

# agenda

## Briefing Session

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

**ON TUESDAY 29 SEPTEMBER 2015**

**COMMENCING AT 6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
25 September 2015

[joondalup.wa.gov.au](http://joondalup.wa.gov.au)

*This document is available in alternate formats upon request*



## **PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on Monday 28 September 2015.

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](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### **INTRODUCTION**

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

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

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

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

### **PURPOSE OF BRIEFING SESSIONS**

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer 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:

- 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 among 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 matters listed for the Briefing Session. 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*, the *Local Government (Rules of Conduct) Regulations 2007* 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, however there is no legislative requirement to do so.
- 10 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.
- 11 Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 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 full address.
- 4 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.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 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.
- 7 Public question time will be allocated a 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 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 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 an Elected Member and/or City employee to respond to the question or
  - 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.
- 9 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.

- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.
- 11 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 Act 1992* (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 may 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 five 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 agenda of the next 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 Act 1992* (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 may 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 at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 3 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 full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 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.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 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.
- 8 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 agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 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.
- 10 Statements will be summarised and included in the notes of the Briefing Session.

## PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer by 4.00pm on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to matters listed on the agenda of the Briefing Session.
- 4 Other requirements for deputations are to be in accordance with clause 5.10 of the *City of Joondalup Meeting Procedures Local Law 2013* in respect of deputations to a committee.

### **RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION**

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, 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*.

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**LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information 290915.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 29 September 2015** commencing at **6.30 pm**.

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

#### 2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

##### **Disclosures of Financial Interest/Proximity Interest**

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.

##### **Disclosures of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	Item 9 - Confidential - Ocean Reef Marina – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a crew member with Whitford Volunteer Sea Rescue Group.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	Item 10 – Confidential - Ocean Reef Marina - Options for Progressing the Project.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a crew member with Whitford Volunteer Sea Rescue Group.

### 3 DEPUTATIONS

### 4 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 8 September 2015:

**Mr R Repke, Kallaroo:**

*Re: Item 13 – Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

*Q1 There is a 120 year old (25 metre high) tuart tree located on the lot. Would the City have any objections to the tree being left in its current location should the purchaser of the lot consider integrating the tree as an entry statement to the lot?*

The following response was provided at the meeting:

**A1** The Chief Executive Officer advised that the tree in question has been the subject of an arborist report, with advice received that the tree is diseased. It would be up to negotiation with the owner of the land, but the advice received by the City is that the tree should not be left in place.

Subsequent to the meeting and prior to the Council meeting held on 15 September 2015, further independent assessments were undertaken and it was determined using sonic tomography testing, that the tree is structurally sound.

*Re: Item 3 – Proposed Whitford Activity Centre Structure Plan – Consideration following Public Consultation.*

*Q2 The report states that the pedestrian bridge should be positioned at the eastern side of the centre where there are pedestrian crossings. The bridge should be located on the western side of the centre where pedestrian crossings are missing. Would this make any difference to the opinion of Main Roads or the Western Australian Planning Commission?*

**A2** The Chief Executive Officer advised he did not believe so.

### 5 PUBLIC STATEMENT TIME

The following statement was made at the Briefing Session held on 8 September 2015:

**Mr R Repke, Kallaroo:**

*Re: Item 3 – Proposed Whitford Activity Centre Structure Plan – Consideration following Public Consultation.*

Mr Repke spoke in relation to the redevelopment of the Whitford City Shopping Complex, with particular emphasis on the provision of a pedestrian bridge and options for funding the bridge.

## **6 APOLOGIES AND LEAVE OF ABSENCE**

## 7 REPORTS

### ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – AUGUST 2015

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Determined – August 2015	Applications	
	Attachment 2	Monthly Subdivision Processed – August 2015	Applications	
	Attachment 3	Monthly Building R-Code Decision – August 2015	Applications	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority.

#### EXECUTIVE SUMMARY

Clause 8.6 of *District Planning Scheme No. 2* (DPS2) allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, *Residential Design Codes* (R-Code) applications 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 the following applications determined by the administration with delegated authority powers during August 2015 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R-Code applications.



## BACKGROUND

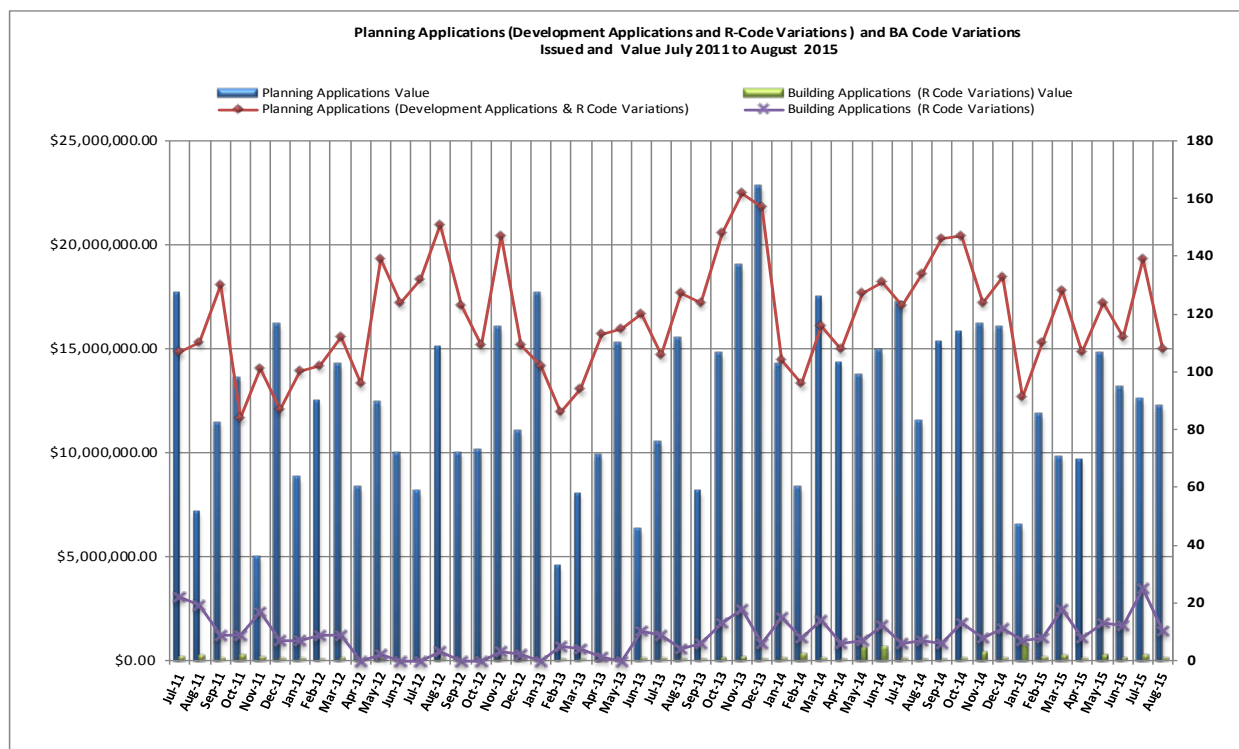
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority.

## DETAILS

The number of applications determined under delegated authority during August 2015, is shown in the table below:

Applications determined under delegated authority – August 2015		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	108	\$ 12,237,898
Building applications (R-Codes applications)	10	\$120,042
<b>TOTAL</b>	<b>118</b>	<b>\$ 12,357,940</b>

The total number and value of planning and building R-Code applications determined between July 2011 and August 2015 is illustrated in the graph below:



The number of planning applications received during August was 135. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of planning applications current at the end of August was 260. Of these, 70 were pending additional information from applicants, and 27 were being advertised for public comment.

In addition to the above, 252 building permits were issued during the month of August with an estimated construction value of \$19,077,922.

The number of subdivision and strata subdivision referrals processed under delegated authority during August 2015 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for August 2015</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	3	8
Strata subdivision applications	3	6

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

Not applicable.

#### **Legislation / Strategic Community Plan / policy implications**

**Legislation** *City of Joondalup District Planning Scheme No. 2.*

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Clause 8.6 of DPS2 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.

#### **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**

A total of 118 applications were determined for the month of August with a total amount of \$57,124 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or DPS2.

Of the 108 planning applications determined during August 2015 consultation was undertaken for 34 of those applications. R-Codes applications for assessment against the applicable Design Principles, which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but be dealt with by Planning Approvals. The six subdivision applications processed during August 2015 were not advertised for public comment.

