person to make the contract on the City's behalf.

In addition to the recommendation to adopt the revised protocol, it is recommended that Council, pursuant to section 9.49A(4), adopt a resolution which expressly authorises the CEO (and other employees) in accordance with the relevant delegated authority, to sign any documents on behalf of the City which are incidental to the exercise of the delegated power.

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications:

Legislation:

Section 5.42 of the Act provides that:

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43;

* absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 of the Act provides that:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in Section 9.5;
- (h) any power or duty that requires the approval of the Minister or Governor; or
- (ha) the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (i) such other duties or powers that may be prescribed by the Act.

Clause (ha) was added to Section 5.43 in recent amendments to the Act.

Section 5.44(1) of the Act provides that:

“a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.”

Section 5.45(2) of the Act provides that:

“Nothing in this Division is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.”

Section 5.46(2) of the Act provides that:

“at least once every financial year, delegations made under this Division are to be reviewed by the delegator”.

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 Implications:

The power to delegate is derived from legislation and also from policies of the Council. For ease of reference, the manual provides details of related policies, where appropriate.

Risk Management considerations:

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its statutory responsibilities under the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Act requires each delegator to review its delegations at least once every financial year. Once the Council has completed its review, the Chief Executive Officer will review his delegations and make the necessary amendments.

This review will ensure that the Council has a Delegated Authority Manual that reflects the focus of the Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

- 1 ENDORSES the review of its delegations in accordance with the Local Government Act 1995 (the Act);**
- 2 ADOPTS the amended Delegated Authority Manual as outlined in Attachment 2 to this Report;**
- 3 AUTHORISES the affixing of the common seal, pursuant to Section 9.49A (2) of the Act, in accordance with revised Protocol – Use of the Common Seal, as outlined in Attachment 3 to this Report;**
- 4 AUTHORISES, pursuant to Section 9.49A (4) of the Act:**
 - (a) The Chief Executive Officer to sign documents on behalf of the City in relation to all matters arising under delegated authority given by Council under Section 5.42 of the Act and generally as is necessary or appropriate in carrying out his or her functions under the Act or under any written law;**
 - (b) Employees of the City to sign documents on behalf of the City in relation to all matters arising under delegated authority given by the Chief Executive Officer under Section 5.44 of the Act;**
- 5 AUTHORISES, pursuant to Section 9.49A (5) of the Act, the Chief Executive Officer to execute a document as a deed on behalf of the City where there is a requirement for the document to be executed as a deed.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf150610.pdf](#)

ITEM 13 STATUS OF PETITIONS TO COUNCIL

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 05386

ATTACHMENTS: Attachment 1 Status of Petitions – 15 December 2009 to 25 May 2010.

PURPOSE/ EXECUTIVE SUMMARY

To advise Council of the status of outstanding petitions received during the period 15 December 2009 to 25 May 2010.

BACKGROUND

A report was presented to Council at its meeting held on 16 December 2008 detailing the status of outstanding petitions. Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS

Issues and options considered:

Attachment 1 provides a list of all outstanding petitions received during the period 15 December 2009 to 25 May 2010, with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications

Legislation

Clause 22 of the City's Standing Orders Local Law 2005 states:

- "22. Petitions
- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
 - (2) Any petition to the Council is:
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;

- (b) to be addressed to the Council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

Strategic Plan:

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Policy Implications:

Individual petitions may impact on the policy position of the City.

Risk Management considerations:

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction by the community.

Financial/Budget Implications:

Individual requests made by the way of petitions may have financial implications.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The petitions are presented to Council for information on the actions taken, along with those outstanding.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the status of outstanding petitions submitted to Council during the period 15 December 2009 to 25 May 2010, forming Attachment 1 to this Report;**
- 2 ADVISES the petitioners of the works undertaken to date in relation to the upgrade of the verge along Harvest Loop, Edgewater, being:**
 - Removal of dead vegetation**
 - Removal of fallen tree limbs**
 - Removal of fallen trees**
 - Up lifting the canopies of the trees along the path**
 - Removal of debris and litter from the verge area and footpaths****and the planned works for the planting of shrubs during winter planting.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf150610.pdf](#)

ITEM 14 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2010

WARD	All
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment 1 CEO's Delegated Municipal Payment List for the month of April 2010 Attachment 2 CEO's Delegated Trust Payment List for the month of April 2010 Attachment 3 Municipal and Trust Fund Vouchers for the month of April 2010

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of April 2010 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2010 totalling \$9,175,358.30

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for April 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations forming Attachments 1, 2 and 3 to this Report, totalling \$9,175,358.30.

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 April 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 86585 - 86803 and EF 11655 - 12205 Net of cancelled payments	\$6,033,854.18
	Vouchers 673A – 676A, 678A, 680A & 682A	\$3,096,980.12
Trust Account	Cheques 203404 – 203481 Net of cancelled payments	\$44,524.00
Total		\$9,175,358.30

Issues and options considered:

Not Applicable.

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

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for April 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$9,175,358.30.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf150610.pdf](#)

ITEM 15 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 30 April 2010

PURPOSE

The April 2010 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2009/10 Financial Year at its meeting held on 20th April - CJ066-04/10. The figures in this report are compared to the Revised Budget figures.

The April 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$1,966k when compared to the 2009/10 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$3,677k above budget made up of higher revenue of \$949k and lower operating expenditure of \$2,728k.

Operating revenue is above budget for Fees and Charges \$887k mainly due to higher than anticipated Building and Development Fees, Sports and Recreation Fees and Parking Infringements. Revenue is also above budget for Contributions Reimbursements and Donations \$89k, Investment Earnings \$57k and Rates \$53k.

A shortfall in revenue occurred for Grants and Subsidies (\$111k) and Other Revenue (\$40k).

The operating expenditure was below budget for Employee Costs \$357k, Materials and Contracts \$2,200k, Utilities \$58k and Interest Expenses \$124k.

- The **Capital Revenue and Expenditure** deficit is \$1,720k above budget made up of a shortfall of revenue of (\$4,016k) and under expenditure of \$2,296k.

The revenue deficit to budget results predominantly from the second 50% of the grant funding for the RLCIP Seacrest Park, Macdonald Reserve and Forrest Park projects (\$1,305k) to be received later than budgeted. Delays in receiving the Road Construction Grants that are subject to progress of works, include the Burns Beach Road Landscaping project (\$1,060k), Connolly Drive duplication (\$750k) and Moore Drive / Connolly Drive (\$644k) which is due to commence in the next financial year.

Capital Expenditure is below budget on Capital Projects \$1,544k, Capital Works \$548k and Motor Vehicle Replacements \$39k.

The main variances occurred on the Aquatic Facilities Upgrade \$1,059k due to the timing of contractor payments, Ocean Reef Marina \$248k and the Cultural Facility \$145k.

Further details of the material 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 April 2010.

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 April 2010 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.

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 provisions of 2009/10 Revised Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 April 2010.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf150610.pdf](#)

ITEM 16 **PANEL CONTRACTS**

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100402
ATTACHMENTS:	Attachment 1 Panel Contracts Guideline – South Australia

PURPOSE

To report on the reasons and implications of establishing and using panels.

EXECUTIVE SUMMARY

The report examines the circumstances, advantage and disadvantages of using a panel of suppliers versus a single supplier contract. It proposes that the decision to seek a single or a panel of suppliers be entrusted to the responsible Director and that best value for money be the basis of selecting a supplier from a panel

It is recommended that Council NOTES the Report Dated 22 June 2010 related to the reasons and implications of establishing and using panels for the provision of goods and services.

BACKGROUND

The issue of using a single contractor or a panel of contractors to provide goods and services to the City is examined herein in response to questions raised by Elected Members when they considered a number of recent tenders.

DETAILS

There are different ways to procure goods and services for the City, either by direct purchase, obtaining quotations, seeking expression of interest or through public tenders.

Regulations 11A and 11 of the Local Government (Functions and General) Regulations 1996 prescribe the circumstances under which quotations or public tenders are to be sought. The Regulations however do not address the issue of engaging single or multiple contractors in any contractual arrangement.

Advice from Western Australian Local Government Association (WALGA) and the West Australian State Government's procurement indicates that they do not have any guidance on the use of panels, although WALGA itself has established a number of panel contracts. However the Commonwealth, the Australian Capital Territory and the Government of South Australia have established clear guidelines specifically addressing the use of Panels. A copy of the Government of South Australia's Guideline is attached for reference.

What is a Panel Contract?

A Panel Contract is simply a contract under which more than one supplier or service provider are engaged to provide identified goods or services during the contract period.

Types of Panels

Unless specified otherwise in the contract, Panel Contracts are generally “closed” contracts limited to the specified members of the Panel. However a non-exclusivity clause in the contract can turn it into and an “open” panel providing more flexibility of supply when needed.

Why use Panels?

A Panel is beneficial when:

- the product or service is regularly required
- there are capacity, geographical or timing limitations for a single supplier to deliver
- there is specialisation amongst suppliers
- possible economic benefits may be realised from a Panel
- conflict of interest may arise from time to time with a single supplier.

Possible disadvantage of Panels

- Higher tendered pricing as the volume of work for each panel member is uncertain.
- Where procurement through a single contractor could represent best value for money.
- Contract management may lead to disputes, claims of bias or unfair allocation of orders.
- Unmanageable number of contractors and high administration cost of a Panel compared to the benefits gained from it.

The combination of a “non-exclusivity” and “no guarantee” clauses in a Panel Contract and a reasonable number of panellists may help minimise possible adverse effects of Panel arrangements.

A decision to use a Panel instead of a single contractor should only be made after documenting the identified benefits of a Panel in any proposed purchase.

Scope of supply under a Panel

The structure of a panel contract can provide for different scope of supply.

A panel contract can have only one category of supply and enable each panel member to supply all the products or services under the contract.

Alternatively, a panel contract can have more than one category of supplies with more than one supplier appointed to each category. In this case, contractors are able to supply all the products and services of the category each of them is appointed to.

The two scenarios above require a decision each time that a purchase is made as to which panel member will be the supplier who provides best value for money on each occasion.

However, the tender evaluation may point out at times that only one supplier is able to provide the goods or services required, either under the tender or under a specified category of supply in the tender, resulting in the appointment of a single supplier. In this situation the contractor is appointed to supply exclusively under the contract and there is no requirement to have a mechanism to make a decision about which panel member will be the supplier for each purchase.

Number of contractors on a Panel

How many contractors should be part of a panel will vary depending on availability of suitable contractors, the nature of goods or services needed, the location and extent of geographical coverage and the volume of work expected. Generally a manageable Panel should preferably not involve more than five contractors.

How Panels are used?

Achieving best value for money is fundamental to any procurement activity, irrespective of the number of contractors involved in a contract. Therefore, the contractor who will best meet this objective among Panel members must be selected.

Best value for money means getting more for less, less cost and less administrative burden too.

Generally, the value and the risk of supply are important factors in determining any procurement strategy, which also apply to a selection from a Panel.

- For low cost low risk purchase, direct orders through a local supplier on the Panel may be more appropriate, to simplify and minimise the administration cost of procurement.
- For low cost, high risk purchase, securing alternative sources of supply becomes important to minimise operational risk potentially caused by lack of supply at critical times.
- For high cost, low risk purchase, obtaining price advantage or volume discount are the predominant factors to be considered. Quotations must be obtained for the purpose
- For high cost high risk purchase, detailed specifications and a rigorous evaluation process must be followed to select the most reliable Panel member. This may involve time and effort commensurate with the level of risk involved.

Other factors that may influence the selection of a contractor from a Panel are:

- ability of the contractor to deliver at a particular location
- capacity of the contractor to deliver within a specified time frame
- particular technical skill of a contractor or its specified personnel that is specifically needed for the job
- The existence or otherwise of any known conflict of interest of a particular contractor
- Single supply contracts.

Administration costs of Panels

Managing Panels is undoubtedly more administratively costly than managing a single contractor.

The superintendent of a panel contract has to maintain communications with, seeks quotations from, assigns orders to and monitors the performance of multiple contractors. The time and administration costs involved in dealing with a Panel therefore exceed the costs of managing a single contractor.

The costs of managing different panels will also vary depending on the complexity of each panel contract.

It is therefore important before deciding whether a Panel or a single supplier is to be sought, to understand the possible administration costs of managing the panel and to be satisfied that the benefits expected to be gained from the panel outweigh the cost of managing it.

Single Supplier Contract

In this instance, a single supplier is contracted to provide the goods or services sought for the duration of the contract.

A single supplier contract may be the intended outcome of a tender in the first place, but it may also be determined by the outcome of the evaluation of a panel tender, where only one supplier was able to meet the requirements either for all or any category of the goods or services in the tender.

Unless a non-exclusivity clause is part of the contract, a single contractor is to supply exclusively under the contract or under the category thereof as applicable.

