

minutes

Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 15 MARCH 2022

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

This document is available in alternate formats upon request

TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS		iv
	DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY		v
	PUBLIC QUESTION TIME		v
	PUBLIC STATEMENT TIME		xxv
	APOLOGIES AND LEAVE OF ABSENCE		xxviii
C15-03/22	REQUESTS FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP, CR TOM MCLEAN, JP AND CR CHRISTOPHER MAY		xxviii
	CONFIRMATION OF MINUTES		xxix
C16-03/22	MINUTES OF COUNCIL MEETING HELD ON 15 FEBRUARY 2022		xxix
	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION		xxix
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC		xxx
	PETITIONS		xxx
C17-03/22	PETITION IN RELATION TO PROVIDING FUNDING IN THE 2022-23 BUDGET FOR INSTALLATION OF A SHADE SAIL OVER THE MARRI PARK PLAYGROUND (NORTHERN END), DUNCRAIG		xxx
	REPORTS		1
CJ030-03/22	DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2022	ALL	1
CJ031-03/22	PROPOSED REVOCATION OF CRAIGIE HIGH SCHOOL SITE STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3	CENTRAL	5
CJ032-03/22	DRAFT PLACE ACTIVATION STRATEGY AND JOONDALUP CITY CENTRE ACTIVATION PLAN	ALL	14
CJ033-03/22	EXECUTION OF DOCUMENTS	ALL	22

CJ034-03/22	STATUS OF PETITIONS	ALL	25
C18-03/22	EXTENSION OF TIME TO SPEAK		28
CJ035-03/22	MINUTES OF REGIONAL COUNCIL MEETINGS	ALL	30
CJ036-03/22	HEALTH AMENDMENT LOCAL LAW 2021 – ADOPTION	ALL	32
CJ037-03/22	DRAFT 10 YEAR STRATEGIC COMMUNITY PLAN – JOONDALUP 2032	ALL	38
C19-03/22	PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK		44
C20-03/22	PROCEDURAL MOTION – THAT THE ITEM BE NOW PUT		44
CJ038-03/22	LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2022	ALL	45
CJ039-03/22	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2022	ALL	48
CJ040-03/22	TENDER 004/22 – SUPPLY, DELIVERY AND INSTALLATION OF GATES, BOLLARDS AND BUSHLAND FENCING (INCLUDING REPAIR OR REMOVAL OF EXISTING FENCING)	ALL	55
CJ041-03/22	PETITION IN RELATION TO A NATIVE CONTEMPLATION GARDEN AT LAKEVIEW PARK, EDGEWATER	NORTH-CENTRAL	62
CJ042-03/22	BUDGET AMENDMENT – CAPITAL WORKS INSURANCE	ALL	69
	REPORT – AUDIT AND RISK COMMITTEE – 1 MARCH 2022		73
CJ043-03/22	2021 COMPLIANCE AUDIT RETURN	ALL	73
C21-03/22	COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION		77
	URGENT BUSINESS		78
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		78
C22-03/22	NOTICE OF MOTION NO. 1 – MAYOR JACOB – BRADEN PARK BASKETBALL PAD		78
C23-03/22	CALL FOR ONE-THIRD SUPPORT TO REVOKE A PREVIOUS COUNCIL DECISION		81

C24-03/22	PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH	82
C25-03/22	PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK	82
C26-03/22	PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH	83
C27-03/22	NOTICE OF MOTION NO. 2 – CR FISHWICK – BRADEN PARK BASKETBALL FACILITY	84
C28-03/22	PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK	89
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	90
	CLOSURE	90

LATE ITEMS / ADDITIONAL INFORMATION

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

[*AdditionalInformation220315.pdf*](#)

CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 15 MARCH 2022

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR TOM MCLEAN, JP	North Ward	
CR ADRIAN HILL	North Ward	
CR NIGE JONES	North Central Ward	
CR DANIEL KINGSTON	North Central Ward	
CR RUSSELL POLIWKA	Central Ward	to 9.23pm
CR CHRISTOPHER MAY	Central Ward	absent from 8.50pm to 8.53pm.
CR SUZANNE THOMPSON	South Ward	absent from 8.42pm to 8.43pm
CR RUSS FISHWICK, JP	South Ward	absent from 8.24pm to 8.26pm
CR JOHN RAFTIS	South-West Ward	
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	
CR JOHN LOGAN	South-East Ward	absent from 7.18pm to 7.22pm
CR JOHN CHESTER	South-East Ward	

Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR CHRIS LEIGH	Director Planning and Community Development	absent from 8.42pm to 8.43pm
MR NICO CLAASSEN	Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	
MRS REBECCA MACCARIO	Acting Director Governance and Strategy	absent from 8.49pm to 8.51pm
MRS KYLIE BERGMANN	Manager Governance	
MR DANIEL DAVINI	Media Advisor	
MRS DEBORAH GOUGES	Governance Officer	
MRS WENDY COWLEY	Governance Officer	
MS EMILY POTTS	Acting Governance Officer	to 7.25pm

There were 50 members of the public and one member of the press in attendance.

DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosures of Financial Interest / Proximity Interest

Nil.

Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) 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 their interest.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ034-03/22 - Status of Petitions.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston was originally the lead petitioner for the petition requesting the City not to install paid public parking at coastal locations before being elected.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ041-03/22 - Petition in Relation to a Native Contemplation Garden at Lakeview Park, Edgewater.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston supported Mr Tostevin, the lead petitioner, in putting together the petition before being elected.

PUBLIC QUESTION TIME

The following summarised questions were submitted prior to the Council meeting:

R Repke, Kallaroo

Re: *E-Rideables.*

Q1 *The rules for e-rideables are not known to residents, can you publish them perhaps as a flyer and add it to the rates notices?*

A1 There are many messages the City needs to get across on a number of fronts, which need to be focussed on matters that fall squarely within the City's remit

The City will investigate options to promote, in the most cost-effective ways, the safe use of e-rideables, including through social media, the City's youth engagement team, and work with the state government, which is responsible for the rules for e-rideables.

Re: Drone Fishing.

Q2 Will the City regulate drone fishing?

A2 Currently, any activity relating to the use of Drones, falls under the compliance of the Civil Aviation Safety Authority (CASA). Any issues relating to the use of Drones within the City of Joondalup would be referred to CASA and relevant agencies, such as the Department of Fisheries, for advice.

Re: Volunteer Organisations.

Q3 With regard to the new Work Health and Safety Act of 2020. Is the City analysing the Act and will the City advise volunteer organisations of what to do and invite all to a meeting?

Q4 Will you discuss risk profile / risk mitigation charts with each of the volunteer organisations and approve these charts?

A3-4 The City is not in a position to provide legal advice to any organisation including volunteer groups regarding the impact and implications to those groups on legislation including the Work Health and Safety legislation.

Q5 Will the City explain to the volunteer organisations what the City's Insurance includes and whether the volunteer organisation might need an additional insurance to avoid a liability by the Volunteer Organiser of each group?

A5 The City's insurance arrangements do not include public liability cover for volunteer organisations and their members, except in cases where volunteers are performing specific tasks on behalf of the City, for example Friend's Groups (in accordance with the Friend's Group manual), volunteers who drive a bus and volunteers who deliver books.

S White, Marmion

Re: McKirdy Park Upgrade.

Q1 Why has the Council determined to remove McKirdy Park playground, despite previous commitment to upgrade it and without any consultation of residents who will be impacted by its removal?

A1 In determining the allocation of assets in parks, the City's provision of play equipment is not based on the size of the park or the distance between parks with playspaces, but on the principle of equitable access to all City residents. This is to ensure that play provision will be spread evenly across all the suburbs, avoiding pockets of dense provision at the expense of other pockets with no provision at all.

Equity of access is based on a 400 metre walkable catchment. Under State Planning Policy "Liveable Neighbourhoods", a 400 metre radius is considered a walkable catchment on the basis that road networks can be navigated within this catchment in a five minute walk to public open space. The service level that the City strives to provide is for residents to have access to a playspace within this 400 metre catchment where possible.