**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 on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to this Report during August 2015;**
- 2 Subdivision applications described in Attachment 2 to this Report during August 2015;**
- 3 Building Residential Design Code applications described in Attachment 3 to this Report during August 2015.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf290915.pdf](#)*

## ITEM 2 INTRODUCTION OF THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEME) REGULATIONS 2015

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07147, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (available electronically only)</p> <p>Attachment 2 <i>Register of Delegation of Authority</i> (current)</p> <p>Attachment 3 <i>Register of Delegation of Authority</i> (showing tracked changes)</p> <p>Attachment 4 <i>Register of Delegation of Authority</i> (proposed)</p> <p>Attachment 5 Basic scheme amendment</p> <p>Attachment 6 <i>District Planning Scheme No. 2</i> (showing tracked changes with deemed provisions removed - available electronically only)</p>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to be advised on the major changes introduced by the *Planning and Development (Local Planning Schemes) Regulations 2015*, to review its delegations to align with the regulations and to adopt a basic amendment to the City of Joondalup *District Planning Scheme No. 2* (DPS2) to ensure consistency with the regulations.

### EXECUTIVE SUMMARY

On 25 August 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) were published in the *Government Gazette*. The regulations will come into operation on 19 October 2015 and replace the existing *Town Planning Regulations 1967*.

The regulations prescribe a new standardised format for local planning schemes, consisting of 'deemed' provisions and 'model' provisions. The deemed provisions will apply automatically to all existing schemes on commencement of the regulations (19 October 2015) and replace parts of existing schemes. The model provisions are required to be incorporated into schemes as they are reviewed.

The model provisions provide a template for when a local government next updates its local planning scheme but allows for some local variation. The deemed provisions provide standardised processes for local planning policies and structure plans, as well as other provisions, such as development that does not require development approval and the procedure for dealing with development applications.

One of the major changes in the regulations relates to structure plans. The structure plan provisions in DPS2 (Part 9) are replaced by the deemed provisions which state that the local government no longer has a role in determining structure plans, and only provides a recommendation on the structure plan to the Western Australian Planning Commission (WAPC) who is now the sole approval authority.

There are numerous other examples of inconsistencies between the deemed provisions and DPS2. In order to reduce the confusion caused by these inconsistent provisions it is recommended that a scheme amendment be initiated and adopted which deletes the provisions from DPS2 that have been superseded by and are inconsistent with the deemed provisions of the Regulations. It is recommended that Council initiate and adopt this basic amendment subject to it being signed and sealed on or after the 19 October 2015.

The provisions in the City's *District Planning Scheme No. 2* (DPS2) that give Council the ability to delegate its powers to an employee of the City will also be superseded by the deemed provisions from 19 October 2015. Changes are therefore also required to the Register of Delegation of Authority to ensure that appropriate delegations are still in place after the commencement of the Regulations. It is therefore recommended that Council endorses the proposed changes to the Register of Delegation of Authority.

The *Planning and Development Amendment Regulations 2015* were also gazetted on 25 August 2015 which amend the existing *Planning and Development Regulations 2009* to align the provisions with the new LPS Regulations. They also introduce a new fee to determine an application to amend or cancel development approval. It is recommended that Council updates the City of Joondalup Schedule of Fees and Charges 2015-16 to include this new fee.

## BACKGROUND

In July 2014, the Minister for Planning released *Planning makes it happen: phase two blueprint for planning reform*, being the second stage of the planning reform process. The primary areas of focus for this stage relate to statutory decision making, governance and administrative reforms. Specific proposals included:

- improving the local planning scheme review process
- improving local planning scheme amendment processes
- streamlining structure planning processes.

In November 2014, the WAPC released the draft *Planning and Development (Local Planning Schemes) Regulations 2014* for public comment. At its meeting held on 17 February 2015 (CJ009-02/15 refers), Council resolved to endorse the City's submission on the draft regulations.

On 25 August 2015, the regulations were published in the Government Gazette (Attachment 1 refers). The regulations replace the existing *Town Planning Regulations 1967*, and will come into operation on 19 October 2015.

## DETAILS

The Regulations themselves are set out in a new format consisting of the following:

- Local Planning Schemes Regulations: this section sets out how local planning schemes are prepared and amended (equivalent to the current *Town Planning Regulations 1967*).
- Schedule 1 – Model provisions for local planning schemes: this section provides a template for when a local government next updates its scheme but allows for some local variation (equivalent to the current Model Scheme Text).
- Schedule 2 – Deemed provisions for local planning schemes: this section introduces a range of standardised processes that apply automatically to all existing schemes on commencement of the regulations (19 October 2015).
- Schedule 3 – Legends used in scheme: this section provides standardised colours for the legends used on scheme maps.

### Local Planning Schemes Regulations

This section of the regulations covers:

- Local planning strategies – outlines the procedure for preparing and adopting a local planning strategy
- Local planning schemes – outlines the procedure for preparing and adopting a local planning scheme
- Amending local planning scheme – outlines the procedure for preparing and adopting amendments to local planning schemes, which now has three tracks of amendments: basic, standard, complex
- Review and consolidation of local planning schemes – outlines the procedure for reviewing a local planning scheme
- Development contribution plans – outlines that development contributions cannot be collected unless there is a special control area and development contribution plan adopted by the Minister
- Transitional provisions – outlines that any step taken under the previous Regulations in the preparation of a planning instrument (for example a structure plan) is taken to be a step taken under the new regulations.

### *Scheme Amendments*

The regulations have introduced three categories (tracks) of amendments to local planning schemes (basic, standard and complex) with varying timeframes. The new regulations impose timeframes on both the local government and the WAPC for the determination of scheme amendments.

A basic amendment:

- is a minor amendment, generally to fix administrative errors or ensure the scheme is consistent with other legislation, state planning policy or an endorsed structure plan or local development plan
- requires the local government to resolve to prepare or adopt the amendment
- is not advertised for public comment
- once prepared, is forwarded to the WAPC and requires the WAPC to make a recommendation to the Minister for Planning within 42 days.

A standard amendment:

- is an amendment to a zone or reserve that is consistent with the objectives of that zone or reserve or an amendment that is consistent with the local planning strategy
- requires the local government to prepare or adopt the amendment for advertising
- is advertised for public comments for 42 days
- after advertising, requires the local government to resolve to support the amendment with or without modification, or not support the amendment and forward it to the WAPC
- requires the WAPC to make a recommendation to the Minister for Planning within 60 days.

A complex amendment:

- is an amendment that is not consistent with a local planning strategy, or is of a significant scale
- requires the local government to prepare or adopt the amendment
- after the initial preparation or adoption, requires the local government to resolve to proceed with advertising the amendment with or without modification, or not proceed to advertise amendment, and forward it to the WAPC
- requires the WAPC to advise the local government if any modification is required prior to advertising
- is advertised for public comment for 60 days
- requires the local government to resolve to support the amendment with or without modification, or not support the amendment and forward it to the WAPC
- requires the WAPC to make a recommendation to the Minister for Planning within 90 days.

#### Schedule 1 – Model provisions

The model provisions provide local government with a template for when the local planning scheme is next updated.

The major changes introduced in the model provisions include:

- a list of standard reserves and zones along with objectives, which the local government must choose from
- ability to list State Planning policies that are to be read as part of the scheme and include any modifications that are to apply
- a range of new and amended land use and planning definitions.

#### Schedule 2 – Deemed provisions

The deemed provisions provide standardised processes for local planning policies and structure plans, as well as other provisions, such as development that does not require development approval and the procedure for dealing with development applications.

The deemed provisions cover the following:

- Local planning policies – the procedure for making, amending and revoking local planning policies.
- Heritage protection – the establishment of a heritage list and designation of heritage areas.
- Structure plans – the procedure for preparation, advertising, assessment and determination of structure plans.



- Activity centre plans – the procedure for preparation, advertising, assessment and determination of activity centre plans.
- Local development plans – the procedure for preparation, advertising, assessment and determination of local development plans.
- Requirement for development approval – which includes a list of exemptions for which development approval is not required, in addition to those listed in the local planning scheme.
- Application for development approval – references the form which must be used to apply for development approval, details the accompanying material required with the application and the procedure for advertising.
- Procedure for dealing with applications for development approval – includes the matters to be considered by local government in their assessment of the application and determination of applications.
- Enforcement and administration – includes provisions relating to entry to premises powers and repair of advertisements.
- Delegations – outlines that the local government may delegate to the Chief Executive Officer any of the local government's powers or duties. The Chief Executive Officer may then delegate to any employee of the local government any of these duties, with the exception of the power of delegation.