Advantages and disadvantages of a Single Supplier

The benefits of a single supplier contract are:

- low administration costs with no need for quotations and limited contract management time by the superintendent.
- more competition for exclusive right to supply, if known at the outset, and better tender price
- simpler communication and dealings with the supplier's personnel

Disadvantages of a single supplier

- Possible capacity limitation at times or inability to meet specified time frame
- Conflict of interest may arise with the supplier disrupting ability to supply
- Exclusive right of supply may lead to supplier complacency and unfavourable pressure during the term of the contract.
- Possible litigation for breach of contract and claim for compensation

The terms and conditions of the contract must therefore be carefully considered before entering into the contract to avoid any such disadvantage.

Who should decide if a single or a Panel contract is appropriate?

The decision to use a Panel or a single contractor must be specified on the Request for Tender (RFT) and could be made by the manager involved, the responsible director, or alternatively by the Chief Executive Officer.

The proposed protocol for “Purchasing Goods and Services under Panel Contracts” provides general guidance on the possible benefits of Panels and suggests that the responsible director, who is more likely to be aware of market conditions related to the intended purchase, is to be entrusted with making this decision. This proposition is supported.

The protocol also indicates that selection from an approved Panel is a function of the superintendent of the contract within the guidance provided in the protocol.

Issues and options considered:

This report considered the merits or otherwise of the procurement via a single supplier versus a panel of suppliers.

Legislation/Strategic Plan/Policy Implications

Legislation Regulations 11 and 11A of the Local Government (Functions and General) Regulations 1996.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 To lead and manage the City effectively.

Policy Not Applicable.

Risk Management considerations:

In deciding whether a panel or a single supplier is more appropriate for a particular procurement, the risk of non-delivery and its possible implications on the City’s operation must be considered and a management plan put in place to mitigate the risk as may be appropriate in each case.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

The lack of established guidance by the State Government or by WALGA for the use of panels is a disadvantage to local governments in the State.

Sustainability implications:

Using panel contracts to realise identified economic benefits or mitigate the risk of supply will no doubt contribute to the sustainability of the City into the future.

Consultation:

In preparing this report the experiences and guidelines established elsewhere in Australia have been considered.

COMMENT

The use of panel contracts has its benefits under certain circumstances and should be considered as a valid procurement strategy when appropriate.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

It is recommended that Council NOTES the Report dated 22 June 2010 related to the reasons and implications of establishing and using panels for the provision of goods and services.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf150610.pdf](#)

ITEM 17 PETITION BEARING 13 SIGNATURES AGAINST PAID PARKING ON THE JOONDALUP HEALTH CAMPUS

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 57618

ATTACHMENTS: Nil.

PURPOSE

To consider a 13 signature petition calling for "...the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus..."

EXECUTIVE SUMMARY

The City does not have jurisdiction, outside of normal planning requirements, over the commercial activities undertaken by Ramsay Health Care at the Joondalup Health Campus. Ramsay Health have determined that they will operate a fee paying car park for visitors to the campus and separately have entered into a commercial arrangement with the City to provide parking enforcement services only. The enforcement service is currently suspended while City officers and Ramsay Health Care representatives discuss future options.

It is recommended that Council:

- 1 *NOTES the thirteen signature petition calling for the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus;*
- 2 *ADVISES the lead petitioner accordingly.*

BACKGROUND

The City has received a petition bearing 13 signatures, presented to Council on 20 April 2010, calling for "Actively discuss and vote accordingly this request for the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus. We the electors also request that the City of Joondalup Council take into consideration the petition attached of over 12,000 signatures so far collected opposed to paid parking at the Joondalup Health campus" The first part of the petition is dealt with in this report. The second part of the petition is dealt with in a separate report.

DETAILS

Ramsay Health Care is a private owner and operator of health facilities in Australia, including the Joondalup Health Campus. In January 2009 Ramsay Health Care introduced fees for use of the public car park in an effort to promote parking bay turnover for its customers and visitors. Ramsay Health Care operate the car park as a commercial venture and are responsible for all the issues related to maintenance, signage, fee collection, access, egress and so on. It also engaged the City of Joondalup to provide parking enforcement services by way of a Fee for Service agreement. Under the agreement the City undertakes patrols of the visitor and staff car parks. The City currently has four other Fee for Service agreements in place with various customers.

Issues and options considered:

At the request of Ramsay Health Care the City suspended its enforcement services in the public car park in February 2010 and they are reviewing their options for the future of car parking. This is entirely a decision for Ramsay Health Care and not the City of Joondalup. The City has advised Ramsay Health Care that it is willing to continue the enforcement service provided there is better communication with car park users on the role and responsibilities of Ramsay Health Care and the City of Joondalup.

Legislation/Strategic Plan/Policy Implications

Legislation The public car park at the health campus is subject to the City of Joondalup Parking Local Law 1998 by way of a Fee for Service Agreement.

Strategic Plan 3.1 To encourage the development of the Joondalup CBD.

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

Policy Not Applicable.

Risk Management considerations:

It is appropriate for the City to provide parking enforcement services, by way of agreements to residents and businesses within its jurisdiction. Parking enforcement services give assistance to residents and businesses to optimise their parking opportunity and minimise illegal and nuisance parking. The City should continue to provide such services to its existing 35 private property clients and five Fee for Service clients to assist with the parking amenity available to the community.

Financial/Budget Implications:

Budget implications are minimal. Any surplus generated after costs is transferred to the Parking Reserve.

Regional Significance:

Joondalup Health Campus is a large regional health facility and the management of its car parking assets for visitors and patients is a crucial aspect of its overall service delivery. The City is cooperating with and providing services to Ramsay Health Care in this regard.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The City's Fee for Service agreement with Ramsay Health Care is a commercial arrangement to assist them to optimise their parking opportunity. The City is continuing to discuss options and to provide professional advice for parking control with Ramsay Health Care in the meantime however the provision of enforcement services has been suspended at their request.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the thirteen signature petition calling for the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus;**
- 2 ADVISES the lead petitioner accordingly.**

ITEM 18 MULTI SIGNATURE LETTER AGAINST PAID PARKING ON THE JOONDALUP HEALTH CAMPUS

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 57618

ATTACHMENTS: Nil.

PURPOSE

To respond to a multi-signature letter in which the signatories object to paid parking at the Joondalup Health Campus (JHC).

EXECUTIVE SUMMARY

The multi signature letter was submitted as a petition which was presented to Council on 20 April 2010 but does not meet the criteria to be treated as a petition. In acknowledgement of community interest in parking at the JHC, however, it is appropriate to expand on the role the City of Joondalup plays with respect to the Fee for Service parking enforcement services provided by Ramsay Health Care at the JHC.

It is recommended that Council:

- 1 ADVISES the lead signatory to the multi signature letter that the City is not able to respond to the objections to paying for parking in hospital car parks as it does not have any jurisdiction;*
- 2 ADVISES the lead signatory to the multi signature letter that they may consider presenting the document to Ramsay Health Care at Joondalup Health Campus.*

BACKGROUND

Ramsay Health Care is a private owner and operator of health facilities in Australia, including the JHC. In January 2009 Ramsay Health Care introduced fees for use of the public car park in an effort to promote parking bay turnover for its customers and visitors. Ramsay Health Care operate the car park as a commercial venture and are responsible for all the issues related to maintenance, signage, setting and collecting fees, access, egress and so on.

As part of the introduction of fees for parking Ramsay Health Care needed a patrol and enforcement service to ensure the parking requirements were complied with. They approached the City of Joondalup and entered into a Fee for Service agreement whereby the City provides parking enforcement services only. This provides for an agreed number of patrol hours on particular days through the visitor and staff car parks and the management and collection of any infringements issued.

The City has received a multi signature letter from 11,560 signatories that states “*We hereby strongly object to any payments having to be incurred by patients and visitors of patients at any time in the hospital car parks. We would like it noted that these costs, especially to the sick and their families, is yet another burden over and above the financial and emotional trauma the sick and the families of the sick have to endure.*”

DETAILS

The City has no jurisdiction over the commercial parking operations of Ramsay Health Care at the JHC and is simply providing a service in the capacity of a contracted service provider. Ramsay Health Care could contract another provider to provide the service or employ their own enforcement officers if they wished.

The City has the power under its Parking Local Law 1998 Clause 6(2) to enter into written agreements with owners of private parking facilities, to regulate, control and manage the parking of vehicles in those parking facilities under the terms and conditions as may be agreed between the parties. The City currently has four other parking enforcement agreements in place at Hillarys Boat Harbour, Joondalup Lakeside Shopping Centre, Warwick Shopping Centre and West Coast Institute of Training. In each case the City acts as a contracted service provider and has no jurisdiction over how the property owners choose to manage their parking arrangements.

The most significant benefit to property owners of these arrangements is the ability to apply the City’s infringement processes to managing parking on their property. From the City’s perspective each new proposal for a parking enforcement agreement is considered on its merits. While there is an income to the City from such arrangements there can be other benefits such as improving parking availability generally but income and non income benefits are considered against any direct costs and overheads.

Issues and options considered:

Ramsay Health Care has advised City officers that they are considering variations to their parking arrangements in response to concerns raised in the community generally. The City has temporarily suspended enforcement services but may resume them if Ramsay Health Care requires, subject to suitable arrangements being agreed in relation to managing community concerns.

Legislation

City of Joondalup Parking Local Law 1998 Clause 6(2):

The City may enter into written agreements with owners of private parking facilities, to regulate, control and manage the parking of vehicles in those parking facilities under the terms and conditions as may be agreed between the parties.

Strategic Plan

3.1 To encourage the development of the Joondalup Central Business District(CBD)

Key Focus Area:

3.1.5 The City implements its CBD Parking Strategy

Policy

Not applicable

Risk Management considerations:

The most significant risk aspect to the agreement the City has with Ramsay Health Care is managing community perceptions in relation to who is responsible for the parking arrangements at the JHC. This is illustrated by the fact that this multi signature letter has been directed to the City of Joondalup rather than Ramsay Health Care at the JHC.

The City will be seeking to ensure that suitable arrangements are agreed in relation to managing community concerns prior to resumption of the enforcement service.

Financial/Budget Implications:

If the parking enforcement agreement with Ramsay Health Care for JHC was to cease there would be an impact on the City's parking revenue however this would be offset by the staff resources applied to that enforcement being redirected to other parking enforcement activities.

Regional Significance:

JHC is a large regional health facility and the management of its car parking assets for visitors and patients is a crucial aspect of its overall service delivery. The City is cooperating with and providing services to Ramsay Health in this regard.

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The multi signature letter does not meet the criteria to be considered as a petition. In addition, it relates to activities that do not fall under the jurisdiction of the City and therefore the City is not able to respond to the objections to paying for parking in hospital car parks. It is suggested that the lead signatory be advised to present the multi signature letter to Ramsay Health Care.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 ADVISES the lead signatory to the multi signature letter that the City is not able to respond to the objections to paying for parking in hospital car parks as it does not have any jurisdiction;**
- 2 ADVISES the lead signatory to the multi signature letter that they may consider presenting the document to Ramsay Health Care at Joondalup Health Campus.**

ITEM 19 TENDER 009/10 SUPPLY AND MAINTENANCE OF ORNAMENTAL STREETLIGHTS

WARD:	North, North-Central and South-West
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100732
ATTACHMENTS:	Attachment 1 – Summary of Tender Submissions Attachment 2 – Schedule of Items

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by High Speed Electrics for the supply and maintenance of ornamental street lights (Tender 009/10).

EXECUTIVE SUMMARY

Tenders were advertised on 13 March 2010 through state-wide public notice for the supply and maintenance of ornamental street lights. Tenders closed on 30 March 2010. One Submission was received from High Speed Electrics.

High Speed Electrics thoroughly demonstrated the capacity, experience and understanding of the City's requirements. They have been the City's Contractor for these services for the past ten years and have also provided similar services to the City of Perth for the past 35 years.

It is recommended that Council:

- 1 ACCEPTS the Tender submitted by High Speed Electrics for the supply and maintenance of ornamental street lights for a three year period in accordance with the statement of requirements as specified in Tender 009/10 at the submitted schedule of rates;*
- 2 REJECTS Item 9 of Clause 3.4.6 as per attachment 2 to this Report for the removal and replacement of light pole timber bases in Harbour Rise Estate.*

BACKGROUND

The scope of this requirement is for the supply and maintenance of ornamental street and pathway lighting in the Joondalup City Centre, Beaumaris Beach Estate, Iluka, Harbour Rise Estate, Hillarys and a section of Ocean Reef Road, Ocean Reef. The services are inclusive of periodic inspections, cleaning, replacements and repairs to ornamental lighting within the nominated locations.

The pricing schedule for this contract has been substantially reviewed and the new contract has been based on fixed prices for each task rather than the hourly rates basis for labour and plant that previously applied. It is felt that this will ensure better cost control.