This position was reconfirmed by Council at its meeting held on 20 April 2021 (Part 1 of CJ054-04/21 refers) as follows:

“1 CONTINUES TO SUPPORT the use of the State Planning Policy “Liveable Neighbourhoods” 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City;”

During the 2021-22 budget development process, this principle was used by Elected Members in support of its position to rationalise the playspace at McKirdy Park (being in an overlap area) when upgrading the playspace at Finney Park.

Q2 *How does this decision meet the City's commitment to best respond to the community's needs and ensure public participation and accountability in the local government process?*

A2 See A1 above.

Re: *Naming of Laneways 1-5 in Marmion and Sorrento.*

Q3 *With the rezoning in this area and subsequent increase in housing and therefore civilians, in the event of an emergency, how do residents residing along the laneways direct Emergency Services to their precise location without the aid of street sign references?*

Q4 *How does this decision meet the City's commitment to best respond to the community's needs and ensure public participation and accountability in the local government process?*

A3&4 All new developments that gain vehicle access off laneways are specifically required to provide a pedestrian accessway connection to the primary street for the purpose of street addressing, postal services and visitor access.

The clear and prominent displaying of the correct and full address at both the primary street and on the laneway assists in the easy identification of the dwelling.

In relation to the naming of laneways, in response to a Notice of Motion presented at the Council meeting dated 21 September 2021, Council requested the preparation of a report examining the laneways in Sorrento and Marmion, including formalising naming for the laneways in accordance with the State Government's Geographic Names Committee principles and guidelines. The City is currently investigating the matter and will present a report to Council at a future meeting.

C Butterworth, Marmion

Re: *Notices of Motions - Braden Park Basketball Pad.*

Q1 *Did the City of Joondalup issue a tender and award contracts to upgrade the infrastructure in Braden Park based upon Site A (current) being the designed location for the basketball pad before the initial community consultation pack and survey with alternatives was issued on 19 May 2021?*

- A1 In early April 2021, the City, as per the *Notification of Public Works Policy*, notified residents and landowners (within a 200 metre buffer of Braden Park) of the infrastructure upgrade project and identified that as part of the works, a basketball pad and four-square pad would be constructed. Residents were advised that these works were programmed to commence in May 2021 and were expected to be completed by the end of June 2021.

Following this notification, the City received feedback from some residents regarding the proposed location of the basketball pad as the design incorporated the basketball pad into the new playspace to create a play and recreational hub within the park and to take advantage of the existing mature shade coverage in the area. The main concern raised was the potential for excessive noise from the use of the basketball court for immediate residents as well as the potential for increased anti-social behaviour in the area and increased vehicular traffic.

Although on-ground works for the renewal project commenced on 30 April 2021, the construction of the basketball pad and four-square court was put on hold to enable the City to undertake a closed consultation with those residents previously notified of the infrastructure upgrade project. The purpose of this engagement was to seek feedback regarding their preference for the proposed location of the basketball pad. This consultation ran from Wednesday 19 May 2021 to Tuesday 1 June 2021.

- Q2 *Does the City of Joondalup believe that the options presented as part of the community consultation pack on 19 May 2021 were comprehensive enough to identify balanced pros/cons or viable alternatives, and were by no means preferential towards Site A to streamline endorsement and minimise administrative rework / delays and variation costs?*

This provides guidance as to whether the initial survey was impartial and provided the community a fully informed assessment to vote upon.

- A2 The options presented as part of the community consultation pack on 19 May 2021 were comprehensive enough to identify balanced pros/cons or viable alternatives. A letter and a map detailing the advantages and disadvantages of Site A and Site B were provided to the residents for their consideration. Residents were also, as part of this process, able to not support the installation of a basketball pad at all.

Of the 381 eligible participants, 75 valid responses were received, and the outcome was provided as Attachment 1 to the Report and is summarised below:

Please indicate your preference for the location of the basketball pad in Braden Park:	N	%
Site A which forms part of the park's recreational hub	47	62.7%
Site B which is located to the south of the park's recreation hub	12	16.0%
I/we do not want a basketball pad installed at Braden Park	16	21.3%
Total responses	75	100.0%

As the project was already delayed there was very little difference in cost for a basketball pad to be installed at Site A or at Site B.