The major changes introduced by the deemed provisions include the following:

#### *Structure plans and local development plans*

- The introduction of timeframes in the structure planning process for both local government and the WAPC.
- Local government consent is now not required to advertise a structure plan or activity centre plan.
- A local government must now advertise a structure plan or activity centre plan within 28 days of receiving it, or a local development plan (LDP) within 14 days of receiving it.
- The WAPC is now the sole approval authority for structure plans and activity centre plans; the local government only provides a recommendation.
- Local government continues to determine LDPs.
- New structure plans can no longer contain development/built form provisions.
- Activity centre plans must contain development/built form provisions.
- An LDP can contain development provisions and details of vehicular access to the area
- Structure plans, activity centre plans and LDPs now have an approval period of 10 years from the date of approval, or for existing structure plans, from 19 October 2015.

#### *Development approval*

- Development approval is not required for the erection or extension of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall, fence, patio, pergola, veranda, garage carport or swimming pool on the same lot as a single house or grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed to comply provisions of the R-Codes, which includes compliance with a local development plan, activity centre plan, existing structure plan or local planning policy.
- Development approval is now not required for a change of use from one 'P' (permitted) use to another 'P' use provided that no works are required or that development approval is not required for the works.
- A new application for development approval form.

*Other matters*

- The expansion of the local government's power to amend or revoke a development approval, including the time within which it must be substantially commenced.
- The ability to delegate powers or duties to the Chief Executive Officer.

Delegations

The provisions in clause 8.6 of the City's DPS2 currently give Council the ability to delegate the exercise of any of its powers under DPS2 directly to an employee of the City.

Schedule 2 (deemed provisions for local planning schemes) of the regulations will apply automatically to all existing schemes when the Regulations take effect on 19 October 2015, whether or not the deemed provisions are incorporated into the local planning scheme text. The deemed provisions provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer, and for the Chief Executive Officer to then delegate powers to individual employees. The regulations do not provide for Council to delegate powers under a local planning scheme directly to employees.

From 19 October the deemed provisions will prevail over any inconsistent clauses in DPS2, and clause 8.6 of the DPS2 will then be of no effect.

Changes to the Register of Delegation of Authority are necessary in order to:

- ensure that existing powers currently delegated by Council directly to employees of the City can continue to be exercised under delegated authority by way of Council delegating those powers to the Chief Executive Officer, and the Chief Executive Officer in turn delegating those powers to employees
- ensure that the delegations refer to the clause numbers of any applicable deemed provisions from 19 October 2015 onwards
- make minor amendments to the wording of certain delegations to ensure consistency with the wording and effect of new deemed provisions.

The existing delegations are included as Attachment 2. A version showing the proposed modifications (as tracked changes) is included as Attachment 3 and the proposed delegations incorporating the tracked changes are included as Attachment 4.

The changes proposed to the delegations are detailed below:

- Modify the delegations so that powers are delegated to the Chief Executive Officer rather than directly to an employee of the City.

This is necessary as the deemed provisions of the Regulations do not allow for Council to delegate powers under DPS2 to other employees of the City.

- Modify references to clause 8.6 of the DPS2 to refer to Schedule 2 clause 82 of the regulations.

Schedule 2 clause 82 of the Regulations is a deemed provision that will apply automatically to DPS2 from 19 October 2015 and will have the effect of replacing clause 8.6 of DPS2. Clause 82 enables Council to delegate powers under DPS2 to the CEO.

- Correct a typographical error in delegation Part 2(c)(vi)

The word 'development' is missing from the sentence.

- Modify delegation Part 2(d) to refer to Schedule 2 clause 64(3) of the regulations rather than to clauses 6.6.2 and 6.7 of the DPS2.

Schedule 2 clause 64(3) of the regulations has the effect of replacing clauses 6.6.2 and 6.7 of the DPS2. The delegation will continue to enable the City to require an application for planning approval involving a “D” use to be advertised where it is deemed appropriate to do so.

- Delete delegation Part 2(e) relating to recommendations to the WAPC under clause 6.3 of DPS2.

Schedule 2 clause 66 of the regulations has the effect of replacing clause 6.3 of DPS2. The replacement clause in the regulations does not include reference to recommendations to the WAPC. This is because a recommendation to the WAPC in relation to development proposed on reserved land is not a function performed under DPS2, but is an administrative function performed under clause 29 of the *Metropolitan Region Scheme*. The exercise of this function is comparable to the way in which the City’s officers exercise professional judgement when making recommendations to the WAPC on subdivision applications. As with recommendations on subdivision applications, there is no decision making role for the local government when preparing responses on development applications required to be approved by the WAPC. The delegation is therefore proposed to be deleted.

- Insert a new delegation Part 2(e) to waive the requirement for advertising minor departures from the requirements of the Scheme.

Schedule 2 clause 64(1) of the regulations requires any application that does not comply with a requirement of the local planning scheme to be advertised unless the local government waives the requirement for advertising if satisfied that the departure from the requirements of the scheme is of a minor nature. Variations to site and development standards and requirements of DPS2 that are considered to affect any owners or occupiers in the general locality or adjoining sites will continue to require advertising in accordance with clause 4.5 of DPS2. A new delegation is required in accordance with the regulations to enable advertising to be waived where variations are minor and would not otherwise require advertising under clause 4.5 (that is, if the departure from DPS2 requirements is minor and is not considered likely to affect owners or occupiers in the general locality or adjoining the site which is subject of consideration of the variation, such as where the parking shortfall complies with the Omnibus Scheme Amendment No. 65 parking standards).

- Modify delegation Part 2(f) to refer to Schedule 2 clause 63(2) of the regulations rather than to clause 6.1.2 of DPS2.

Clause 6.1.2 of DPS2 will be of no effect from 19 October 2015. Clause 62 and 63 of Schedule 2 of the regulations set out the requirements for the form of application and accompanying material. Clause 63(2) sets out the ability to waive or vary plan and information requirements. The wording of the delegation is required to be amended to reflect the relevant clause and wording in the Regulations.

- Modify delegation Part 2(g) to refer to Schedule 2 clause 61(1)(f) of the regulations rather than to clause 6.1.3(i) of DPS2.

This modification is required as clause 6.1.3(i) of DPS2 will be of no effect from 19 October 2015, effectively replaced with clause 61(1)(f) of the regulations. The delegation still relates to the same matter (temporary works).

- Modify delegation Part 2(h) to refer to Schedule 2 clause 66(1) of the regulations rather than to clause 6.4 of DPS2.

This modification is required as clause 6.4 of DPS2 will be of no effect from 19 October 2015, effectively replaced with clause 66(1) of Schedule 2 of the regulations. The delegation still relates to the same matter (consultation with other authorities).

#### Basic Amendment to DPS2

The regulations state that a basic amendment includes, amongst other things, an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions. A basic amendment has been prepared which deletes these inconsistent provisions from DPS2 that have been superseded by the deemed provisions of the regulations (Attachment 5 refers).

#### Planning and Development Amendment Regulations 2015

The *Planning and Development Amendment Regulations 2015* were also gazetted on 25 August 2015. These regulations amend the existing *Planning and Development regulations 2009* and largely relate to aligning the provisions with the new LPS Regulations. They also introduce a new fee to determine an application to amend or cancel development approval.

Section 6.19 of the *Local Government Act 1995* requires that where a local government imposes a fee after the annual budget has been adopted, it must, before introducing the new fee, give local public notice of

- (a) its intention to do so
- (b) the date from which it is proposed the fee will be imposed.

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

The options available to Council in considering the changes to the Register of Delegation Authority are:

- accept the changes to delegations as detailed in this Report
- vary the proposed delegations as presented
- or
- reject the proposed changes to delegations.

It is noted that rejecting the proposed changes to the delegations will effectively remove all delegations to officers under DPS2 as they will not be correctly worded in accordance with the new regulations.

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

- resolve to prepare the proposed basic scheme amendment
- resolve to prepare a modified basic, standard or complex scheme amendment
- or
- resolve not to prepare a scheme amendment.

**Legislation / Strategic Community Plan / policy implications****Legislation**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes)*  
*Regulations 2015*

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Corporate capacity.

**Strategic initiative**

Continuously strive to improve performance and service delivery across all corporate functions.

**Policy**

Not applicable.

**Risk management considerations**

Where delegations are not in place there may be a risk that day-to-day operations of the City in relation to certain legislative responsibilities are not undertaken in a timely manner or overly burden the Council's business activity. Additional reporting to Council will lengthen Council meetings, thereby removing Council's focus on important strategic and policy matters.

Delegations under legislation also need to be made in accordance with an appropriate legislative provision where the function arises.