DETAILS

Tenders were advertised on 13 March 2010 through state-wide public notice for the supply and maintenance of ornamental street lights.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	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

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

Evaluation Summary

Tenderer	Evaluation Score	Estimated Contract Price
High Speed Electrics	79.6%	\$1,050,000

High Speed Electrics is the sole Tenderer, although there were 24 other downloads. They thoroughly demonstrated their capacity, experience and understanding of the City's requirements. They have been the City's Contractor for these services for the past ten years and have also provided similar services to the City of Perth for the past 35 years. The rates submitted were assessed and the projected expenditure is within budget.

During the 2008/09 financial year the City incurred expenditure of \$359,357 for this service which is within the historical norm. For the current 2009/10 financial year expenditure is uncharacteristically low, expected to be approximately \$213,000. Expenditure is expected to be in the order of \$1,050,000 over the three year Contract period.

In the price assessment, the rate for Item 9 of Clause 3.4.6 for the removal and replacement of light pole timber bases in Harbour Rise Estate, Hillarys was significantly higher than anticipated and the evaluation panel consider a more competitive rate can be obtained by quotation.

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: The Built Environment

Objective: To progress a range of innovative and high quality urban development projects.

Policy Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City's ornamental street lights would not be maintained and would deteriorate in condition. The City would also not be meeting its duty of care to provide the community with a safe level of lighting.

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

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$350,000	\$187,404 (Expenditure to date) \$25,000 (Projected to 30-Jun-10)	\$300,257	\$1,050,000

Total actual and projected expenditure to 30 June 2010 is less than budget due to significantly reduced quantities of repair work of all types of ornamental lighting and no pole replacements from traffic accidents. This is unusual and not expected to be sustained. In the case of light pole replacements alone the City would normally be expected to spend \$50,000 to \$60,000 to replace four to five light poles a year.

This is a volume driven Contract and if expenditure remains at current levels, there will be a reduction in the projected expenditure over the life of the Contract.

Regional Significance:

Not Applicable.

Sustainability implications:

The maintenance of the City's ornamental street lights will enhance the visual appeal of the City Centre, Beaumaris Beach Estate, Iluka and Harbour Rise Estate, Hillarys.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the Submission from High Speed Electrics in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer represents good value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ACCEPTS the Tender submitted by High Speed Electrics for the supply and maintenance of ornamental street lights for a three (3) year period in accordance with the statement of requirements as specified in Tender 009/10 at the submitted schedule of rates;**
- 2 REJECTS Item 9 of Clause 3.4.6 as per Attachment 2 to this Report for the removal and replacement of light pole timber bases in Harbour Rise Estate.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf150610.pdf](#)

ITEM 20 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE HELD ON 27 APRIL 2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	51567, 70512, 07019, 09095, 52582, 63627
ATTACHMENTS:	Attachment 1 Unconfirmed Minutes of Policy Committee meeting held on 27 April 2010 Attachment 2 Joondalup Regional Cultural Facility – Project Philosophy and Parameters (Map of Lot 1001 Kendrew Crescent, Joondalup) Attachment 3 20 Year Strategic Financial Plan – Guiding Principles Statement

PURPOSE

To submit the minutes of the Strategic Financial Management Committee (SFMC) to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Strategic Financial Management Committee was held on 27 April 2010 to consider the following matters:

- Item 1 Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters
- Item 2 Joondalup Regional Cultural Facility – Project Philosophy and Parameters
- Item 3 Cafes/Kiosks/Restaurants – Project Philosophy and Parameters
- Item 4 20 Year Strategic Financial Plan – Guiding Principles Statement
- Item 5 Examination of City Freehold land for Potential Disposal and Preferred Method of Disposal
- Item 6 Book Café Report

BACKGROUND

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the SFMC with the following terms of reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 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:
 - (i) which services to be provided;
 - (ii) 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 Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future;
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

Issues and options considered:

The Motions carried at the SFMC meeting held on 27 April 2010 are shown below, together with officer's comments.

Item 1 – Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters

The following Officer's recommendation was presented to the Committee:

“That the Strategic Financial Management Committee RECOMMENDS that Council ENDORSES the Joondalup City Centre Commercial Office Development Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the Council in progressing the project:

1. Philosophy/Project Vision

- *High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;*
- *Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes;*
- *Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.*

2. Development Parameters

Governance

- *Incorporation of high ethical standards;*
- *Probity, legal and legislative compliance;*
- *Appointment of suitably qualified consultants;*
- *Consistency with existing City strategies and plans including the draft City Centre Structure Plan.*

Land use and built form

- *To achieve “landmark” status maximisation of land use and built form including the actual height of the development;*
- *Consideration of a range of mixed uses.*

Fiscal Responsibility and Commerciality

- *Assessment of commercial viability and the investigation of potential joint venture arrangements;*
- *Retention of public ownership of land;*
- *Creation of an asset that maintains its capital value in real terms over its economic life cycle investment period;*
- *Consideration of incentives for investment, development and occupancy.*

Sustainability Considerations

- *Achievement of best practice environmentally sustainable design principles and management practices;*
- *Implementation of development concepts sensitive and compatible with the existing environment and minimising impact on surrounding landowners/occupiers.*

Liaison protocol

- *Development of a public participation strategy in accordance with the City’s Public Participation Policy and Strategy;*
- *Stakeholder liaison, in particular private sector and Government agencies.*

The following motion was carried:

“That the Strategic Financial Management Committee RECOMMENDS that Council:

1 *ENDORSES the Joondalup City Centre Commercial Office Development Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the Council in progressing the project:*

(a) Philosophy/Project Vision

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;*
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail, cultural and commercial purposes;*
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.*

(b) Development Parameters

Governance

- Incorporation of high ethical standards;*
- Probity, legal and legislative compliance;*
- Appointment of suitably qualified consultants;*
- Consistency with adopted Council strategies and plans.*

Land use and built form

- To achieve “landmark” status maximisation of land use and built form including the actual height of the development;*
- Consideration of a range of mixed uses, including the provision of a public plaza.*

Fiscal Responsibility and Commerciality

- Assessment of long-term commercial viability and the investigation of potential joint venture arrangements;*
- Retention of public ownership of land;*
- Creation of an asset that maintains its capital value in real terms over its economic life cycle investment period;*
- Consideration of incentives for investment, development and occupancy.*

Sustainability Considerations

- *Achievement of best practice environmentally sustainable design principles and management practices;*
- *Implementation of development concepts sensitive and compatible with the existing environment, including integration with existing civic buildings and minimising impact on surrounding landowners/occupiers.*

Liaison protocol

- *Development of a public participation strategy in accordance with the City's Public Participation Policy and Strategy;*
- *Stakeholder liaison, in particular private sector and Government agencies.*

- 2 *AGREES that an item be presented to all future Strategic Financial Management Committee meetings reporting on the progress of this project."*

Officer's Comment:

This Item was submitted to the Council meeting held on 25 May 2010.

Item 2 – Joondalup Regional Cultural Facility – Project Philosophy and Parameters

The following Officer's recommendation was presented to the Committee:

"That the Strategic Financial Management Committee RECOMMENDS that Council ENDORSES the Joondalup Regional Cultural Facility Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the council in progressing the project:

1 Philosophy/Project Vision

- *Provide a world class, state of the art facility; incorporating innovative and sustainable design, symbiotic with the existing natural and built environment that is a place for the pursuit of activities such as performing arts, visual arts and crafts, film and media and cultural events for the community of Perth's northern corridor;*
- *Provide a facility that can host a mixture of commercial and community activities that creates an inclusive environment that becomes a place to celebrate imagination and creativity, inspiring individuals and the community to take part in the arts and raise the aspirations of all users;*
- *Reinforce the Joondalup City Centre as the creative and educational centre of the northern corridor.*

2 *Development Parameters*

Governance

- *Incorporation of high ethical standards;*
- *Probity, legal and legislative compliance;*
- *Appointment of suitably qualified consultants;*
- *Consistency with existing City strategies and plans;*

Land Use and Built Form

- *Adherence to the special conditions of the land purchase of Lot 1001 Kendrew Crescent;*
- *Utilisation of design principles that create clear and defined linkages to the established educational precinct, the City Civic Centre and other City Centre locations;*
- *Utilisation of contemporary architecture reflecting innovation in design and materials that create a civic presence with a strong sense of arrival that will add considerable value to the public domain;*
- *Provision of a wide range of highly adaptable and flexible facilities incorporating latest design principles including digital technologies;*
- *Creation of a facility for a seated audience of between 800 to 1500 persons;*
- *Inclusion of complementary components which aim to increase the Facility's capacity and usage;*
- *Provision of adequate car parking (in accordance with the relevant City policies);*

Fiscal Responsibility and Commerciality

- *Recognition that the development of the Facility will require State and/or Federal Government support in the form of a joint venture partnership or grants;*
- *Consideration of a range of management options in recognition that the Facility is a commercial operation and the preparation of a Business Plan;*
- *Recognition that the facility may not always operate in a cost neutral environment and that an operating subsidy may be required that identifies the value of the contribution by the City towards the groups/organisations that utilise it;*
- *Operation of the facility on a "user pays" basis wherever possible and practical with provision for an element of subsidised community use;*
- *Utilisation of the facility for activities not principally recognised as "cultural" and consideration of the facility as a home base for a company/group;*
- *Assurance of equitable access by all users and a guarantee that no one group or entity has exclusive use of the entire facility.*

Sustainability Considerations

- *Achievement of best practice in environmentally sustainable design principles whilst maintaining a contemporary, cultural ambience;*
- *Implementation of architectural and construction techniques that show leadership in environmentally sustainable developments;*

Liaison Protocol

- *Identification of, and ongoing liaison with, strategic user groups and a strong understanding of the requirements of individual user groups;*
- *Development of a public participation strategy in accordance with the City's Public Participation Policy and Strategy.*

The following motion was carried:

"That the Strategic Financial Management Committee RECOMMENDS that Council:

- 1 *ENDORSES the Joondalup Regional Cultural Facility Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the council in progressing the project:*

(a) Philosophy/Project Vision

- *Provide a world class, state of the art facility; incorporating innovative and sustainable design, symbiotic with the existing natural and built environment that is a place for the pursuit of activities such as performing arts, visual arts and crafts, film and media and cultural events for the community of Perth's northern corridor.*
- *Provide a facility that can host a mixture of commercial and community activities that creates an inclusive environment that becomes a place to celebrate imagination and creativity, inspiring individuals and the community to take part in culture and the arts and raise the aspirations of all users.*
- *Reinforce the Joondalup City Centre as the creative and educational centre of the northern corridor.*

(b) Development Parameters

Governance

- *Incorporation of high ethical standards;*
- *Probity, legal and legislative compliance;*
- *Appointment of suitably qualified consultants;*
- *Consistency with adopted Council strategies and plans.*

Land Use and Built Form

- *Adherence to the special conditions of the land purchase of Lot 1001 Kendrew Crescent;*
- *Utilisation of design principles that create clear and defined linkages to the established educational precinct, the City Civic Centre and other City Centre locations;*
- *Utilisation of contemporary architecture reflecting innovation in design and materials that create a civic presence with a strong sense of arrival that will add considerable value to the public domain;*
- *Provision of a wide range of highly adaptable and flexible facilities incorporating latest design principles including digital technologies;*
- *Inclusion of complementary components which aim to increase the Facility's capacity and usage;*
- *Provision of adequate car parking (in accordance with the relevant City policies);*

Fiscal Responsibility and Commerciality

- *Recognition that the development of the Facility will require State and/or Federal Government financial support;*
- *Consideration of a range of management options in recognition that the Facility is a commercial operation and the preparation of a Business Plan;*
- *Recognition that the facility may not always operate in a cost neutral environment and that an operating subsidy may be required that identifies the value of the contribution by the City towards the groups/organisations that utilise it;*
- *Operation of the facility on a "user pays" basis wherever possible and practical with provision for an element of subsidised community use;*
- *Utilisation of the facility for activities not principally recognised as "cultural" and consideration of the facility as a home base for suitable entities;*
- *Assurance of equitable access by all users and a guarantee that no one group or entity has exclusive use of the entire facility.*

Sustainability Considerations

- *Achievement of best practice in environmentally sustainable design principles whilst maintaining a contemporary, cultural ambience;*
- *Implementation of architectural and construction techniques that show leadership in environmentally sustainable developments;*

Liaison Protocol

- *Identification of, and ongoing liaison with, strategic user groups and a strong understanding of the requirements of individual user groups;*
- *Development of a public participation strategy in accordance with the City's Public Participation Policy and Strategy.*

- 2 *REFERS to the proposed facility as the Joondalup Performing Arts and Cultural Facility;*
- 3 *ESTABLISHES a Joondalup Performing Arts and Cultural Facility Steering Committee and requests the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council.*

“That the Strategic Financial Management Committee RECOMMENDS to Council the creation of a facility that is capable of catering for the needs of a regional centre.”

Officer’s Comment:

The resolution of the Strategic Financial Management Committee is supported.