- Q3 *Did the City of Joondalup undertake an acoustic sound assessment, compliant with Department of Water and Environmental Regulation and Environment Protection (Noise) thresholds, on proposed Sites A and B or any other locations throughout Braden Park before the initial community consultation pack and survey was issued to residents on 19 May 2021?*

This provides guidance as to whether the two options presented to residents were actually viable, and whether other locations throughout the park could be deemed suitable alternatives for inclusion in the community consultation process.

A3 No. As detailed in the Council report (CJ026-02/22 refers), a noise assessment was undertaken at Site A following the installation of the basketball pad.

M Sideris, Mullaloo:

Re: Lot 501 Pinnaroo Point, Hillarys.

Q1 *Can a detailed breakdown of cost to date for consultancy services (and the name of the consultants) associated with the development at Lot 501 Pinnaroo Point, Hillarys please be provided?*

A1 The engagement of consultants and associated costs for the development at Lot 501 are the responsibility of the developer Sandgate (WA) Pty Ltd.

Q2 *Can a detailed breakdown of costs to date, identifying each administration cost element associated with the development at Lot 501 Pinnaroo Point, Hillarys please be provided?*

A2 The proposed development at Lot 501 will be undertaken by Sandgate (WA) Pty Ltd.

Q3 *Can the City please identify and list all capital works, maintenance and upgrade works associated with the proposed development at Lot 501 Pinnaroo Point, Hillarys?*

A3 An amount of \$613,000 is listed in the City's Capital works program to provide services to Lot 501. All other capital maintenance and upgrade works relating to the proposed development at Lot 501 is the responsibility of Sandgate (WA) Pty Ltd.

Q4 *Can the City please provide a copy of the business case for the development at Lot 501 Pinnaroo Point, Hillarys?*

A4 Development at Lot 501 is proposed to be undertaken by Sandgate (WA) Pty Ltd. The City is not aware of any business case for this development.

Q5 *Can the City advise when the reports marked Confidential and related to the development at Lot 501 Pinnaroo Point, Hillarys will be released into the public domain?*

A5 There are no plans to release Confidential reports into the public domain.

M Kwok, Ocean Reef:

Re: Live Streaming of Special Electors Meeting held on 10 March 2022.

Q1 *A number of medical professionals have spoken out at the Special Electors' Meeting, some content mentioned might have ramifications, did the Mayor cause detriment to the person by not suspending the Local Law relating to meeting procedures clause 5.7(3) and clause 5.8(3)?*

A1 The City is not aware of whether the Mayor's decision not to suspend the operation of clause 5.7(3) and 5.8(3) of the *Meeting Procedures Local Law 2013*, has caused detriment to any person.

Q2 *What would be the legal liability to the Mayor and the City if the Mayor's actions caused detriment?*

A2 The City is not aware whether any detriment has been caused to any person and therefore cannot comment on what, if any, the legal liability might be.

Q3 *How many people have viewed or listened to the live streaming of the Special Elections' Meeting?*

A3 A total of 560 views, with an average time of five minutes per visit.

Q4 *Both Queensland Sunshine Coast Council and South Australia Police have dropped their vaccine mandates just before a court case challenge, the reason being there were no legal grounds for these mandates.*

Is the City of Joondalup prepared to request for scientific, medical and legal evidence from State Government to justify the ongoing State of Emergency declaration?

A4 The State Government is responsible for the relevant Directions to prevent the spread of COVID-19 under the *Emergency Management Act 2005* and *Public Health Act 2016* and are part of law.

The City has a legislative obligation to comply with the relevant Directions that are introduced by the State Government. Requests for information about the justification for the Directions should be directed to the WA Government.

Re: *Update on Weed Control Trial Outcomes.*

Q5 *When will the tender be advertised, relating to Council's resolution (CJ184-12/21 refers) - Update on Weed Control Trial Outcomes, Part 4?*

A5 The Request for Tender document has been developed and will be advertised shortly.