**Financial / budget implications**

The *Planning and Development Amendment Regulations 2015* have introduced a new fee into Schedule 2 of the *Planning and Development Regulations 2009* of \$295 to determine an application to amend or cancel development approval.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The regulations will introduce numerous changes affecting the operation and administrative functions of DPS2 when they come into operation on 19 October 2015. These changes are designed to standardise and streamline planning processes across all local governments. They mean, however, that the City loses some of its ability to determine what does and does not require approval and the processes relating to assessment and determination of applications.

One significant change is that Council will no longer determine structure plans, but will only provide a recommendation on the structure plan to the WAPC who is now the sole approval authority. Other significant changes that will affect management of DPS2 include the introduction of basic, standard and major scheme amendments. In particular, the introduction of basic amendments (that do not require advertising and are required to be considered by the WAPC with 42 days) will make it easier for the provisions of DPS2 to be kept current. A basic amendment to DPS2 has been prepared to delete provisions superseded by the deemed provisions of the regulations.

It is recommended that Council adopt the basic amendment to DPS2 to delete provisions that are inconsistent with and have been superseded by the deemed provisions of the regulations subject to the amendment being signed and sealed on or after the 19 October 2015. The deletion of the inconsistent provisions will also assist in the day to day administration of the scheme by removing provisions which are no longer applicable. This will assist in avoiding confusion when DPS2 is read in conjunction with the deemed provisions.

A number of the provisions being deleted are cross referenced elsewhere in the scheme. The basic amendment updates these cross references to reference the deemed provisions.

In addition to the above, it is necessary for the wording of the delegations under DPS2 to be modified in the Register of Delegation of Authority so that they refer to the relevant clauses in the regulations. The ability for Council to delegate directly to officers (other than the CEO) is removed as a consequence of the deemed provisions of the regulations. Officers will be unable to exercise delegated powers under DPS2 from 19 October 2015, unless Council delegates appropriate powers to the CEO. Once Council has delegated these powers to the CEO, the CEO may then delegate the powers to employees of the City.

It is considered that subject to Council adopting the recommendations of this report, the CEO sub-delegate the powers listed in the delegations to appropriate officers consistent with the officer positions listed in the existing delegation.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to become operational from 19 October 2015;**
- 2 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the *Local Government Act 1995* and clause 8.6 of the *City of Joondalup District Planning Scheme No. 2*, REVOKES the delegations listed in Attachment 2 to this Report, from 19 October 2015;**
- 3 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the *Local Government Act 1995* and clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATES the local government functions as listed in the amended instruments of delegation to the Chief Executive Officer within Attachment 4 to this Report, to be effective from 19 October 2015;**

- 4 BY AN ABSOLUTE MAJORITY updates the City of Joondalup Schedule of Fees and Charges 2015-16 to include the following fee in Planning Services: Application Fees – Development Application Fees after item (I)

“Determining an application to amend or cancel development approval \$295”;

- 5 ADVERTISES by way of local public notice its intention to adopt the new fee in Part 3 above, with the fee taking effect from 19 October 2015;

- 6 Pursuant to section 75 of the *Planning and Development Act* and Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADOPTS Amendment No. 85 as a basic amendment to amend the *City of Joondalup District Planning Scheme No. 2* by:

- 6.1 Deleting the following parts and clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

4.2.5; 5.1.2; 5.1.4; 5.1.5; 5.1.6; 5.1.7; 5.1.8; 5.1.9; 5.1.10; 5.2; 6.1.1; 6.1.2; 6.1.3 (b)(c)(e)(i); 6.1.4; 6.3; 6.4; 6.5; 6.7; 6.8; 6.9.1; 6.9.2; 6.9.3; 6.10.2; 6.11; 6.12; 8.1; 8.4; 8.5; 8.6; 8.7; 8.8; 8.11; Part 9; Schedule 7 and Schedule 8;

- 6.2 Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:

6.1.3 (a)(d)(f)(g)(h)(j)(k)(l)(m);

- 6.3 Deleting the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

Act; activity centre; activity centre structure plan; advertisement; advertising device; Agreed Structure Plan; amenity; Codes; cultural; heritage significance; heritage list; owner; premises; reserve; Scheme Area; structure plan; substantial development; zone;

- 6.4 Amending the following clauses by removing the cross reference to the part or clause deleted by the amendment and where appropriate replacing them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

1.5; 2.3.4.1; 3.2.2; 3.5.2; 3.6.3; 3.7.1; 3.7.2; 3.11.2; 3.11.3; 3.11.4; 3.12.2; 3.12.3; 4.3.1; 4.3.2; 4.5.2; 4.5.3; 4.17.2; 5.3.2.2; 6.6.2; 6.6.3; 7.1; and 7.2.2;

- 6.5 Deleting reference to the following terms and replacing them with the corresponding term throughout the scheme:

‘Council’ replace with ‘local government’; ‘Codes’, ‘Residential Design Codes’ and ‘Residential Planning Codes’ replace with ‘R-Codes’; and ‘Agreed Structure Plan’ replace with ‘Structure Plan’;

**6.6 Deleting the following definition from subclause 3.2.2:**

**“P” = 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;’,**

**and replacing with the following definition:**

**“P” = means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;’,**

**as outlined in Attachment 5 to this Report;**

- 7 AUTHORISES the affixation of the common seal and signing of the documents associated with Amendment No. 85 to the *City of Joondalup District Planning Scheme No. 2* outlined in part 6 above subject to the *Planning and Development (Local Planning Schemes) Regulations 2015* taking effect on 19 October 2015 and the signing of the documents occurring thereafter;**
- 8 RESOLVES that in the opinion of the local government proposed Amendment No. 85 to the *City of Joondalup District Planning Scheme No. 2* outlined in part 6 above is a basic amendment as it deletes provisions that have that are inconsistent with Schedule 2: Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* and includes a definition that is consistent with Schedule 1 Model provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf290915.pdf](#)*



## ITEM 3 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 24 August 2015 to 7 September 2015.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 24 August 2015 to 7 September 2015 (Attachment 1 refers).

### EXECUTIVE SUMMARY

The City enters into 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 Council for information on a regular basis.

*It is therefore recommended that Council NOTES the Schedule of Documents for the period 24 August 2015 to 7 September 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 24 August 2015 to 7 September 2015, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	1
<i>Parking Amendment Local Law 2015.</i>	1
Lease Agreement.	2
Replacement Agreement.	1
Amendment 80 to <i>District Planning Scheme No. 2.</i>	1

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Local Government Act 1995.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to Council for information (Attachment 1 refers).

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents for the period 24 August 2015 to 7 September 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf290915.pdf](#)*

**ITEM 4 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	29094, 60514, 03149, 00033,101515
<b>ATTACHMENTS</b>	<div>Attachment 1 Minutes of Joondalup Lotteries House Management Committee held on 11 June 2015.</div> <div>Attachment 2 Minutes of the ordinary meeting of the Mindarie Regional Council held on 20 August 2015.</div> <div>Attachment 3 Minutes of the meeting of the Western Australian Local Government Association North Metropolitan Zone held on 27 August 2015.</div> <div>Attachment 4 Summary Minutes of the Western Australian Local Government Association State Council meeting – 4 September 2015.</div>
<i>(Please Note: These minutes are only available electronically).</i>	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to note the minutes of various bodies on which the City has current representation.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Joondalup Lotteries House Management Committee meeting held on 11 June 2015.
- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 20 August 2015.
- Minutes of the Western Australian Local Government Association North Metropolitan Zone meeting held on 27 August 2015.
- Minutes of the Western Australian Local Government Association State Council meeting held on 4 September 2015.

## DETAILS

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

### **Joondalup Lotteries House Management Committee – 11 June 2015**

A meeting of the Joondalup Lotteries House Management Committee was held on 11 June 2015.

The City's representative on the Joondalup Lotteries House Management Committee is the Community Development Coordinator, Julie Forrester.

There were no matters requiring action or decision by the City of Joondalup resolved at the meeting of the Joondalup Lotteries House Management Committee.

### **Mindarie Regional Council ordinary meeting – 20 August 2015.**

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 20 August 2015.