Item 3 – Cafes/Kiosks/Restaurants – Project Philosophy and Parameters

The following motion was carried:

“That the Strategic Financial Management Committee RECOMMENDS that Council endorses the following Project Philosophy and Key Parameters for the provision of Cafés/ Kiosks/Restaurants on City owned or managed land in order to articulate for the record and for historical purposes the intent of the Council in progressing the project:

Project Philosophy and Key Parameters

1 *Philosophy/Project Vision*

- *Provide café/kiosk/restaurant facilities within the City’s identified tourism zones which will advance the City’s ability attract visitors/tourists for entertainment and socialising.*
- *Provide café/kiosk/restaurant facilities which will provide more employment, increase business opportunities, a greater awareness of the City’s natural assets and a greater social and economic contribution by tourists.*
- *Provide equitable community based facilities that acknowledges and provides for the lifestyle and alfresco culture of Western Australia.*

2 *Development Parameters*

Land Use and Built Form

- *Maximisation of land use and built form whilst maintaining environmental integrity;*
- *Identification of site criteria;*
- *Minimisation of impact on existing residents;*
- *Consideration of co-location.*

Sustainability Considerations

- *Maintenance and preservation of natural environmental;*
- *Implementation of sustainable green building and operational design.*

Liaison Protocol

- *Community consultation in accordance with the City's Public Participation Policy and Strategy;*
- *Stakeholder liaison.*

Fiscal Responsibility and Commerciality

- *Assurance of commercial viability;*
- *Due diligence and financial/cost benefit analysis;*
- *Future financial and social benefit for City residents and visitors;*
- *High quality, appropriate commercial operations;*
- *Consideration of co-location opportunities;*
- *Creation of an asset/s that maintains its capital value throughout its economic life cycle.*

Governance

- *High ethical standards;*
- *Probity, legal and legislative compliance;*
- *Adherence to the City's internal processes.*

Officer's Comment:

The resolution of the Strategic Financial Management Committee is supported.

Item 4 – 20 Year Strategic Financial Plan – Guiding Principles Statement

The following motion was carried:

“That the Strategic Financial Management Committee RECOMMENDS that Council ADOPTS the 20 Year Strategic Financial Plan – Guiding Principles Statement Forming Attachment 1 to this Report.”

Officer's Comment:

The resolution of the Strategic Financial Management Committee is supported.

Item 5 – Examination of City Freehold Land for Potential Disposal and Preferred Method of Disposal

The following Officer's recommendation was presented to the Committee:

“That the Strategic Financial Management Committee RECOMMENDS that Council:

- 1 *APPROVES the disposal of the following five lots detailed on Attachments 4 to 8 to this Report:*

*Lot 181 (4) Rowan Place, Mullaloo;
Lot 200 (18) Quilter Drive, Duncraig;
Lot 766 (167) Dampier Avenue, Kallaroo;
Lot 202 (20) Kanangra Crescent, Greenwood;
Lot 147 (25) Millport Drive, Warwick;*

- 2 *REQUESTS a further report to be submitted on the potential to dispose of the lots detailed on Attachments 9 to 12 to this Report:*

*Lot 613 (11) Pacific Way, Beldon;
Lot 671 (178) Camberwarra Drive, Craigie;
Lot 745 (103) Caridean Street, Heathridge;
Lot 977 (15) Burlos Court, Joondalup;*

- 3 *APPROVES disposing of City freehold land (sale of land only) that is not exempt under Regulation 30 of the Local (Functions and General) Regulations 1996 – via the public auction method as described under Section 3.58 (2) (b) of the Local Government Act 1995.”*

The following motion was carried:

“That the Strategic Financial Management Committee RECOMMENDS that a further report be submitted to the Strategic Financial Management Committee identifying appropriate rezoning to maximise the best use and method of progressing the disposal of vacant surplus land.”

Officer’s Comment

A further report will be presented to the Strategic Financial Management Committee once investigations have been undertaken.

Item 6 – Book Café Report

The following motion was carried:

“That the Strategic Financial Management Committee NOTES:

- 1 *the outcomes of the previous endeavours to establish a coffee shop/cafe in the City’s Joondalup Library;*
- 2 *the significant constraints in terms of space, commercial competitors, patronage and resources to provide book cafés in the Joondalup, Duncraig, Whitford and Woodvale Libraries and AGREES not to proceed with further investigation.”*

Officer’s Comment:

The recommendation from the Strategic Financial Management Committee is in line with the investigation undertaken by City officers in terms of the feasibility of establishing a book café in the City Libraries and is supported.

DATE OF NEXT MEETING

The following motion was carried:

“That the next meeting of the Strategic Financial Management Committee be held on Tuesday, 8 June 2010, commencing at 8.00 pm.”

Legislation/Strategic Plan/Policy Implications

Legislation

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government’s finances and resources.

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist the Council.

Strategic Plan

Key Focus Area: 4 - Organisational Development

4.1 To manage the business in a responsible and accountable manner;

4.1.1 Ensure financial viability and alignment to plan.

Policy Not Applicable.

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications:

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Regional Significance:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

COMMENT

Relevant officer's comments have been made regarding the matters considered by the Committee.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 **NOTES** the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 27 April 2010, forming Attachment 1 to this Report;
- 2 **ENDORSES** the Joondalup Regional Cultural Facility Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the council in progressing the project:

(a) Philosophy/Project Vision

- Provide a world class, state of the art facility; incorporating innovative and sustainable design, symbiotic with the existing natural and built environment that is a place for the pursuit of activities such as performing arts, visual arts and crafts, film and media and cultural events for the community of Perth's northern corridor;
- Provide a facility that can host a mixture of commercial and community activities that creates an inclusive environment that becomes a place to celebrate imagination and creativity, inspiring individuals and the community to take part in culture and the arts and raise the aspirations of all users;
- Reinforce the Joondalup City Centre as the creative and educational centre of the northern corridor.

(b) Development Parameters

Governance

- Incorporation of high ethical standards;
- Probity, legal and legislative compliance;
- Appointment of suitably qualified consultants;
- Consistency with adopted Council strategies and plans.

Land Use and Built Form

- Adherence to the special conditions of the land purchase of Lot 1001 Kendrew Crescent;

- Utilisation of design principles that create clear and defined linkages to the established educational precinct, the City Civic Centre and other City Centre locations;
- Utilisation of contemporary architecture reflecting innovation in design and materials that create a civic presence with a strong sense of arrival that will add considerable value to the public domain;
- Provision of a wide range of highly adaptable and flexible facilities incorporating latest design principles including digital technologies;
- Inclusion of complementary components which aim to increase the Facility's capacity and usage;
- Provision of adequate car parking (in accordance with the relevant City policies).

Fiscal Responsibility and Commerciality

- Recognition that the development of the Facility will require State and/or Federal Government financial support;
- Consideration of a range of management options in recognition that the Facility is a commercial operation and the preparation of a Business Plan;
- Recognition that the facility may not always operate in a cost neutral environment and that an operating subsidy may be required that identifies the value of the contribution by the City towards the groups/organisations that utilise it;
- Operation of the facility on a "user pays" basis wherever possible and practical with provision for an element of subsidised community use;
- Utilisation of the facility for activities not principally recognised as "cultural" and consideration of the facility as a home base for suitable entities;
- Assurance of equitable access by all users and a guarantee that no one group or entity has exclusive use of the entire facility.

Sustainability Considerations

- Achievement of best practice in environmentally sustainable design principles whilst maintaining a contemporary, cultural ambience;
- Implementation of architectural and construction techniques that show leadership in environmentally sustainable developments.

Liaison Protocol

- Identification of, and ongoing liaison with, strategic user groups and a strong understanding of the requirements of individual user groups;
- Development of a public participation strategy in accordance with the City's Public Participation Policy and Strategy.

- 3 REFERS to the proposed facility as the Joondalup Performing Arts and Cultural Facility;**
- 4 BY AN ABSOLUTE MAJORITY, ESTABLISHES a Joondalup Performing Arts and Cultural Facility Steering Committee and requests the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council;**
- 5 ENSURES the creation of a facility that is capable of catering for the needs of a regional centre;**
- 6 ENDORSES the following Project Philosophy and Key Parameters for the provision of Cafés/Kiosks/Restaurants on City owned or managed land in order to articulate for the record and for historical purposes the intent of the Council in progressing the project:**

Project Philosophy and Key Parameters

(a) Philosophy/Project Vision

- Provide café/kiosk/restaurant facilities within the City's identified tourism zones which will advance the City's ability attract visitors/tourists for entertainment and socialising;
- Provide café/kiosk/restaurant facilities which will provide more employment, increase business opportunities, a greater awareness of the City's natural assets and a greater social and economic contribution by tourists;
- Provide equitable community based facilities that acknowledges and provides for the lifestyle and alfresco culture of Western Australia.

(b) Development Parameters

Land Use and Built Form

- Maximisation of land use and built form whilst maintaining environmental integrity;
- Identification of site criteria;
- Minimisation of impact on existing residents;
- Consideration of co-location.

Sustainability Considerations

- Maintenance and preservation of natural environmental;
- Implementation of sustainable green building and operational design.

Liaison Protocol

- Community consultation in accordance with the City's Public Participation Policy and Strategy;
- Stakeholder liaison.

Fiscal Responsibility and Commerciality

- Assurance of commercial viability;
- Due diligence and financial/cost benefit analysis;
- Future financial and social benefit for City residents and visitors;
- High quality, appropriate commercial operations;
- Consideration of co-location opportunities;
- Creation of an asset/s that maintains its capital value throughout its economic life cycle.

Governance

- High ethical standards;
- Probity, legal and legislative compliance;
- Adherence to the City's internal processes.

7 ADOPTS the 20 Year Strategic Financial Plan – Guiding Principles Statement Forming Attachment 3 to this Report;

8 NOTES:

- (a) the outcomes of the previous endeavours to establish a coffee shop/cafe in the City's Joondalup Library;
- (b) the significant constraints in terms of space, commercial competitors, patronage and resources to provide book cafés in the Joondalup, Duncraig, Whitford and Woodvale Libraries and AGREES not to proceed with further investigation.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf150610.pdf](#)

ITEM 21 PETITION REQUESTING THE CONSTRUCTION OF A CONCRETE FOOTPATH ON WANDEARAH WAY, KINGSLEY AND THE UPGRADE OF A SECTION OF AN EXISTING SLAB FOOTPATH TO CONCRETE

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	22076, 07523
ATTACHMENTS:	Attachment 1 Location of proposed footpath and paving to be replaced

PURPOSE

To consider a 22 signature petition requesting that a footpath be constructed in Wandearah Way, Kingsley, connecting the existing pathways along the western and southern sides of the Montessori School boundary, and the broken paving be replaced along the western side.

EXECUTIVE SUMMARY

The Council received a 22 signature petition at its meeting held on 20 April 2010 from residents requesting *“That a footpath be constructed in Wandearah Way, Kingsley, connecting the existing pathways along the western and southern sides of the Montessori School boundary, and also that the broken paving slabs be replaced along the western side”*.

It is recommended that Council:

- 1 *LISTS the provision for constructing a footpath and upgrade of an existing slab footpath in Wandearah Way, Kingsley, as shown on Attachment 1 for consideration in the future Five Year Capital Works Program at an estimated cost of \$6,744;*
- 2 *ADVISES the lead petitioner of Council’s decision.*

BACKGROUND

Council received a 22 signature petition at the Ordinary Meeting of Council on 20 April 2010 from residents in Kingsley requesting *“That a footpath be constructed in Wandearah Way, Kingsley, connecting the existing pathways along the western and southern sides of the Montessori School boundary, and also that the broken paving slabs be replaced along the western side”*.

Currently the students of the Montessori School in Kingsley and pedestrians use the road surface to traverse between the existing Public Access Ways and then onto the school grounds. The condition of the area where the new footpath is proposed to be constructed on Wandearah Way has loose sand and is unstable under foot. This situation is worsened during the winter months of inclement weather. It is anticipated that the footpath will provide safer pedestrian access to the Montessori School in Kingsley.

The broken paving along the western side of the footpath is proposed for replacement due to being in a state of disrepair and a potential tripping hazard for pedestrians. It is anticipated that a replacement concrete slab footpath will make provision for a safer access way.

DETAILS

The construction of the proposed concrete footpath is 52 metres in length and 2.1 metres in width. The section of replacement slab footpath (broken paving along the western side of the footpath) to be upgraded is 30 metres in length by 1.8 metres in width. There is currently no provision in the City's five year Capital Works Program for the construction of a footpath and replacement of a section of slab footpath at this location.

Issues and options considered:

The following options have been considered:

- 1 Construction of both the footpath and replacement slab footpath - this option is recommended and considered the most viable as a result of safer pedestrian access to the Montessori School in Kingsley and making provision for a safer access way in Wandearah Way, Kingsley.
- 2 Construction of the new path only - this option would result in safer pedestrian access to the Montessori School in Kingsley. However, it would not address the issue of broken paving slabs to the access way on the western side.
- 3 Do nothing - this option would result in the City failing to address a safety matter associated with its access ways.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable

Strategic Plan

Key Focus Area: The built environment

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

Risk Management considerations:

The construction of a new footpath and upgrade of the existing section of slab footpath will enhance the safety of pedestrian and student movements throughout this area and mitigate risk to the City.