R Seeber, Marmion

Re: *Notices of Motions - Braden Park Basketball Pad.*

Q1 *Can the City provide the written results of the assessment undertaken at Heathridge Park on the 16th of February 2022 with regard to the bouncing of a ball on Astro turf surface?*

- A1 Results from the sound level assessment undertaken at Heathridge Park on 16 February 2022 are displayed in the table below:

	Astroturf Normal Bounce	Concrete Normal Bounce	Astroturf Heavy Bounce	Concrete Heavy Bounce
L_M (Measured)	58.8	70.3	66.9	72.6
Background Adjustment	-	-	-	-
Tonal/ Modulation Impulsiveness	+10	+10	+10	+10
Indoor Adjustment	-	-	-	-
L_{Ma} (Measured Adjusted)	69	80	77	83

- Q2 *Can the City confirm the type of ball used in the assessment undertaken at Heathridge Park on the 16th of February 2022, with regard to the bouncing of a ball on Astroturf surface as it is not stated in the agenda for this meeting?*

A2 A standard basketball was used, inflated to 8PSI.

- Q3 *By Mayor Jacobs admission in his Notice of Motion there are 48 basketball courts located throughout the City, with seven closer to residents than Braden Park. If the City treats the surface of these courts, are they accepting fault in their non-compliance of these installations?*

- Q4 *Why spend \$7,200 per court if you believe that all courts within the City are already compliant with Environment Protection Authority (EPA) regulations?*

A3&4 The City considers that other basketball courts are compliant.

The results of the assessment undertaken at Braden Park between 8 October and 12 October 2021 indicated there was a **potential** for the assigned levels to be exceeded after 7.00pm, due to the application of the LA Max criteria. Due to the many influencing factors associated with the playing of basketball, it could not be concluded that the playing of basketball would breach the assigned levels on every occasion after 7.00pm.

In consideration of the potential that the playing of basketball may breach the assigned levels on some occasions, the City limited the permitted playing time at Braden Park and also at Bengello Park in Burns Beach as at this location, the basketball pad was only 26 metres from the nearest household.

The installation of noise attenuation material such as AstroTurf or similar would enable the playing times at basketball courts to be reviewed.

S Apps, Woodvale

Re: Removal of Significant Tree at Chichester Park.

Q1 The only Marri tree on the Cities Significant Tree Register was cut down in the past week, can the City please advise over the past four years, when had the Marri tree, known as Oscar located at Chichester Park, been assessed and what maintenance had been conducted during those assessments?

A1 The City conducted tree inspections in 2015, 2018, 2019, and 2020. The 2019 inspection included the following notable statements:

- Root system – The area within the dripline has been mulched. The root system has grown into its current position which appears to have not been disturbed. The root crown has a well-structured buttress development.
- Trunk – The main trunk leans to the north by approximately 17 degrees lean. The tree has been leaning for several years, using confirmation from aerial photographs. There are two large wounds on the main trunk which show some wound occlusion, there is obvious decay present however there doesn't appear to be any associated swelling. The high canopy formation creates a long lever arm.
- Crown – The canopy only exists in the top third of the tree, partially from removal of lower limbs and canopy competition when younger. There is some subsidence of the lower lateral branches, expected given the light availability and natural growth habit. There is evidence of extensive pruning throughout the canopy, it can't be determined what quantity of the wounds were from dead or live branch removal.
- Foliage – The foliage is of a good size, shape and colour indicating a well-functioning root system. The canopy cover is slightly thin however this is expected from a venerable tree.

Q2 Why did it take the City's staff more than four weeks to attend and address the concerns raised by a community member in relation to the condition of the tree?

A2 The City received a query from a resident on 9 February 2022. The City responded by organising an independent arborist to inspect the tree and provide a report to the City. This report was received on 4 March 2022 and the City acted accordingly.

Q3 The marri tree, known as Oscar had always had a small lean, why did the City not utilise a moulded stake to remedy this lean during the last number of years?