Cr Russ Fishwick (Chair) and Cr Kerry Hollywood are Council's representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

#### **9.4 Acquittal of Carbon Price Reserve**

It was resolved by the MRC as follows:

*"That Council:*

- (a) *elects to act in line with the principles outlined in the Waste Industry Protocol without choosing to formally adopt the protocol;*
- (b) *changes the purpose of the 'Reserve for carbon price' to 'to be used to fund the MRC's liability arising from the Carbon Price Mechanism or to refund member Councils for carbon price proceeds received from them';*
- (c) *approves the refunding of carbon price proceeds received from member Councils within 60 days as follows:*

1	Town of Cambridge	\$97,572
2	City of Joondalup	\$740,969
3	City of Perth	\$156,911
4	City of Stirling	\$675,130
5	Town of Victoria Park	\$149,684
6	City of Vincent	\$170,825
7	City of Wanneroo	\$858,564
- (d) *approves the creation of a new reserve called the 'Carbon abatement reserve' whose purpose will be 'to be used to fund carbon abatement projects' and the transfer of \$491,077 from the 'Reserve for carbon price' to the 'Carbon abatement reserve';*

- (e) *in accordance with Section 6.11 of the Local Government Act 1995 the Council provide one month public notice advising of its decision as detailed in (b) above.*

*(Absolute Majority Required)*

#### 14.1 Waste to Energy – Regional Council Collaboration

It was resolved by the MRC as follows:

*“That Council:*

- 1 Authorise the Chief Executive Officer to enter into discussions with the EMRC and the SMRC to determine if a suitable Waste to Energy solution could be developed for the combined regions;*
- 2 Receive a further report from the Chief Executive Officer on the outcome of the discussions if they require any commitment, financial or otherwise, from the MRC.*

#### **Western Australian Local Government Association North Metropolitan Zone – 27 August 2015.**

A meeting of the WALGA North Metropolitan Zone was held on 27 August 2015.

The Council's representatives on the WALGA North Metropolitan Zone are Crs Geoff Amphlett, Russ Fishwick, Sam Thomas and Philippa Taylor. On this occasion Crs Philippa Taylor, Russ Fishwick and Geoff Amphlett were apologies. Crs Chester and Norman deputised.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA North Metropolitan Zone meeting:

#### 5.1 Local Government to Lobby State Government for the Regulation of Drones

It was resolved by the WALGA North Metropolitan Zone as follows:

*“That feedback be sought from WALGA North Zone members in respect of the following, to be discussed at the next WALGA North Zone meeting:*

- 1 The lack of legislation that regulates the use of surveillance devices and activities, including drones, by all organisations and individuals;*
- 2 The lack of uniform legislation regulating the use of surveillance devices and activities, including drones, by all organisations and individuals across all States and Territories;*
- 3 Consider a joint position in respect to requesting WALGA and/or ALGA to lobby both the State Government and the Commonwealth Government (as appropriate) to:*
  - (a) provide the necessary authority and resources to the appropriate agency, to ensure that threats to behavioural privacy arising from unauthorised and inappropriate surveillance are addressed, and that the relevant laws are enforced;*

- (b) *develop and implement an education campaign to inform drone operators and users about privacy and air safety laws;*
- (c) *undertake all future reviews of privacy and air safety laws to consider and align with developments in technology.”*

#### 8.1 2015 Local Government Elections – Zone Officer Bearer Elections

It was resolved by the WALGA North Metropolitan Zone as follows:

*“That the election of Zone Representative and Deputy Representative to the WALGA State Council for the North Metropolitan Zone be held at 26 November 2015 meeting.”*

#### **Western Australian Local Government Association State Council – 4 September 2015.**

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 1 July 2015.

The Council's representative on the WALGA State Council is Cr Geoff Amphlett. On this occasion, Cr Geoff Amphlett was an apology.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA State Council meeting:

#### 4.1 Rate Capping

It was resolved by the WALGA State Council as follows:

*“That WALGA, as a matter of urgency, consider the issues of potential constraints to Local Government revenue sources, which should include rate capping, cost shifting and fees and charges, the highest priority and urgently develop a hard hitting strategy and campaign prior to the next State Government elections.”*

#### 5.3 Improvement Plans and Improvement Schemes.

It was resolved by the WALGA State Council as follows:

*“That WALGA seek clarity from the Minister for Planning about the use of Improvement Plans and Improvement Schemes within the WA planning framework, and specifically query the lack of regulations that:*

- 1 *Clearly define why, where and when an Improvement Plan should be established;*
- 2 *Clearly define what the WAPC/Department of Planning can include in an Improvement Plan area;*
- 3 *Clearly state why, where and when an Improvement Scheme should be established, who is responsible for its development and implementation and how this scenario differs from solely establishing an Improvement Plan.”*

5.4 Interim Submission – Draft Perth and Peel @ 3.5 million – Strategic land use planning documents.

It was resolved by the WALGA State Council as follows:

*“That the interim submission on the Draft Perth and Peel @ 3.5 million Strategic land use planning documents be endorsed.”*

5.6 Vision and Framework for Strategic Action for Public Library Services in Western Australia.

It was resolved by the WALGA State Council as follows:

“1 That:

- (a) *The Vision 2025 and Framework for Strategic Action for Public Library Services in Western Australia be endorsed;*
- (b) *WALGA seeks the Minister for Culture and Arts and Minister for Local Government and Communities’ support for:*
  - (i) *the Vision 2025 and Framework for Strategic Action for Public Library Services in Western Australia;*
  - (ii) *development of a Public Libraries 2025 Strategic Plan;*
  - (iii) *the establishment of a Public Libraries Taskforce, as a matter of priority, to lead the development and implementation of the strategic plan;*

2 *That WALGA coordinate and conduct a second phase of research to further develop the strategies and actions outlined in the Framework for Strategic Action and identify the legislative, funding and service models required to achieve the Vision 2025.”*

5.8 2016 State Council Meeting Schedule and Regional Meetings

The proposed schedule for State Council Meetings would be as follows:

Wednesday	2 March 2016.
Thursday and Friday	5 and 6 May 2016.
Wednesday	8 June 2016 – Special Meeting (Budget adoption).
Wednesday	6 July 2016.
Thursday and Friday	8 and 9 September 2016 – Regional Meeting (Avon-Midland Country).
Wednesday	7 December 2016.



**Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Seek out City representation on key external and strategic bodies.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the:**

- 1 Joondalup Lotteries House Management Committee meeting held on 11 June 2015 forming Attachment 1 to this Report;**
- 2 Mindarie Regional Council ordinary meeting held on 20 August 2015 forming Attachment 2 to this Report;**
- 3 Western Australian Local Government Association North Metropolitan Zone meeting held on 23 August 2015 forming Attachment 3 to this Report;**
- 4 Western Australian Local Government Association State Council held on 4 September 2015 forming Attachment 4 to this Report.**

*To access this attachment on electronic document, click here: [External Minutes290915.pdf](#)*

## ITEM 5 ENVIRONMENTAL IMPACTS OF HELIUM BALLOONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	28601, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to receive information on the impacts of releasing helium balloons into the environment and consider options for the City of Joondalup to minimise litter from balloons.

### EXECUTIVE SUMMARY

At its meeting held on 28 July 2015 (C37-07/15 refers), Council resolved as follows:

*“That Council REQUESTS the Chief Executive Officer to prepare a report on the impacts of releasing helium balloons into the environment and identify options for the City of Joondalup to minimise litter from balloons.”*

This report discusses the impact of helium balloons on the environment and presents examples of actions being taken locally and nationally to minimise litter from balloons. Options the City of Joondalup can take to minimise the impact of balloons are presented.

*It is therefore recommended that Council ENDORSES the City taking the following steps to reduce the impact of helium balloons:*

- 1 Maintain the City’s current practice and not organise the release of balloons at City organised events;*
- 2 Provide information to the community on the environmental impacts of releasing helium balloons and appropriate alternatives to releasing balloons;*
- 3 Remain aware of developments regarding research and policy on helium balloons from the Western Australian Local Government Association (WALGA), State Government and other local governments.*

## BACKGROUND

Helium balloons are sometimes released by the community and various organisations as part of celebratory events, memorials or commemorative occasions. Recent research by the CSIRO has suggested that the remnants of these balloons can be harmful to the environment and to wildlife, particularly turtles.

Balloons released into the environment can rise to approximately eight kilometres, where they fracture and shatter in low temperatures before falling back to the ground in long strands. While latex balloons are promoted as biodegradable, they can take up to six months to degrade on land and up to 12 months in seawater.

The Keep Australia Beautiful Council discourages the release of helium balloons as balloons and balloon fragments are often mistaken by animals for food and swallowed, which can cause injury and death. If the balloon has a string attached there is also a risk that this could strangle or entrap animals.

Research undertaken by the CSIRO has found that balloon fragments are being ingested by marine birds and turtles, suggesting that the balloons may not be degrading as quickly as previously thought.

In June 2015, the WALGA released a *Helium Balloon Litter Background Paper*. The paper was prepared through the Municipal Waste Advisory Council (MWAC) to provide information on the impacts of releasing helium balloons into the environment and to identify options for local governments looking to minimise litter from balloons. The paper also provided alternatives to releasing balloons.