Financial/Budget Implications:

The cost of the new slab footpath construction is as follows:

Construction	Cost (exclusive GST)
New footpath	\$5,267
Replacement slab footpath	\$1,477
Total cost	\$6,744

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Consultation with residents in the immediate vicinity of the proposed footpath needs to be carried out prior to construction due to many residents likely to be impacted who were not listed on the petition.

COMMENT

The footpath works will ensure that there is no conflict between pedestrians and vehicles that utilise this road on a daily basis.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1** **LISTS the provision for constructing a footpath and upgrade of an existing slab footpath in Wandearah Way, Kingsley, as shown on Attachment 1 for consideration in the future Five Year Capital Works Program at an estimated cost of \$6,744;**
- 2** **ADVISES the lead petitioner of Council's decision.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf150610.pdf](#)

ITEM 22 PETITION REQUESTING UPGRADE OF FACILITIES AT BELDON PARK, BELDON

WARD: Central

**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
 Infrastructure Services

FILE NUMBER: 04771

ATTACHMENTS: Attachment 1 Map of Area

PURPOSE

The purpose of this report is for Council to consider a petition requesting an upgrade of the public park on Gradient Way, Beldon. This upgrade to include updated play equipment with soft fall, appropriate shade, seating, drink fountain with dog drinking area, barbeque facilities and a safe toilet block.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on 15 December 2009, a petition was received requesting an upgrade of the public park on Gradient Way, Beldon. This upgrade is proposed to include updated play equipment with soft fall, appropriate shade, seating, drink fountain with dog drinking area, barbeque facilities and a safe toilet block.

A site inspection by a City Officer has confirmed that the existing play equipment consists of both old and well worn units that are no longer compliant to current Australian Standards. A further site inspection in the form of a Community Safety Site Review, carried out in conjunction with the WA Police District Crime Prevention Unit, identified unauthorised use of the toilet facilities associated with camping and sleeping in one of the change rooms and some evidence of vandalism and litter.

There is currently no provision in the City's future Five Year Capital Works Program for upgrading the play equipment and associated facilities at Beldon Park.

It is recommended that Council:

- 1 *LISTS the playground at Beldon Park, Beldon to be audited in 2011/12 and included in the future Five Year Capital Works Program for replacement, including appropriate shade and seating, subject to outcome of the playground audit at an estimated cost of \$120,650;*
- 2 *IMPLEMENT recommendations of the Community Safety Site Review, to facilitate a safe toilet block in Beldon Park, Beldon.*
- 3 *ADVISES the Petition Organiser of Council's decision.*

BACKGROUND

At the Ordinary Meeting of Council held on 15 December 2009, a petition was received requesting an upgrade of the public park on Gradient Way, Beldon. This upgrade to include updated play equipment with soft fall, appropriate shade, seating, drink fountain with dog drinking area, barbeque facilities and a safe toilet block.

Beldon Park is a City controlled reserve with an area of approximately 35,500m² square metres located between Marmion Avenue and Gradient Way, just north of Gunter Grove in Beldon. It is an active reserve and includes sporting infrastructure for soccer and Australian rules football (See Attachment 1).

The following assets are currently located in the park:

- Children's play equipment.
- Floodlighting for the main oval area.
- Plastic rubbish bins with dog clean up bags fixed to a steel pole.
- Benches.
- Irrigation and pumping equipment.
- Treated pine bollards around perimeter and chain gate access for vehicles on the east and south sides.

The play equipment and associated facilities at Beldon Park are not currently listed for replacement over the next five years. The play equipment currently in place at Beldon Park consists of a combination unit on sand soft-fall and encompasses the following items:

- Flying fox.
- A slide connected to raised platforms.
- Two ramps connected by a solid platform and two chain-bridge to higher platforms.
- A plastic climbing frame.
- A clock panel, steering wheel panel and shop-front panel.
- A panel with a circular hole in the middle that has been closed with strips.
- An abacus panel and noughts and crosses panel.

The following separate items of play equipment are situated a short distance from the combination play equipment:

- A separate spring critter on grass soft-fall.
- A two-way rocker in sand/grass soft-fall.
- A swing set.

A site inspection by a City Officer has confirmed that the existing play equipment consists of old and well worn units that are over ten years old and no longer compliant to Australian Standards. The units that are no longer compliant to current Australian Standards would have been compliant when installed. Approximately seventy percent of the City's playground equipment is over ten years old.

A further site review in the form of a Community Safety Site Review, carried out in conjunction with the WA Police District Crime Prevention Unit, identified unauthorised use of the toilet facilities associated with camping and sleeping in one of the change rooms and some evidence of vandalism and litter.

DETAILS

The inspection carried out by the City, including the Community Safety Site Review, identified that the park has residential properties on the opposite side of the road on the east and is directly bordered by rear fences of private residential properties on the north west perimeter. The park shares its south boundary with Beldon Shopping Centre and the Gunter Grove Road Reserve. Four lanes of vehicular traffic and the centre median of Marmion Avenue separate the park from homes on the west side. Alidade Park is directly opposite on the south side across from Gunter Grove.

Beldon Primary School borders the park on the north east side with the school using the park as its main oval for sports and recreation. Students from the school also make use of the reserve and play equipment during breaks in class. The park has a significant slope on its north side, leading up to the boundary fences and walls of surrounding homes. Trees and some bushes are scattered throughout the park, mostly near its boundaries and there are no areas with significant screening vegetation that will have a major impact on lines of sight.

A public toilet / changing rooms building is the main asset in the park and is located on the west side nearest Marmion Avenue. This building includes male and female public toilet areas, two sporting club change rooms, a small 'canteen' room and a storage / inspection duct.

It was identified that graffiti 'tagging' at the park was minimal, however isolated tags were noted on the public toilet building and one of the northern boundary private residential fences. The low number of large assets and solid surfaces on the park, including buildings and retaining walls, meant that large scale graffiti opportunities are few and is likely to limit tagging on this reserve.

The park was generally litter free and the public rubbish bins were not overfilled, indicating that litter management within the park is adequate. There were two locations within the male public toilets that showed signs of criminal damage by fire from the burning of plastic 240L rubbish bins and this identified a need to ensure bins on the park are properly locked in place.

The park does not contain areas of remnant or thick vegetation that pose a bushfire risk to surrounding areas because of natural fuel loading or proximity to homes or other assets.

The heavy use of Marmion Avenue by vehicles at most times of the day and night presents a higher road safety risk on the west side of the park for pedestrians and park users than at many other local reserves. The absence of low reserve border vegetation and fencing combined with sloping grassed areas on the west side of the park means that footballs and other equipment used within the reserve could accidentally end up on Marmion Avenue, creating a risk situation for a person trying to retrieve the equipment.

The reserve is in close proximity to Beldon Shopping Centre. The shopping centre includes a tavern and therefore a source of packaged alcohol close to the park. In other locations around the City ease of access to packaged alcohol near a reserve ~~is~~ has contributed to community safety problems at those sites. However, the low City Watch report numbers for both 2008 and 2009 for Beldon Park indicate that the availability of alcohol near this reserve is not creating any significant problems.

The key recommendations resulting from the Community Safety Site Review of Beldon Park relate mainly to the management of the public toilet / change rooms building on the reserve. No critical community safety risks or problems were identified at the reserve during the review. In priority order the recommendations from the community safety review are:

- 1) Liaise with current tenant sporting clubs at Beldon Park in relation to the current condition of the change rooms to determine whether the change rooms are being used, cleaned and maintained by the clubs in line with the requirements of the City.
- 2) Review current usage levels and need for unlocked public toilets on the reserve in relation to the City's policies on public toilet access and the proximity of this facility to Beldon Primary School and Beldon Shopping Centre.
- 3) Check that all public rubbish bins on the reserve are securely locked to properly mounted steel poles. Previous damage in the public toilets from burnt plastic 240L bins points to a need to ensure all bins are locked in place.
- 4) Continue vegetation maintenance including the under pruning of trees where suitable to preserve the good lines of sight from surrounding areas into the Park.

Issues and options considered:

The following options have been considered:

- 1 Replace the playground equipment including the installation of facilities appropriate to the Park's classification within the Classification Framework which will include the provision of shade and seating. Ensure the toilet block is safe, as per recommendations of the Community Safety Site Review (recommended option). This option will ensure the play equipment is compliant with Australian Standards and provide the community with improved recreational facilities including enhancing the safety of the current toilet block facility.
- 2 Do not upgrade the play equipment and associated facilities.

Legislation/Strategic Plan/Policy Implications

Legislation: The applicable Australian Standards are AS 4685.1-6 (amended 2006 and 2008) and Ongoing Standards AS/NZS 4422 1996 (amended 1999). The standards are not retrospective or law but will apply to new equipment that is supplied and installed.

Strategic Plan

Key Focus Area: To engage proactively with the Community and other relevant organisations in the improvement of the City's playground and park assets in conjunction with the newly adopted classification of parks and public open spaces framework.

Objective: To facilitate healthy lifestyles within the community.

Policy

City Policy – Asset Management
 City Policy – Access and Equity
 Council Policy – Setting fees and charges

Risk Management considerations:

The current play equipment has been identified as being in excess of ten years old and no longer compliant to current Australian Standards. This is a similar circumstance to approximately 70% of the park equipment in the City of Joondalup, however, Beldon Park has been well maintained and is in safe working order.

Financial/Budget Implications:

A breakdown of costs associated with the proposed upgrade to the play equipment and associated facilities is outlined as follows:

Demolition, removal and cartage	\$ 1,200
Earthworks and reinstatement of old playground	\$ 3,500
Retaining walls	\$ 5,500
New play equipment (including Safety Audit)	\$ 35,000
Rubber soft-fall	\$ 40,000
Temporary Fencing	\$ 750
Sealing (graffiti)	\$ 1,200
Irrigation adjustments	\$ 1,500
Shade Sails (100m ² over combination unit only)	\$ 26,000
Bench seating	\$ 1,500
Disabled access pathways (50m x 1.8m)	\$ 4,500
<u>Total (Excluding GST)</u>	<u>\$120,650</u>

Regional Significance:

Beldon Park is classified in the newly adopted parks and public open spaces classification framework as an Active Reserve, Local Parks, and as such caters for the needs of the community within the suburb for seasonal sporting activities as well as passive recreational activities. This classification includes play equipment and bench seating but does not include barbecues, shelters and footpaths.

CONSULTATION

The City would carry out consultation with local residents and Beldon Primary School in the event of the replacement play equipment being deemed to require a new location.

COMMENT

Because the existing equipment is not included in the existing replacement programs it is recommended that the playground equipment be audited and listed for replacement in the five year Capital Works Program. The auditing process will rank Beldon Park against other parks in order of priority of works.

The provision of shade structures, barbecue facilities, drinking fountains and seating will be considered in line with the new Public Open Space Hierarchy Policy. Currently the classification for this park includes play equipment and bench seating but does not include barbecues, shelters and footpaths which have therefore not been included in the cost estimate.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 LISTS the playground at Beldon Park, Beldon to be audited in 2011/12 and included in the future Five Year Capital Works Program for replacement, including appropriate shade and seating, subject to outcome of the playground audit at an estimated cost of \$120,650;**
- 2 IMPLEMENT the recommendations of the Community Safety Site Review, to facilitate a safe toilet block in Beldon Park, Beldon;**
- 3 ADVISES the Petition Organiser of Council's decision.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf150610.pdf](#)

ITEM 23 UPGRADE OF COASTAL SHARED PATHWAY - HILLARYS BOAT HARBOUR TO BURNS BEACH

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	06081, 07086, 01081
ATTACHMENTS:	Attachment 1 Project One Burns Beach to 1.6km South Attachment 2 Project Two Hillarys Boat Harbour to 1.0km North

PURPOSE

To request Council's support for the amended plan to upgrade the coastal shared pathway between Hillarys Boat Harbour and Burns Beach.

EXECUTIVE SUMMARY

In May 2009, the City applied for two grants through the Australian Government's 'Jobs Fund Project' under the Department of Infrastructure, Transport, Regional Development and Local Government to upgrade two sections of the coastal shared pathway between Hillarys Boat Harbour and Burns Beach. In November 2009, the City received notification the grant applications had been successful and there would be a provision of half of the necessary funds. To progress the projects, the City required two clearing permits from the WA Department of Environment and Conservation (DEC). The DEC notified the City in February 2010 the clearing permits would not be provided until surveys were obtained to establish the population of rare flora and fauna species living in the vicinity near the coastal shared pathway. This placed delays on the projects' timelines and the City requested an extension from the Australian Government until 31 December 2010 to complete the projects. The extension of the projects was not granted and the funds were withdrawn because they could not be completed by 30 June 2010 as required by 'Jobs Fund Project' grant guidelines.