A3 Considering the size of the tree, the angle which it had grown at, and the weight of the crown, which was the equivalent of four large trees, there was no safe mitigation measures the City could have put in place considering the tree's fall zone included a playspace and the adjacent school.

Re: *Opt-in Criteria for Development Assessment Panel (DAP) Applications.*

Q4 *Why has the City of Joondalup chosen to delegate their decision-making authority for applications which fit the optional 'opt-in' criteria for Development Assessment Panel (DAP) applications to a DAP?*

A4 In accordance with Clauses 6 and 7 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (Regulations), an applicant can elect to have an application determined by the Development Assessment Panel (DAP) where the cost of the proposed development is between \$2 million and \$10 million. Therefore, the decision to 'opt-in' to the DAP process is solely made by the applicant, not the City.

Q5 *Can the City provide a list of all "opt-In" DAP applications for the past 5 years, to include the RAR (recommendation), and the final outcome whether via DAP or State Administrative Tribunal (SAT)?*

A5 For the period March 2017 to February 2022, 37 development applications have been 'opt-in' to the DAP process, including both initial applications and amendments to applications. Of these applications, 12 had a different decision to that recommended in the City's Responsible Authority Report (RAR).

Application Number	Proposal	Address	RAR City of Joondalup Recommendation	Decision	Decision Maker
DA16/1488	SHOP (New development - Aldi)	86 Delamere Avenue, CURRAMBINE WA 6028	Approve	Approve	JDAP
DA17/0454	MULTIPLE DWELLINGS (21 new residential dwellings)	449 Beach Road, DUNCRAIG WA 6023	Approve	Approve	JDAP
DA17/0473	SERVICE STATION (new development and associated signage)	2 Warburton Avenue, PADBURY WA 6025	Approve	Approve	JDAP
DA17/0495	CHILD CARE CENTRE (new development)	248 Camberwarra Drive, CRAIGIE WA 6025	Refuse	Approve	JDAP (S31 recon)
DA17/0969	CHILD CARE CENTRE (new development)	1A Forrest Road, PADBURY WA 6025	Approve	Approve	JDAP
DA17/0989	MIXED USE (new mixed use development)	2 Banks Avenue, HILLARYS WA 6025	Defer	Approve	JDAP
DA17/1181	CHILD CARE CENTRE (amalgamation of lots and new child care centre development)	22 Coolibah Drive, GREENWOOD WA 6024	Approve	Approve	JDAP
DA18/0123	MULTIPLE DWELLING (14 new dwellings)	50 Littorina Avenue, HEATHRIDGE WA 6027	Approve	Approve	JDAP (S31 recon)
DA18/0299	SHOP (additions and alterations to shopping centre)	643 Beach Road, WARWICK WA 6024	Approve	Approve	JDAP
DA18/0360	MULTIPLE DWELLINGS (12 new dwellings)	1 and 3 Chipala Court, EDGEWATER WA 6027	Refuse	Approve	JDAP (S31 recon)
DA18/0490	SERVICE STATION (new development)	8 Buick Way, JOONDALUP WA 6027	Approve	Approve	JDAP