The paper identified that no Western Australian local government has a formal policy to restrict the release of balloons and recommended that Western Australian local governments adopt a formal position regarding organised helium balloon releases. The paper identified different approaches that were being taken within Western Australia and Australia to limit the impact of organised balloon releases, as detailed in the summary below.

Town of Victoria Park (WA)	<p>The Town of Victoria Park at its 14 April 2015 Council Meeting endorsed that:</p> <ol style="list-style-type: none"> <li>1 The organised release of balloons not be undertaken at public events organised by the Town.</li> <li>2 The Council not endorse the organised release of balloons at outdoor events held on reserves within the Town.</li> <li>3 That information regarding Council's position on balloon releases be included in reserve booking information.</li> </ol>
Keep Australia Beautiful WA	Keep Australia Beautiful WA does not endorse the releasing of balloons and encourages anyone considering doing so to seek an alternative method of celebration or commemoration.
Sunshine Coast Council (QLD)	Sunshine Coast Council has a <i>Local Law No. 3 (Community Health and Environment Management) 2011</i> which prohibits the intentional releasing of helium balloons into the atmosphere.

Government of New South Wales	<p>The New South Wales <i>Protection of the Environment Operations Amendment (Balloons) Bill 2000</i> aims to prevent the mass release of lighter-than-air balloons.</p> <p>The Bill makes it an offence to release (or cause or permit the release of) 20 or more lighter-than-air balloons at or about the same time. The maximum penalty will be greater if more than 100 balloons are released. There are to be exceptions where:</p> <ul style="list-style-type: none"> <li>a the balloons are released unintentionally and without negligence, or</li> <li>b the balloons are released and contained indoors, or</li> <li>c the balloons are hot air balloons that are recovered after landing, or</li> <li>d the balloons are released for scientific (including meteorological) purposes.</li> </ul>
Government of Tasmania	<p>In 2004 the <i>Litter Management in Tasmania Legislative Reform, Issues and Options Paper</i> by the Department of Primary Industries, Water and Environment identified the potential to develop a <i>permit system (with only a certain number of permits issued per annum, under specified conditions) or a government policy on balloon release</i>. However due to the likely associated costs with the administration of a permit system and the diversion of resources from other environmental issues, it was not pursued.</p>

## DETAILS

The City of Joondalup, as a local government, has the ability to influence the activities that occur at City organised events and at community events held on City owned or managed land. However the City's ability to influence activities undertaken on private property is limited. The ways in which the intentional release of multiple balloons could occur within the City of Joondalup have been identified and considered in detail below. This report does not consider the unintended release of a single or small number of balloons.

### Release of Balloons at City of Joondalup Events

The City of Joondalup holds a number of community and civic events throughout the year. Based on current corporate knowledge, the City has never undertaken an organised release of balloons at any of its events, nor does the City have any intentions to do so.

### Release of Balloons by the Community on Land Owned or Managed by the City

City-owned community facilities including community halls, parks, beaches and reserves can be hired by the community through the City's community facilities booking service. Community facilities can be hired for events such as memorials, birthday parties or weddings.

All community facilities bookings require the signing of the *City Buildings, Park, Reserves and Beaches - Terms and Conditions of Hire*. The terms and conditions relate to a number of topics including bonds, cancellations, access to keys, insurance, cleaning and damage. There are also conditions under *General Housekeeping* which relate to activities that are prohibited, for example “*Confetti or rice/grains must not be thrown inside or outside any facility, or on any beach or reserve.*” Currently there are no terms or conditions relating to the release of balloons.

Members of the community can also utilise the City’s parks, beaches and reserves for picnics and small gatherings without being required to make a booking through the community facilities booking service.

While the City is not aware of any organised balloon releases having occurred in recent years, members of the community are not required to advise the City (or any other government body) if they plan to release balloons. Therefore it is unknown how often the organised release of balloons has occurred on City owned or managed land by members of the community. Balloons could be released on City owned-or managed land by a member of the community regardless of whether they have made a booking through the community facilities booking service or not.

#### Release of Balloons on Private Property within the City of Joondalup

An organised release of balloons could occur on private property by members of the community, commercial business or other organisations. As there is no requirement to report balloon releases to any government body it is unknown how frequently this occurs.

Currently there is no mechanism to prohibit or infringe people who release balloons from private property. Consideration has been given to whether the *Litter Act 1979* could be applied.

The *Litter Act 1979* (the Act) makes provisions for the abatement of litter and illegal dumping in Western Australia. The Act specifies a littering offence as ‘*any person who deposits litter, or causes litter to be deposited, on any land or on or into any waters*’. This implies that released helium balloons are not considered litter until they land.

Advice sought from the State Solicitors Office by Keep Australia Beautiful WA indicated that the authorised officer must be certain the balloon actually did fall to the ground/water and be linked to an actual event. Research by the State Solicitors Office indicates that balloons shattering into miniscule pieces may create a reasonable doubt as to whether or not they did fall to the ground.

It is highly unlikely that a local government would be able to use the *Litter Act 1979* as a mechanism for infringing the release of balloons as it would require the authorised officer to witness the balloon release, track the balloon, witness the balloon land and be able to prove that it was the same balloon. It should also be noted that while a balloon may be released from within the City of Joondalup it may not land within the City’s boundaries. Conversely a balloon that lands within the City of Joondalup may not have been released within the City of Joondalup.

WALGA is currently seeking legal advice to determine what opportunities are available to local government seeking to infringe balloon littering. However, given the likelihood that balloons released will travel across local government boundaries it may be more appropriate and more effective for action to be taken at a State Government level to regulate, prohibit or infringe the organised releases of balloons.

It is also unlikely that a local government will be able to create a local law preventing the release of balloons from private property. Previous advice to Council has suggested that the creation of a local law affecting certain rights of a person's quiet enjoyment of their land will be viewed by the Joint Standing Committee on Delegated Legislation (which is the Parliamentary committee that reviews all subsidiary legislation including local government local laws), as not authorised or contemplated by the *Local Government Act 1995* and therefore potentially disallowed (item CJ048-04/14 refers).

Given the limited potential for the City to prohibit the organised release of balloons from private property under current legislation or through a local law, steps the City can take to minimise the release of balloons are limited to education, information and advocacy.

### **Issues and options considered**

Potential options the City can take to limit the impact of helium balloons have been identified below.

#### Option 1 – Not organise the release of balloons at City of Joondalup organised events and provide information on the environmental impacts of releasing helium balloons.

There are a number of steps the City can take to reduce the impact of helium balloons, they include the following:

- 1 Maintain the City's current practice and not organise the release of balloons at City organised events.
- 2 Provide information to the community on the environmental impacts of releasing helium balloons and appropriate alternatives to releasing balloons.
- 3 Remain aware of developments regarding research and policy on helium balloons from WALGA, State Government and other local governments.

It is recommended that the City undertakes the approach outlined in Option 1.

#### Option 2 – Limiting the organised release of balloons on City owned or managed land

The City could attempt to limit the organised release of balloons on City owned or managed lands by either:

- 1 include a condition in the *City Buildings, Park, Reserves and Beaches - Terms and Conditions of Hire* prohibiting the organised release of balloons by community members who hire any of the City's community facilities, and/or
- 2 amending the *City of Joondalup Local Government and Public Property Local Law 2014* to prohibit the organised release of balloons on City owned or managed land.

To monitor and enforce a condition in the City's *Terms and Conditions of Hire* would be both difficult and impractical. In particular, the actual releasing of the balloons would need to be witnessed by one of the City's authorised officers for an infringement to be issued.

In terms of a local law amendment, the Joint Standing Committee on Delegated Legislation (JSCDL) has continuously advised local governments that it will not support, and will recommend disallowance to Parliament, any local law that adds to or expands on the heads of power for determinations as listed in the Western Australian Local Government Association's *pro-forma Local Government and Public Property Local Law*. As banning the release of balloons from local government property is not an activity listed in the WALGA *pro-forma* local law, it is likely that the JSCDL will disallow any local law amendment along these lines.

Given the impracticality of monitoring and enforcement a condition of hire or use, and the unlikely support for the creation of a local law provision around this issue, Option 2 is not recommended.

### **Legislation / Strategic Community Plan / policy implications**

**Legislation** *Litter Act 1979.*

#### **Strategic Community Plan**

**Key theme** Natural Environment.

**Objective** Environmental resilience.

**Strategic initiative** Demonstrate current best practice in environmental management of local water, waste, biodiversity and energy resources.