To progress the projects it is recommended that Council:

- 1 APPROVES the City's contribution listed for the two coastal shared pathway upgrade projects in the 2009/10 Capital Works Program at \$245,574 to be carried forward and consolidated into one project being Burns Beach to 1.6 kilometres South in the 2010/11 Capital Works Program as shown in Attachment 1.*
- 2 LISTS the upgrade of the coastal shared pathway from Hillarys Boat Harbour to 1km North (as shown in Attachment 2) for submission to the Perth Bicycle Network Local Government Grants and inclusion in the future Five Year Capital Works Program at an estimated cost of \$249,860.*

BACKGROUND

The coastal shared pathway between Hillarys Boat Harbour and Burns Beach is 12 kilometres in length. The shared pathway is a significant component of the Perth Bicycle Network, is an important recreational facility and is an attraction for visitors.

Over the years, the City has received several cases of concerns from residents regarding the conflict between cyclists and pedestrians on the pathway. In response to these concerns, the City engaged Worley Parsons to assess the shared pathway in 2008. The assessment addressed the pathway's design and maintenance and determined the improvements required to meet Australian Standards to increase safety for all users (AUSTRROADS Guide to Traffic Engineering Practice – Part 14, Bicycles, 2000; AS 1742.9 – 2000 Manual of Uniform Traffic Control Devices, Part 9 – Bicycle facilities; AS 1428.1-2001 Design for Access and Mobility-General Requirements for Access – New Buildings Work; AS 1428.2-1992 Design for Access and Mobility-Enhanced and Additional Requirements for Access – Building and Facilities).

The assessment identified that certain sections of the coastal shared pathway were substandard to the relevant Australian design standards and increased the risk of conflicts. It was recommended that the shared pathway be widened to a minimum of 3.5 metres to meet the Australian Standards and include at least a 0.5 metre clearance on both sides of the pathway. For this to occur, the City would need to relocate fence lines and clear some of the vegetation to allow for the proposed widening.

DETAILS

In May 2009, the City applied for two separate grants through the Australian Government's 'Jobs Fund Project' under the Department of Infrastructure, Transport, Regional Development and Local Government to upgrade two sections of the coastal shared pathway. The first project identified was Burns Beach to 1.6 kilometres South (Attachment 1 refers) and the second project identified was Hillarys Boat Harbour to 1 kilometre North (Attachment 2 refers). The projects would need to be completed by 30 June 2010 as stated in the grant application guidelines.

The City estimated project one from Burns Beach to 1.6 kilometres South would cost \$241,267.50 (excl. GST) and project two from Hillarys Boat Harbour to 1 kilometre North would cost \$249,860.50 (excl. GST) to complete. The grant would provide half of the necessary funds to undertake these two projects.

In October 2009, the City received notification that the grant applications had been approved by the Honourable Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government. On the basis of a 50% shared funding arrangement the City would receive \$124,940 (GST exclusive) for the first project and \$120,634 (GST exclusive) for the second project.

Before beginning the projects, the City identified a clearing permit would need to be obtained from the WA Department of Environment and Conservation (DEC) under the Environmental Protection Act 1986. The shared pathway is located in an Environmentally Sensitive Area which endangered, rare flora and fauna inhabit. On 11 February 2010, DEC requested surveys to identify the endangered Graceful Sun Moth (*Syenmon gratiosa*), the Lomandra flora species, the rare flora species *Marianthus paralius* and the *Grevillea* species specific to Ocean Reef (D. Pike, Joondalup, 4). The surveys were to be conducted and provided to DEC by 19 April 2010.

The information requested from the DEC placed an impediment on the two projects' timelines. On 23 February 2010 the City requested an extension from the Department of Infrastructure, Transport, Regional Development and Local Government to complete the projects by 31 December 2010.

It was considered feasible that the Department of Infrastructure, Transport, Regional Development and Local Government may provide an extension to the City for the two projects. Western Wildlife was engaged in March 2010 to undertake the survey assessment on the Graceful Sun Moth and the Lomandra plant species. The survey summarised the upgrade of the pathway would have limited impact on the rare fauna and flora species. The results from this survey were provided to DEC by 19 April 2010. The City was granted an extension for the *Marianthus paralius* and the *Grevillea* surveys based on recommendations by consultants. These surveys are recommended to be carried out in September when the flora is in abundance and in flower, to ensure the accuracy of results.

On 3 May 2010, the Department of Infrastructure, Transport, Regional Development and Local Government notified the City of the inability to provide an extension for the two projects and the funds were withdrawn due to non-compliance with the 'Jobs Fund Project' grant conditions.

Issues and options considered:

Council has the option to:

- 1 Not proceed with the two projects to upgrade the coastal shared pathway.
- 2 Proceed with the two projects to upgrade the coastal shared pathway as provided in the recommendations of this report.
- 3 Seek other shared funding through the 'Perth Bicycle Network Local Government Grants' administered by the Department of Transport to progress the two projects to upgrade the coastal shared pathway.

There is a need for the coastal shared pathway, specifically the northern section to Burns Beach to be replaced because this is in the worst condition. The funding opportunities through Bikewest are closed until 2011/12. Therefore, it is recommended that the City progress with the northern section utilising the municipal funds it committed to the original project and list the southern section in the Five Year Capital Works Program with potential income from the Perth Bicycle Network Local Government Grants.

Legislation/Strategic Plan/Policy Implications

Legislation Environmental Protection Act 1986

Strategic Plan City of Joondalup Strategic Plan 2008 – 2011

Key Focus Area: 5.0 Community wellbeing

Objective: 5.2 To facilitate healthy lifestyles within the community

Bike Plan City of Joondalup Bike Plan 2009

Recommendation: That the City of Joondalup undertake maintenance actions as required to maintain the path network and provide a safe operation of the network.

Policy Not Applicable.

Risk Management considerations:

The risk of conflict and potential injury for path users is increased due to the substandard width of the shared pathway and limited clearances according to Australian Standards.

Financial/Budget Implications:

The Department of Infrastructure, Transport, Regional Development and Local Government has withdrawn the funding to upgrade the two coastal shared pathway projects.

The City approved the two projects in the 2009/10 Capital Works Program as part of the Mid Year Budget review. Since completion of the two projects will not occur by 30 June 2010 there is the option of carrying forward the funds into 2010/11 Capital Works Program as detailed below:

Burns Beach and Hillarys Boat Harbour Projects:

2009/10	Grant Funds	\$245,574
	Municipal Funds	<u>\$245,574</u>
	Total	\$491,148

Burns Beach Project only:

2010/11	Municipal Funds	\$245,574
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Regional Significance:

The coastal shared pathway is a regionally significant route for cyclists and pedestrians.

Sustainability implications:

The foreshore reserves that the coastal shared pathway is located within are classified as 'Environmentally Sensitive Areas' and have 'Bushforever' status. The clearing of vegetation under the Environmental Protection Act 1986 is proposed to be minimal. According to the assessment by Western Wildlife, the widening of the shared pathway would not significantly impact the Graceful Sun Moth or Lomandra flora species. The two other rare flora assessments, a requirement for DEC, are scheduled for the September 2010 period.

Consultation:

Not Applicable.

COMMENT

The upgrade of the coastal shared pathway is essential to improve the safety for all users. Widening the pathway to comply with Australian Standards will ensure there is enough space for the community to enjoy the facility.

There is an opportunity for a portion of the coastal shared pathway upgrade to be assessed for shared funding under the 'Perth Bicycle Network Local Government Grants' through the Department of Transport. The next available grant funding opportunity is in the 2011/12 financial year which will close in January 2011.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 APPROVES the City's contribution listed for the two coastal shared pathway upgrade projects in the 2009/10 Capital Works Program at \$247,574 to be carried forward and consolidated into one project being Burns Beach to 1.6 kilometres South in the 2010/11 Capital Works Program as shown in Attachment 1 to this Report;**

- 2 LISTS the upgrade of the coastal shared pathway from Hillarys Boat Harbour to 1 kilometre North as shown in Attachment 2 to this Report for submission to the Perth Bicycle Network Local Government Grants and inclusion in the future Five Year Capital Works Program at an estimated cost of \$249,860.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf150610.pdf](#)

ITEM 24 WATER REDUCTION WITHOUT AMENITY LOSS IN THE CITY OF JOONDALUP'S SPECIFIED AREA RATES AREAS

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 13593, 47387

ATTACHMENTS: Nil.

PURPOSE

To investigate the advantages and disadvantages of reducing water usage, without amenity loss, in the City of Joondalup's Specified Area Rates (SARs) areas. Part of the investigation will be the examination of historical and current water usage and how these figures compare to the rate per hectare required for the City to be within groundwater licence allocation.

EXECUTIVE SUMMARY

The City of Joondalup is issued with three Ground Water Licences (GWLs) by the Department of Water, GWL155515, GWL155582 and GWL155510, which entitles the City to a combined groundwater allocation of 4,117,550kL per annum. Based on the area of land that the City irrigates the allowable rate of water usage is 6,700kL/ha.

For all three specified rate areas, the water consumption was greater than 6,700kL/ha rate required. The City must remain within allocation or may face financial penalty or will not be able to apply for additional bore licences which will be required for implementation of the Landscape Master Plan projects.

The City has already demonstrated that it is possible to reduce water consumption, without loss of amenity, through the works undertaken at Emerald Park as part of the Parks Development Program, and specifically the Landscape Master Plan. The techniques used in that project could be applied to SARs for the benefit of the City, the Gngangara Mound groundwater resource and City of Joondalup residents.

The City has recently instigated a process where officer/s attend the monthly meetings of the Special Area Rates area's community committees to provide information on the City activities within the area. The first meeting was with the Harbour Rise Home Owners Association on 26 May 2010.

It is recommended that Council:

- 1 *REQUESTS that the City continues to monitor and modify the water budget, for all irrigated areas including Specified Area Rates, so that water consumption is within allocation and the required irrigation rate of 6,700kL/ha;*

- 2 *SUPPORTS the future implementation of landscape master planning and water efficiency measures in Specified Area Rates similar to those that have been implemented in Emerald Park as part of the Parks Development Program;*
- 3 *SUPPORTS the continued dialogue with Specified Area Rate’s homeowners group to maintain a consultative relationship.*

BACKGROUND

It was resolved at the Ordinary Meeting of Council of 21 February 2009 that:

“Council requests a report from the Infrastructure Services on the advantages and disadvantages of the City entering into discussions with the residents of Iluka, Woodvale Waters and Harbour Rise, the three areas currently with Specified Area Rates, to investigate ways of reducing water usage without affecting the amenity of the areas, to the satisfaction of the residents.”

TAILS

Three areas in the City of Joondalup, Iluka, Woodvale Waters and Harbour Rise, are subject to Specified Area Rates (SARs) by the City in return for a higher level of landscaping maintenance services. The SARs do not provide for a higher rate of water consumption, and as such irrigation rates should be equivalent to other passive recreation areas throughout the City, although this has not been the case to date.

In October 2009, the City of Joondalup submitted a water budget to the Department of Water, for implementation in the 2009/10 financial year. The reason for its development was that the City had exceeded its groundwater allocation by approximately 1,000,000 kilolitres (kL) in the 08/09 financial year. The budget was designed to bring the City under allocation by reducing water use in passive parks by 33% and active parks by 12.5%. This equates to an average irrigation rate of approximately 6,700kL per hectare i.e. total groundwater allocation divided by the total area irrigated. The water budget was endorsed by City and the Department of Water and the implementation of it will result in the City being under allocation this financial year.

SAR water consumption

Figure 1 below displays the water usage (kL) for Harbour Rise, Woodvale Waters and Iluka, to the end of April, in the 2008/09 and 2009/10 financial years. Current SAR water usage is also compared to the amount of water allocated at a rate of 6,700kL/ha.