Application Number	Proposal	Address	RAR City of Joondalup Recommendation	Decision	Decision Maker
DA18/0568	GROUPED DWELLING (12 new two storey dwellings)	14 Methuen Way, DUNCRAIG WA 6023	Approve	Approve	JDAP
DA18/0583	MULTIPLE DWELLING (14 new dwellings)	56 Tuart Trail, EDGEWATER WA 6027	Refuse	Approve	JDAP (S31 recon)
DA18/0962	MULTIPLE DWELLING (modifications to previously approved development)	46 Angove Drive, HILLARYS WA 6025 (Form 2)	Approve	Approve	JDAP
DA18/1035	MULTIPLE DWELLING (12 new dwellings)	80 Trailwood Drive, WOODVALE WA 6026	Approve	Approve	JDAP
DA18/1103	MULTIPLE DWELLINGS (12 new dwellings)	9 Ruthven Place, DUNCRAIG WA 6023	Approve	Approve	JDAP
DA18/1149	MULTIPLE DWELLINGS (modifications to previously approved development)	50 Marri Road, DUNCRAIG (Form 2)	Approve	Approve	JDAP
DA18/1276	MULTIPLE DWELLING (13 new dwellings)	9 Davallia Road, DUNCRAIG WA 6023	Refuse	Approve	JDAP (S31 recon)
DA18/1321	MULTIPLE DWELLING (24 new dwellings)	34 Kallatina Drive, ILUKA WA 6028	Approve	Approve	JDAP
DA18/1336	MIXED USE (new development)	98 O'Mara Boulevard, ILUKA WA 6028	Approve	Approve	JDAP (S31 recon)
DA18/1389	MULTIPLE DWELLING (16 new dwellings)	8 Brechin Court, DUNCRAIG WA 6023	Refuse	Approve	JDAP (S31 recon)
DA19/0030	MULTIPLE DWELLING (extension of time)	449 Beach Road, DUNCRAIG WA 6023 (Form 2)	Approve	Approve	JDAP
DA19/0091	MULTIPLE DWELLING (23 new dwellings)	25 Koorana Road, MULLALOO WA 6027	Approve	Approve	JDAP
DA19/0097	AGED PERSONS DWELLINGS (10 new dwellings)	57 Marri Road, DUNCRAIG WA 6023	Refuse	Approve	JDAP
DA19/0544	SERVICE STATION (redevelopment of existing service station)	1 Raleigh Road, SORRENTO WA 6020	Refuse	Approve	JDAP
DA19/0620	MIXED USE (modifications to previously approved development)	2 Banks Avenue, HILLARYS WA 6025 (Form 2)	Approve	Approve	JDAP
DA19/1026	MULTIPLE DWELLING (27 new dwellings)	3 Glenelg Place, CONNOLLY WA 6027	Approve	Approve	JDAP
DA19/1089	MULTIPLE DWELLING (modifications to previously approved development)	11 Mykonos View, ILUKA WA 6028 (Form 2)	Approve	Approve	JDAP

Application Number	Proposal	Address	RAR City of Joondalup Recommendation	Decision	Decision Maker
DA19/1124	EDUCATIONAL ESTABLISHMENT (new technologies centre)	15 Hocking Parade, SORRENTO WA 6020	Approve	Approve	JDAP
DA20/0452	TAVERN (Change of Use)	98'O Mara Boulevard, ILUKA WA 6028 (Form 2)	Refuse	Approve	JDAP
DA20/0469	CHILD CARE PREMISES (new development)	122 Coolibah Drive, GREENWOOD WA 6024	Approve	Approve	JDAP
DA20/0767	CHILD CARE PREMISES (new development)	68 Readshaw Road, DUNCRAIG WA 6023	Approve	Approve	JDAP
DA20/0828	CHILD CARE PREMISES (new development)	29 Acacia Way, DUNCRAIG WA 6023	Refuse	Approve	JDAP
DA20/1131	SERVICE STATION (new development)	1 Canham Way, GREENWOOD WA 6024	Approve	Approve	JDAP
DA21/0499	CHILD CARE PREMISES (new development)	20 Stanford and 104 Mullaloo Drive, KALLAROO WA 6025	Refuse	Approve	JDAP (S31 recon)
DA21/0592	SERVICE STATION (redevelopment of existing service station)	941 Whitfrods Avenue, WOODVALE WA 6026	Approve	Approve	JDAP
DA21/0611	CHILD CARE PREMISES (new development)	73 Kingsley Drive, KINGSLEY WA 6026	Refuse	Approve	JDAP (S31 recon)

S Seeber, Marmion

Re: Notices of Motions - Braden Park Basketball Pad.

Q1 With a stated possibility of 10db reduction after installing the noise attenuation material, is the 10db referred to LA1, LA10 or LAMAX reading measurement?

A1 The reduction in noise levels associated with an Astroturf surface, was for the bounce of a basketball. The relative impact to each of the assigned levels would be expected to be a similar reduction.