**Policy** *Sustainability Policy.*

### **Risk management considerations**

While there has been some concern raised about the environmental impact of helium balloons through the WALGA *Helium Balloon Litter Background Paper*, action by the City to limit or prohibit the release of helium balloons by the community may not be supported. Emotional or social significance may be attached to the releasing of balloons at certain events and there may be some negative response from members of the community if they are prohibited from doing so.

There may also be a negative response from business owners who sell helium balloons in relation to the City undertaking community education on the environmental impacts of helium balloons given that such a program may affect their business, and there are alternate views on the environmental impacts.

### **Financial / budget implications**

Option One to maintain the City's current practice to not release balloons at City events, provide information on the environmental impact of helium balloons and remain aware of developments regarding research and policy on helium balloons from WALGA, State Government and other local governments will have no financial impact for the City.



Option Two amending either the *City Buildings, Park, Reserves and Beaches - Terms and Conditions of Hire* or the *Local Government and Public Property Local Law 2014* to prohibit the organised release of balloons on City owned or managed land will have budget implications associated with public advertising and gazettal, as well as for enforcement and monitoring activities.

### **Regional significance**

Balloons released within the City are likely to travel some distance and may or may not fall back to land within the City. Likewise balloons may land within the City's boundaries that were released elsewhere. Given the likelihood that balloons released will travel across local government boundaries, it may be more appropriate and more effective for action to be taken at a State Government level to regulate, prohibit or infringe balloon releases.

### **Sustainability implications**

Reducing the occurrence of organised balloon releases within the City of Joondalup could have a range of sustainability implications.

#### Environmental

Organised balloon releases can have a potentially negative effect on the environment. Reducing the amount of balloons released into the environment will reduce environmental impact and the likelihood of balloon fragments being ingested by wildlife, particularly the City's coastal and wetland fauna. However, it should be considered that the volume of litter from balloons in the environment is probably less than other forms of litter which can also have a harmful effect.

#### Social

The releasing of balloons is sometimes used by the community as part of memorials or commemorative events such as at funerals or the anniversary of deaths. It is unknown how often this occurs within the City of Joondalup. It is possible that some members of the community may attach an emotional or social significance to the release of balloons and may be concerned if they are prohibited from doing so.

#### Economic

Taking action to prohibit the organised release of balloons may have a negative impact on businesses within the City who supply helium balloons. However the scale of the impact is unknown and would be dependent on the extent of the action taken to reduce organised balloon releases.

### **Consultation**

Not applicable.

### **COMMENT**

The City of Joondalup does not release balloons at any events organised by the City and will continue to maintain this practice. Information about the environmental impacts of balloon releases and appropriate alternatives can be provided through the local media and the City's website and environmental promotions. The City can also monitor future research and policy action relating to helium balloons to determine whether the City's approach remains appropriate.

Taking steps to prohibit the release of balloons by the community, whether on City owned or managed land or private property, is complex and needs to consider the environmental impacts, the practicalities of monitoring and enforcement, whether it is likely to be supported by the community and its potential effectiveness. It is considered more appropriate and more effective for steps to prohibit the release of balloons to be undertaken at a State Government level.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the City taking the following steps to reduce the impact of helium balloons:**

- 1 Maintain the City's current practice and not organise the release of balloons at City organised events;**
- 2 Provide information to the community on the environmental impacts of releasing helium balloons and appropriate alternatives to releasing balloons;**
- 3 Remain aware of developments regarding research and policy on helium balloons from the Western Australian Local Government Association (WALGA), State Government and other local governments.**

## **ITEM 6 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of August 2015. Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of August 2015. Attachment 3 Municipal and Trust Fund Vouchers for the month of August 2015.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 2015.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of August 2015 totalling \$14,776,971.45.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 2015 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$14,776,971.45.*

### **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 August 2015. 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	Municipal Cheques & EFT Payments 101873 - 101991 & EF049745 – EF050353 Net of cancelled payments.	\$10,342,789.43
	Vouchers 1489A – 1494A	\$4,390,670.30
Trust Account	Trust Cheques & EFT Payments 206827 - 206844 & TEF000329 – TEF000376. Net of cancelled payments.	\$43,511.72
<b>Total</b>		<b>\$14,776,971.45</b>

## Issues and options considered

There are two options in relation to the list of payments.

### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

## Legislation / Strategic Community Plan / policy implications

### Legislation

The Council has delegated to the Chief Executive Officer 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 Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**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 Annual Budget as adopted or revised 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 incurred in accordance with the 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for August 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$14,776,971.45.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf290915.pdf](#)*

## **ITEM 7                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENTS</b>	Attachment 1    Financial Activity Statement for the period ended 31 August 2015
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 August 2015.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 June 2015 (CJ085-06/15 refers), Council adopted the Annual Budget for the 2015-16 Financial Year. The figures in this report are compared to the Adopted Budget.

The August 2015 Financial Activity Statement Report shows an overall unfavourable variance from operations and capital, after adjusting for non-cash items, of \$1,460,519 for the period when compared to the adopted Budget. This variance does not represent the end of year position. It represents the year to date position to 31 August 2015. There are a number of factors influencing the unfavourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the adopted budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$224,062 higher than budget, made up of lower operating revenue \$320,681 and lower operating expenditure of \$544,743.

Operating revenue is lower than budget on Grants and Subsidies \$510,352, Fees and Charges \$162,963 and Other Revenue \$3,496 partly offset by higher than budget revenue on Profit on Asset Disposals \$312,097, Rates \$4,507, Interest Earnings \$25,993 and Contributions, Reimbursements and Donations \$13,534.

Operating Expenditure is lower than budget on Materials and Contracts \$1,146,496, Utilities \$41,771 and Interest expenses \$60,993. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$386,163, Employee Costs \$271,432 and Insurance \$46,923.

The Capital Deficit is \$1,559,454 higher than budget primarily owing to lower than budgeted capital revenue for Capital Grants and Subsidies \$1,782,021 and higher expenditure on Capital Works \$1,179,660. These are partly offset by lower than budgeted expenditure on Capital Projects \$1,119,359, Loan Principal Repayments \$69,277 and Vehicle and Plant Replacements \$864 and higher than budgeted revenue from Capital Contributions \$212,727.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2015 forming Attachment 1 to this Report.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved 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 31 August 2015 is appended as Attachment 1.

### **Legislation / Strategic Community 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* 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 Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **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 funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Expenditure has been incurred in accordance with adopted 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 expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2015-16 Adopted 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 31 August 2015 forming Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf290915.pdf](#)*



## **ITEM 8                      TENDER        018/15        -        EXTENSION        AND REFURBISHMENT OF TIMBERLANE PARK HALL**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104987, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Classic Contractors Pty Ltd for the extension and refurbishment of Timberlane Park Hall.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 4 July 2015 through statewide public notice for the extension and refurbishment of Timberlane Park Hall. Tenders closed on 21 July 2015. A submission was received from each of the following:

- Linebay Holdings Pty Ltd trading as Connolly Building Company.
- Adrina Project Management Pty Ltd.
- R E Asset Logistics Pty Ltd.
- McCorkell Constructions (WA) Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Classic Contractors Pty Ltd.

Submissions from CPD Group Pty Ltd and Safeway Contracting Pty Ltd were received after the closing time and were not accepted for evaluation.

The submission from Classic Contractors Pty Ltd represents best value to the City. It demonstrated experience completing similar new and refurbishment projects for local governments including the Cities of Swan and Gosnells. It demonstrated an understanding of the City's requirements and has sufficient capacity to carry out the works.

*It is recommended that Council ACCEPTS the tender submitted by Classic Contractors Pty Ltd for the extension and refurbishment of Timberlane Park Hall as specified in Tender 018/15 for the fixed lump sum of \$802,292 (Option 1) (GST Exclusive) with practical completion of works by 24 June 2016.*

## BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake the works for extension and refurbishment of Timberlane Park Hall.

Due to budget restrictions, the tender asked for two price options (fixed lump sum) from the tenderers for the works mentioned below:

Option 1	Option 2
Three new store rooms.	Three new store rooms.
New toilet and shower facilities for the tennis club.	New toilet and shower facilities for the tennis club.
Umpire room	Umpire room.
Unisex universal access park toilet.	Unisex universal access park toilet.
New change room area with showers and toilets.	New change room area with showers and toilets.
Sewer connection specified in hydraulic specification.	
New parent room with universal accessible toilet.	
Bin washdown area.	
New movable wall in hall.	
Temporary ancillary facilities.	

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

## DETAILS

The tender for the extension and refurbishment of Timberlane Park Hall was advertised through statewide public notice on 4 July 2015. The tender period was for two weeks and tenders closed on 21 July 2015.