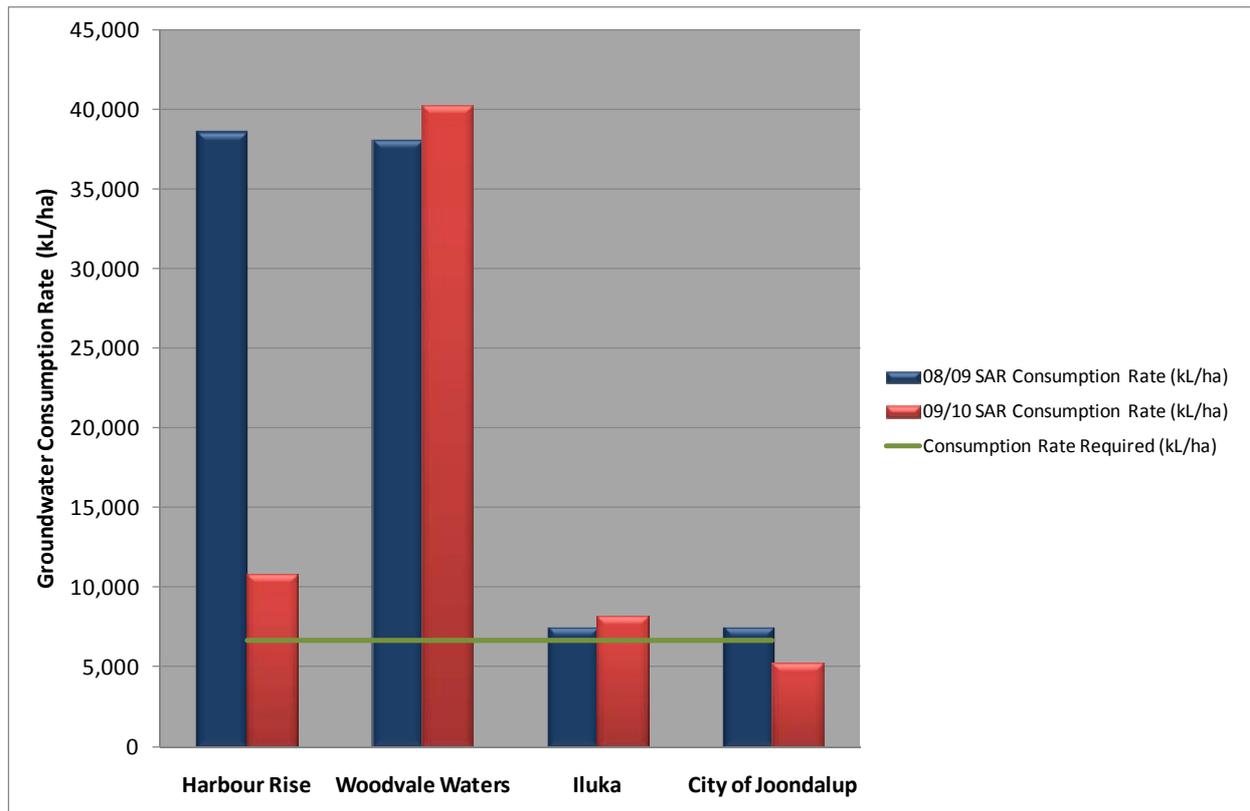
Figure 1. Water Usage for the SARs, to the end of April, 2008/09 and 2009/10.

Figure 1 shows that water use for Harbour Rise in 2009/10 decreased substantially compared to 2008/09. Water consumption increased slightly at Woodvale Waters, and also increased at Iluka, in 2009/10. The high water use result obtained for Woodvale Waters is most likely due to the maintenance of the water level in the estate lake. There is possibly a perforation in the lake liner resulting in significant water loss. Further investigations are underway in this matter and will be resolved by the end of the financial year.

For all three specified rate areas, the water consumption was greater than 6,700kL/ha average rate required for the City to stay below GWL allocation. The City must remain within allocation to avoid financial penalty or denial of additional bore licences applications which will be required for implementation of the Landscape Master Plan projects.

Reducing water usage without effecting amenity

There are several initiatives that can be undertaken to reduce water usage without adversely affecting the amenity of the City's irrigated areas. The City has already successfully employed some of these techniques through the implementation of Landscape Master Planning principles in the Parks Development Program such as the Emerald Park – Parks Development Program 2009/10.

The following water efficiency measures can be implemented to reduce water consumption without impacting on the amenity or usability of a park for local residents and visitors:

- Replacement of the irrigation control cabinet, bore and pump, along with the irrigation system, consisting of main lines, feeder lines, sprinklers etc because of old and inefficient systems have poor coverage and variable pressure;
- Different zones can be established within a park based on need; such as low usage or priority areas can be irrigated at a lower rate than other areas;
- Turf areas can be replaced with mulched local native garden beds that are adapted to local climatic conditions. This not only reduces water use, but also mowing and irrigation maintenance;
- Warm season grasses, such as Kikuyu and Couch, can be used which require less irrigation and are more suited to the regional climate;
- Annual applications of soil wetting agents allow water penetration to the root zone of the turf where it is needed;
- Turf renovations such as coring and scarifying alleviate compaction and allow water penetration to the root zone;
- Quality organic compost should be used when installing new turf areas due to its ability to hold water and nutrients and promotion of beneficial microbial activity; and
- Existing turf areas can be top-dressed with organic compost annually to improve the quality of the soil.

Issues and options considered:

There are two options for consideration:

- 1 Do nothing and continue to irrigate SAR reserves at above the required rate of 6,700kL/ha – this course of action would not be sustainable and will increase the likelihood of the City receiving of non-conformance notices and possible infringements from the Department of Water.
- 2 Reduce water consumption for SAR reserves to the required rate and implement landscape master planning principles through the five year Parks Development Program. This option will allow the City to remain within water allocation and provide improved amenity for SAR residents.

Legislation/Strategic Plan/Policy Implications

Legislation *Rights in Water and Irrigation Act 1914* – A license may be required to draw water from proclaimed groundwater areas or surface water catchments.

Strategic Plan The efficient use of water in SARs is linked to the City of Joondalup's Strategic Plan as follows:

- Objective 2.1 - To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.
- Strategy 2.1.3 - The City develops and implements a water plan to reduce water consumption.

Policy City Policy Sustainability
Council Policy Sustainability

Risk Management considerations:

The City of Joondalup has been issued with three groundwater licences by the Department of Water, GWL155515, GWL155582 and GWL155510, which entitles the City to a combined groundwater allocation of 4,117,550kL per annum. However, the City must remain within the allocation of the individual GWLs within a given financial year. The implications of not remaining within allocation include financial penalty and denial of future bore licence applications.

The City is a participant in the ICLEI Oceania Water Campaign™ and the Waterwise Council Program. Both of these programs require achievement of water conservation objectives, so the City risks continued participation if we fail to meet the necessary objectives.

There is also the risk that the State Government will reduce the current allocation because the level of water in the Gnangara Mound continues to fall. Drought tolerating the City's grasses and continued application of the Landscape Master Planning principles will best protect the City against this eventuality.

Financial/Budget Implications:

Program:	Draft Five Year Capital Works Program Parks Development Program
Budget Item:	Iluka SAR - Irrigation Upgrades
Budget Amount:	2010/11 - \$80,000 (PDP2026) 2011/12 - \$50,000 (PDP2047) 2012/13 - \$50,000 (PDP2072) 2013/14 - \$25,000 (PDP2092) 2014/15 - \$25,000 (PDP2120)
Budget Item:	Harbour Rise SAR - Irrigation Upgrades
Budget Amount:	2010/11 - Nil 2011/12 - \$25,000 (PDP2046) 2012/13 - \$25,000 (PDP2071) 2013/14 - \$25,000 (PDP2091) 2014/15 - \$25,000 (PDP2119)

There is no provision for capital improvements in Woodvale Waters in the draft Five Year Capital Works Program.

Regional Significance:

The Gnangara Mound is the major groundwater resource in the north metropolitan area for both potable water and irrigation, consequently its sustainable use does have regional implications.

Sustainability implications:

The City of Joondalup's groundwater usage can have environmental and societal effects, at the regional scale, which can impact on future generations. The Perth region currently sources up to 60% of its drinking water from the Gnamptara Mound and the City of Joondalup's drinking water is sourced almost exclusively from the mound. Alternative water sources, such as desalination are expensive and have a significant environmental impact. Groundwater dependent ecosystems, such as Lake Joondalup, could be lost if consumption from the Gnamptara Mound is not sustainable.

Consultation:

The issues affecting the SAR's are discussed with the relevant homeowners associations.

COMMENT

The City of Joondalup has an annual groundwater allocation through the provision of three groundwater licences by the Department of Water. The implications of not remaining within allocation include possible infringement and the rejection of future bore licence applications. The City has also committed to water usage reductions through its involvement in the ICLEI Oceania Water Campaign™ and Waterwise Council Program.

The City has already demonstrated that it is possible to reduce water consumption, without loss of amenity, through the works undertaken at Emerald Park as part of the Parks Development Program. The techniques used in that project could be applied to reserves in the SARs for the benefit of the City, the Gnamptara Mound and the SAR residents.

The City is committed to continuous dialogue with the homeowners associations through regular attendance at their meetings. The issues of water conservation will be a priority at these meetings.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 REQUESTS that the City continues to monitor and modify the water budget, for all irrigated areas including Specified Area Rates, so that water consumption is within allocation and the required irrigation rate of 6,700kL/ha;**
- 2 SUPPORTS the future implementation of landscape master planning and water efficiency measures in Specified Area Rates similar to those that have been implemented in Emerald Park as part of the Parks Development Program; and**
- 3 SUPPORTS the continued dialogue with Specified Area Rate's homeowners group to maintain a consultative relationship.**

ITEM 25 REMOVAL OF EXEMPTION FROM RATES

WARD:	South
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	00104
ATTACHMENTS:	Attachment 1 Relevant pages of SAT order

PURPOSE

To seek Council's reconsideration of its decision to grant rate exemptions for two Retirement Villages owned by Retirees WA and the Duncraig Christian Fellowship at 7 Chessell Drive and 41 Beddi Road, Duncraig respectively.

EXECUTIVE SUMMARY

At its meeting in October 2006 (C77-10/06) Council determined that the properties at 7 Chessell Drive, owned by Retirees WA and 41 Beddi Road owned by the Duncraig Christian Fellowship were being used for the provision of aged care facilities for charitable purposes and are exempt from rates in accordance with the Local Government Act 1995 Section 6.26 (2) (g).

At a recent proceeding before the State Administrative Tribunal (SAT) involving the City of Belmont and Retirees WA, the Tribunal found that the Retirement Village owned by Retirees WA in that case did not qualify for exemption from rates and that the property was rateable.

SAT ruled that since the use of the property is only available to members of Retirees WA it does not have the requisite element of **public benefit** that is necessary for the use of land to constitute a charitable purpose.

The circumstances in the SAT proceeding for the City of Belmont are the same as for the property owned by Retirees WA in Duncraig, located at 7 Chessell Drive and would apply to 41 Beddi Road, owned by Duncraig Christian Fellowship, which is also a membership based organisation.

It is recommended that Council:

Determines that, taking account of the State Administrative Tribunal decision in the case of Retirees WA (inc) v the City of Belmont (2010 WASAT 56), that the properties at 7 Chessell Drive and 41 Beddi Road, Duncraig, although used as aged care facilities, are not used for charitable purposes and are not exempt from rates in accordance with the Local Government Act 1995 Section 6.26 (2) (g).

BACKGROUND

At its meeting held on 10 October 2006 (C77-10/06), Council adopted a motion to exempt from rate two properties in Duncraig located at 7 Chessell Drive and 41 Beddi Road, owned by Retirees WA and the Duncraig Christian Fellowship respectively. The properties are used as Retirement Villages and were exempt on the basis of being used for charitable purpose.

DETAILS

In a recent proceedings in the case of *Retirees WA (inc) v City of Belmont (2010 WASAT 56)* SAT considered an application to review the City of Belmont's decision not to grant charitable exemption from rate for residential units set up by Retirees WA as retirement village.

The City of Belmont defended its position to deny the exemption on several grounds, including that a simple residential complex with no other services or facilities cannot be considered a scheme for the "relief of the aged", unlike the Uniting Church Homes scheme which gained exemption through SAT in 2005.

Unfortunately SAT did not accept the City of Belmont argument on that ground and ruled that the grouping together of people of similar age in a residential accommodation, without having other services or facilities, is sufficient to be "relief of the aged", in view of the mutual help and support that such arrangements can provide.

However, SAT dismissed the application of Retirees WA and upheld the City of Belmont decision on a different ground.

SAT established that Retirees WA is a self-help member based organisation that construct and manage retirement villages, principally to accommodate its own members rather than members of the public.

SAT concluded that in the absence of the necessary requisite of **public benefit**, the use of the land in this case does not constitute a use for charitable purpose and upheld the City of Belmont decision to deny the exemption on that basis.

The SAT decision has application to both the properties exempted from rates by decision of Council (C77-10/06) as the same issue of public benefit arises.

In the case of 7 Chessell Drive, Duncraig Retirees WA is the same owner as in the SAT decision. In the case of 41 Beddi Road, Duncraig, an examination of the Duncraig Christian Fellowship's Constitution indicates that it is also a membership based organisation where members are admitted upon approval of 75% majority of the "Oversight". It follows that the benefits offered to its members are not available to the public and the land used for its retirement village to accommodate its members would not constitute a use for charitable purpose.

Issues and options considered:

The outcome of SAT proceedings in the case of Retirees WA v the City of Belmont has been considered to re-assess eligibility for exemption from rate under the relevant provisions of the Act.

Legislation/Strategic Plan/Policy Implications

Legislation Section 6.26 (2) (g) of the Local Government Act 1995

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 to lead and manage the City effectively

Policy Not applicable.

Risk Management considerations:

Changing Council's earlier decision may create some adverse public reaction from self-interest groups. However it is recommended in the interest of equity and fairness toward other ratepayers that are not members of similar organisations.