### Tender Submissions

A submission was received from each of the following:

- Linebay Holdings Pty Ltd trading as Connolly Building Company.
- Adrina Project Management Pty Ltd.
- R E Asset Logistics Pty Ltd.
- McCorkell Constructions (WA) Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Classic Contractors Pty Ltd.

Submissions from CPD Group Pty Ltd and Safeway Contracting Pty Ltd were received after the closing time and were not accepted for evaluation.

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

## Evaluation Panel

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate technical expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

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

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

## Compliance Assessment

All offers received were assessed as compliant and remained for further consideration.

## Qualitative Assessment

Connolly Building Company scored 35.6% in the qualitative assessment. The company did not demonstrate experience to undertake the works. Fifteen project examples were supplied without any dates and periods of contract and the majority of the projects were small scale refurbishment works. Its submission did not provide safety policy, procedures and records. In addition, it did not submit a response to demonstrate its understanding of the required tasks.

R E Asset Logistics Pty Ltd scored 42.5% in the qualitative assessment. It demonstrated a comprehensive understanding of the City's requirements. The company did not demonstrate adequate experience completing projects of a similar nature. Only two project examples (refurbishment of single bed units at Cockburn Lodge retirement units and building fit out works for the cafe of St John of God Hospital in Midland) were supplied without any dates of completion. The company has the capacity to undertake the project but did not provide the list of specialised equipment to be used.

Classic Contractors Pty Ltd scored 51.9% in the qualitative assessment. It demonstrated experience completing similar new and refurbishment projects for local governments including the Cities of Swan and Gosnells. It demonstrated an understanding of the City's requirements and capacity to carry out the works but did not address the ability to provide additional personnel and resources if required, safety records and after-hours contacts for emergency requirements.

Adrina Project Management Pty Ltd scored 55.7% in the qualitative assessment. The company did not demonstrate sufficient experience completing similar refurbishment and extension projects. Numerous project examples were supplied but almost all projects are small scale refurbishment of residence/classrooms/school laboratory and new residence construction. It demonstrated an understanding of the City's requirements and sufficient capacity to carry out the works.

LKS Constructions (WA) Pty Ltd scored 59.8% in the qualitative assessment. The company demonstrated a good understanding of the required tasks. It demonstrated experience completing refurbishment projects for local and state government organisations, including disability access upgrades for various train stations for PTA and office fit outs for the Claremont Scout Hall and Department of Child Protection Armadale office. The company is resourced and has the capacity to carry out the works.

McCorkell Constructions (WA) Pty Ltd scored 65.4% in the qualitative assessment. It has been in the building industry for many years and has successfully completed similar projects for various local governments including the Town of Victoria Park and the Cities of Armadale, Kwinana, Swan, Wanneroo and Nedlands. It demonstrated a comprehensive understanding of the City's requirements. McCorkell Constructions (WA) Pty Ltd has significant industry experience and the capacity required to complete the works for the City. The company is the current contractor for the construction of Bramston Park community facility.

### Price Assessment

Following the qualitative assessment, a comparison was made of the submitted lump sum prices offered by each tenderer to assess conformance to the specification and value for money to the City.

<b>Tenderer</b>	<b>Total Price Option 1 (exclusive of GST)</b>	<b>Total Price Option 2 (exclusive of GST)</b>
McCorkell Constructions (WA) Pty Ltd	\$903,092	\$749,903
LKS Constructions WA	\$976,400	\$862,400
Adrina Project Management	\$929,475	\$835,028
Classic Contractors	\$802,292	\$756,292
R.E. Asset Logistics	\$868,880	\$786,485
Connolly Building Company	\$736,280	\$694,980

### Evaluation Summary

<b>Tenderer</b>	<b>Total Contract Price</b>		<b>Price Rank (Option 1)</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
	<b>Option 1</b>	<b>Option 2</b>			
McCorkell Constructions (WA) Pty Ltd	\$903,092	\$749,903	4	65.4%	1
LKS Constructions WA	\$976,400	\$862,400	6	59.8%	2
Adrina Project Management	\$929,475	\$835,028	5	55.7%	3
Classic Contractors Pty Ltd	\$802,292	\$756,292	2	51.9%	4

Tenderer	Total Contract Price		Price Rank (Option 1)	Evaluation Score	Qualitative Rank
	Option 1	Option 2			
R.E. Asset Logistics	\$868,880	\$786,485	3	42.5%	5
Connolly Building Company	\$736,280	\$694,980	1	35.6%	6

In accordance with the tender specification all of the tenderers had included in their Option 1 price a provisional sum of \$30,000 for a sewer connection to be undertaken by a Water Corporation approved contractor. The City may at its discretion remove provisional sums and it is proposed to remove this provisional sum and for the City to undertake the sewer connection arrangements separately. The prices above have the provisional sum removed.

Based on the evaluation summary, although the submission from McCorkell Constructions (WA) Pty Ltd received the highest score in the qualitative assessment, the tender from Classic Contractors Pty Ltd provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the extension and refurbishment of Timberlane Park Hall. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and 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 Community Plan

##### Key theme

Community Wellbeing.

##### Objective

Quality facilities.

##### Strategic initiative

Support a long-term approach to significant facility upgrades and improvements.

##### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as there is a community expectation for the refurbishment and extension works for the Timberlane Park hall.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is an established company with industry experience and the capacity to provide the services to the City.

**Financial / budget implications**

<b>Project number</b>	BCW2520
<b>Cost Code</b>	W2375
<b>Budget Item</b>	Extension and refurbishment of Timberlane Park Hall.
<b>Budget amount</b>	\$ 810,019
<b>Commitment</b>	\$ 13,000
<b>Proposed cost</b>	\$ 802,292
<b>Balance</b>	\$ (5,273)

All amounts quoted in this report are exclusive of GST.

The submission from Classic Contractors represents best value to the City and is closest to existing budget parameters.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

The facility refurbishment project is planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The project has included consultation with existing user groups to ensure that feedback received represents their needs. Furthermore, any refurbishment works will consider access and inclusion principles and will aim to enhance the amenity of the public space.

Economic

One of the main principles of the City's *Master Planning Framework* is the development of 'shared' and 'multi-purpose' facilities to avoid their duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

**Consultation**

Consultation was undertaken with existing user groups of the Timberlane Park Hall during the site and needs analysis stage of the project. In addition, the City also consulted with users during the concept design stage of the project.

**COMMENT**

The evaluation of the submissions was carried out in accordance with the City's evaluation process and it is concluded that the offer submitted by Classic Contractors Pty Ltd represents best value to the City.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Classic Contractors Pty Ltd for the extension and refurbishment of Timberlane Park Hall as specified in Tender 018/15 for the fixed lump sum of \$802,292 (Option 1) (GST Exclusive) with practical completion of works by 24 June 2016.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf290915.pdf](#)*

## REPORTS – OCEAN REEF MARINA COMMITTEE – 29 JUNE 2015 AND 15 SEPTEMBER 2015

### Disclosure of interest affecting impartiality

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	Item 9 - Confidential - Ocean Reef Marina – Project Status Report.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a crew member with Whitford Volunteer Sea Rescue Group.

## ITEM 9                      **CONFIDENTIAL - OCEAN REEF MARINA - PROJECT STATUS REPORT**

**WARD**                                      North Central

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

**FILE NUMBER**                              04171B, 101515

**ATTACHMENTS**                              Attachment 1              Ocean Reef Marina Indicative Approvals  
Timelines  
Attachment 2              Ocean Reef Marina Project History  
  
(Please Note:              *The Report and Attachments are  
confidential and will appear in the official  
Minute Book only*)

**AUTHORITY / DISCRETION**              Information - includes items provided to Council for  
information purposes only that do not require a decision of  
Council (that is for 'noting').

This Report is confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

A full report is provided to Elected Members under separate cover. The report is not for publication.



**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	Item 10 – Confidential - Ocean Reef Marina - Options for Progressing the Project.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a crew member with Whitford Volunteer Sea Rescue Group.

## ITEM 10

## CONFIDENTIAL - OCEAN REEF MARINA - OPTIONS FOR PROGRESSING THE PROJECT

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENT</b>	Attachment 1    Advice/opinion received from the Project Team
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This Report is confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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**8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

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

**10 REPORTS REQUESTED BY ELECTED MEMBERS**

**11 CLOSURE**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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  
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<b>Extent of Interest</b>	
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**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

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

**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](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

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



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

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

**STATEMENT**

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Please submit this form at the meeting or:

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- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

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