Financial/Budget Implications:

The amount of 2009/10 rate income lost to the City as a result of this exemption is \$ 23,300 combined.

Regional Significance:

The SAT decision in the Retirees WA case will affect most Local Governments where a membership based organisation is holding land for the benefit of its members and is benefiting or applying for exemption from rates.

Sustainability implications:

Not Applicable.

Consultation:

The proceedings, findings and determinations of SAT in the case of Retirees WA v the City of Belmont have been thoroughly examined together with subsequent legal commentary on the matter.

COMMENT

The State Administrative Tribunal determined that land held for a purpose that does not satisfy the public benefit test cannot be considered a charitable purpose. In light of the SAT decision, an earlier exemption from rates with similar conditions ought to be re-considered.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

It is recommended that Council:

Determines that, taking account of the State Administrative Tribunal decision in the case of Retirees WA (inc) v the City of Belmont (2010 WASAT 56), that the properties at 7 Chessell Drive and 41 Beddi Road, Duncraig, although used as aged care facilities, are not used for charitable purposes and are not exempt from rates in accordance with the Local Government Act 1995 Section 6.26 (2) (g).

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach19brf150610.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

ITEM 26 OCEAN REEF MARINA DEVELOPMENT PROJECT – STATUS REPORT

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the Chief Executive Officer
FILE NUMBER:	04171, 07303
ATTACHMENTS:	Nil.

PURPOSE / EXECUTIVE SUMMARY

To provide Council with a status report on the Ocean Reef Marina Development project.

BACKGROUND

The Ocean Reef Marina Development site is located on the coast at Ocean Reef and has a total area of approximately 91 hectares. The site extends from just north of Swanson Way to north of Resolute Way, Ocean Reef. The City purchased part Lot 1029 at Ocean Reef in 1070 for a price of \$525,000. This purchase was made an investment for the benefit of the community, to enable to development of a range of recreational, commercial and ancillary service uses.

In November 2004 the then Minister for Planning and Infrastructure announced the State Government of the day would commit up to \$700,000 towards concept plans and a structure plan aimed as transforming the Ocean Reef Boat Launching facility into a world-class commercial and recreational marina. Since that time the City has undertaken significant preliminary financial, engineering and environmental investigations into the feasibility of the project.

Through an iterative process, Concept Plan 7 was prepared collaboratively by the Ocean Reef Marina Committee (of Council) and the City's external consultants with input from the Ocean Reef Marina Government Steering Committee and the Ocean Reef Marina Community Reference Group. This plan was endorsed by Council in May 2009 as the plan to be progressed towards a Structure Plan for the Ocean Reef Marina site and for public comment in May 2009 (JSC7-05/09 refers).

The community consultation process conducted in 2009 resulted in an overwhelming 11,728 responses from the community with 93.9% of respondents in favour of redeveloping the marina site and 96.5% strongly supporting or supporting the concept plan as presented. The results of the community consultation were presented to Council in September 2009 (CJ217-09/09 refers).

Following a review of the survey results and qualitative data by the Ocean Reef Marina Committee (of Council) and the Ocean Reef Marina Community Reference Group, at the meeting held 15 December 2009 Council agreed to:

- 1 *NOTE the unconfirmed minutes of the Ocean Reef Marina Committee meeting held on 8 December 2009 forming Attachment 1 to Report CJ285-12/09;*
- 2 *PROCEED with the preparation of a Structure Plan and Business Case for the Ocean Reef Marina Development in accordance with the Draft Work Taskflow Chart, dated December 2009, as detailed in Attachment 2 to Report CJ285-12/09;*
- 3 *ENDORSE the Ocean Reef Marina Committee to GIVE further consideration to:*
 - (a) *the items listed in Attachment 3 to Report CJ285-12/09 – Community Consultation Report - for the items identified as highly desirable and desirable as part of the Structure Plan Development process;*
 - (b) *the ideal location for an artificial reef and supporting infrastructure within the development area;*
 - (c) *an additional layer of car parking;*
 - (d) *additional trailer ramps;*
- 4 *APPOINT Mr Albert Jacob MLA, Member for Ocean Reef, as an observer to the Ocean Reef Marina Community Reference Group;*
- 5 *APPOINTS Sandra Foster to the vacant position on the Ocean Reef Marina Community Reference group representing the Ocean Reef Sea Sports Club.*

(CJ285-12/09 refers)

DETAILS

Status Report

1. “Next Steps” Process

The Ocean Reef Marina Works Task Flow Chart identifies a preliminary financial feasibility analysis of Concept Plan 7 is the next step in the progressing the project. The “Next Step” process advances the Business Case and provides a preliminary financial feasibility analysis based on Concept Plan 7 that will:

- Determine the total cost of the development and will include the following components:
 - Marine infrastructure and facilities;
 - Civil infrastructure assuming serviced land parcels;
 - Public and community facilities;
 - Professional fees;
 - Interest/holding costs.

- Determine the revenue potential of the entire development by:
 - Using a land parcel diagram, indicate a basket of rights for each revenue generating land parcel;
 - Determine the value of each land parcel based on the proposed basket of rights and preliminary market analysis.
- Estimate the development timeline taking into account a construction program and the ability of the market to absorb the product offered.
- Provide a financial feasibility model which is assist in determining the nature and extend of any necessary changes to Concept Plan 7.

The following consultants have been engaged to undertake the works required:

- Marine Engineering: MP Rogers & Associates
- Civil Engineering: Cossill Webley
- Hydrographic Surveying: McMullen Nolan
- Market Analysis: Colliers
- Quantity Surveying: Davis Langdon
- Planning Advice: Taylor Burrell Barnett

The “Next Steps” process was commenced in May 2010 and the resultant report is expected to be submitted to the Ocean Reef Marina Committee (of Council) for consideration in August 2010.

2. Recreational Boating Facilities Scheme

An application for a Recreational Boating Facilities Scheme – Round 15 RBFS Planning Grant was prepared and submitted to the Department of Transport. This scheme provides funding for planning and/or feasibility studies for the provision of new boating facilities (including boat pens and associated infrastructure) and improvements to existing facilities. Notification of the outcome of the application is pending.

3. Ocean Reef Marina Government Steering Committee

A meeting of the above Committee was held on 27 May 2010 with the primary purpose being to brief any new members on the project to date and provide an overview of Council’s decisions concerning progressing the project through the approvals phase (Attachment 3).

Due to a number of changes within the relevant Government agencies, the members of this Committee are now:

Martin Baird	Manager, New Coastal Assets, Department of Transport
Kym Petani	Director Metropolitan Planning North West, Department of Planning
Vaughan Brazier	Program Manager Metropolitan, LandCorp
Jos Mensink	Manager Corporate Real Estate, Water Corporation

The City’s Director of Planning and Development, Dale Page has also been appointed as an observer to this committee.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.2: To progress a range of innovative and high quality urban projects within the City.

Strategy: 4.2.1 Develop a concept for, and commit to, the development of land at the Ocean Reef Marina site.

Policy It is recognised that the project will conform to the City's governance framework.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Following the decision of Council to proceed with the preparation of a Structure Plan and Business Case for the Ocean Reef Marina Development in accordance with the Work Task Flow Chart, a detailed estimate of the budget required to continue the project through to submission for the relevant approvals will be considered by Council as part of its 2010/11 budget deliberations.

To enable the project to proceed in accordance with timeframes outlined in the Work Task Flow Chart, Council approved an amount of \$727,321.00 during the 2009/2010 Mid Year Budget Review process. A summary of this amount is presented below:

Engineering (coastal & civil)	311,852.00
Environmental Studies	76,463.00
Town Planning	6,930.00
Project Management	125,000.00
Financial/business planning	85,000.00
Communications/Marketing	13,358.00
Legal Advice	10,000.00
Probity Audit	5,000.00
City Projects Salaries	<u>93,718.00</u>
	\$ 727,321.00

Regional Significance:

The development has the potential to provide the residents of the City of Joondalup and the wider Western Australia community with a world class marina facility and visitor destination.

Sustainability implications:

A Sustainability Report will be required as part of the structure planning documentation.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the Ocean Reef Marina Status Report dated 22 June 2010, in particular the initiation of the “Next Steps” process and anticipates a further report will be presented to the August 2010 Council meeting.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – CR BRIAN CORR – COUNCIL POLICY – CODE OF CONDUCT - [78624] [08166] [09358]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 22 June 2010:

“That Council AMENDS the following Section of Council Policy - Code of Conduct:

Section 6.0

PERFORMANCE OF DUTIES AND COMPLIANCE WITH LAWFUL ORDERS

Paragraphs 1 to 4 to be unchanged;

Paragraph 5 – replace:

Employees shall obey any lawful order given by any person having authority to make or give such order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and if resolution cannot be achieved, with the Chief Executive Officer.

With:

Elected Members, Committee Members and Employees shall obey any lawful order given by any person having authority to make or give such order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer in the case of employees, and the Mayor or Chief Executive Officer in the case of Elected Members or Committee Members.

Paragraph 6 – replace:

Employees should give effect to and uphold the lawful policies of the Council, whether or not they agree with or approve of them.

With:

Elected Members, Committee Members and Employees shall give effect to and uphold the lawful policies of the City, whether or not they agree with or approve of them.”

REASON FOR MOTION

The City of Joondalup Council is the only Council, of the 15 that I've checked in Western Australia, which does not require in its *Code of Conduct*, Elected Members and Committee Members to adhere to the Council's own policies, and the City's policies.

There is one exception – Council Policy – “Height of Buildings within the Coastal Area (non-residential zones)”.

A number of our policies have had substantial public input and the public assumes that we adhere to these policies. But we don't have to!

I believe that Elected Members, Committee Members, and Employees must fully support all Council and City policies, whether or not we agree with or approve of them. Surely this is the very basis of good governance! Where is our credibility if we don't? And why is Joondalup the exception?

And remember, if we don't like a particular policy, there are procedures already in place, to have it changed. And if we end up with a different policy, then that's the new policy position that we must support.

The two changes detailed in my motion are simple and just reflect the situation that you will find in other Councils' *Code of Conduct*.

OFFICER'S COMMENT

Cr Corr has partly justified the proposed amendments by noting that of the 15 local government codes checked, they all have clauses expressed in the way of the amendment. It is suggested that this clause exists in other local governments' Codes is that they have all adopted the WALGA model Code of Conduct.

The WALGA model Code of Conduct was last revised in March 2008 following changes to the Act and the introduction of the Local Government (Rules of Conduct) Regulations 2007. The City is seeking to clarify the intent of the wording of these clauses.

With regard to the proposed Notice of Motion the following comments are provided:

Section 6 - paragraph 5: The requirement to comply with lawful orders is appropriate for employees as it is a standard principle of the employment relationship and the Code is incorporated into each employee's contract of employment. It is not considered appropriate for the clause to be applied to Elected Members or Committee Members as they are not in an employment relationship and are not subject to the direction of local government officers in the same manner as are employees of the local government. An Elected Member has the same obligation as a member of the public to comply with the law of the land including with a 'lawful order given by a person having authority to give such an order'.

Section 6 – paragraph 6: Policies are adopted by Council under section 2.7(2)(b) of the Local Government Act 1995 and are implemented by the City's administration under the direction of the Chief Executive Officer. Other than as a member of a Council which adopts a particular policy, an individual Elected Member has no role in the implementation of that policy. Accordingly, whilst it is appropriate to require employees to uphold lawful Council policies regardless of whether they agree with them, it is not considered appropriate and to require an Elected Member to do so.

Further, Council's endorsed Policy Framework defines the policies of the Council in two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

It is important to recognise that the Council is under no obligation to resolve a particular matter in strict accordance with a policy. By their very nature policies are utilised to guide decision making

It is important to recognise that a policy is typically described as a principle or rule to *guide* decisions and achieve rational outcome(s). The term is not normally used to denote what is actually done, this is normally referred to as either procedure or protocol. Policy differs from rules or law. While law can compel or prohibit behaviors, policy merely guides actions toward those that are most likely to achieve a desired outcome.

Council is under no obligation to resolve a particular matter in strict accordance with a policy, but use the policy as a guide to assisting it in its decision making. As long as there is open and transparent government so that people can follow decision-making processes and outcomes this is considered to be a fundamental basis of good governance.

NOTICE OF MOTION NO 2 – CR JOHN CHESTER – ESTABLISHMENT OF COMMUNITY FOOD GARDENS - [78624] [100565]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr John Chester has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 22 June 2010:

“That Council REQUESTS the Chief Executive Officer prepare a report on the opportunities for community food gardens to be established within the City of Joondalup on land owned or vested in the City.”

REASON FOR MOTION

Community food gardens are being established in cities and towns throughout Australia because of the multitude of benefits they provide to the community. They demonstrate sustainable living, contribute to food security and good nutrition, foster self help, promote physical fitness, strengthen community networks, promote inter-generational exchange and social inclusion.

OFFICER’S COMMENT

A report can be prepared.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



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

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

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

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

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

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



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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