Q2 Even with a possible reduction of noise with noise attenuation material to the pad, the previously fitted quiet mesh backboard noise exceeded Environment Protection Authority (EPA) noise limits when an independent Acoustic assessment was carried out.

How does the City intend to make the noise from the backboard compliant?

A2 The noise attributed to the backboard at Braden Park has not been identified as being significant, which is consistent with the concerns raised with the City that identified the bouncing of basketballs as being the issue of concern. However, should there be any issue with the backboard in the future, the City will investigate and take the appropriate action.

- Q3 *Does the City intend to carry out testing of the noise attenuation material selected prior to installation to the basketball pad at Braden Park, to ensure it will meet EPA compliance as it does not state this in the agenda?*
- A3 The City has already carried out preliminary noise assessment of the basketball bounce on AstroTurf on a concrete pad. Similar testing will be undertaken when other products are considered for use. Noise assessment will also be undertaken following the installation of the noise attenuation product to determine specific site attenuation.
- Q4 *The amount of \$750 (excluding GST) to reinstall the basketball pole and backboard appears unrealistically low, the reinforcing formwork that provides the large footing and fixing to the base of the basketball pole through threaded rods were cut off during removal. Possible excavation and new footings and formwork are required, has the City taken this into account and what would a more realistic costing be?*
- A4 The City will install the necessary fixings to ensure the installation is safe. This will not require a new concrete footing.

J Watson and G Harris, Marmion:

Re: *Notices of Motions - Braden Park Basketball Pad.*

- Q1 *In Notice of Motion No. 1 – Mayor Jacob – Braden Park Basketball Pad, the Officer’s Comments (paragraph 4) states:*

“At its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council remove the basketball pad and four-square court from the Braden Park playground upgrade.”

The petition was presented BEFORE the basketball court was installed and was intended to halt the installation of the basketball court at Braden Park (not remove it, as it had not been installed). The petition requested that the Council consider relocation of the basketball court to Percy Doyle Reserve.

In addition to the above, the Council voted to ignore the petition and proceed with the installation at Braden Park.

The Officer’s comments are incorrect. How and when will this correction be made?

- A1 The Officer’s comments are correct and therefore no correction is required.

As detailed in the report to Council (CJ026-02/22 refers), at its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council:

- “a remove the basketball court and handball court from the Braden Park Playground upgrade currently underway.*
- b Add a basketball and handball court to the plan for the proposed skate park (proposed by Councillor Russ Fishwick) at Percy Doyle Sports Ground, Duncraig.”*

Council resolved that the petition be received and referred to the Chief Executive Officer for a subsequent report to be presented to Council for consideration.

At its meeting held on 17 August 2021 (C81-08/21 refers), in response to a Notice of Motion, Council resolved as follows:

“That Council:

- 1 *given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate, REQUESTS the Chief Executive Officer conducts a survey to residents within 200 metres of the perimeter of Braden Park (and provides a breakdown analysis of the responses received by those residing within 50 metres, 100 metres and over 200 metres radius from the court) to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents; “*
- 2 *REQUESTS the Chief Executive Officer to include a question in the survey conducted in Part 1 above, conveying a message along the following intent: “If, in the opinion of those residents residing in closest proximity, the basketball and handball court causes noise and disruption that impacts unreasonably upon and their residential amenity, would you be amenable to having the facilities removed?”;*
- 3 *is to receive a report on results of the survey at its first ordinary meeting to be held in 2022;*
- 4 *is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.”*

A report on the outcomes of the community consultation was submitted for Council’s consideration at its meeting held on 15 February 2022 (CJ026-02/22 refers), being the first Ordinary Meeting held in 2022.

- Q2 *In relation to the survey results 20% of residents responded – 75 out of 381 residents surveyed, of these, 12 respondents requested Site B and 16 respondents did not want a basketball court at all. This indicates that only 12% of residents supported locating the basketball court in its current location close to residents’ homes (Site A). This represents 88% of residents that do not want a court installed, did not care, or would like an alternate location.*

Are the Councillors aware that the initial survey that was conducted from 19 May 2021 to 1 June 2021 to gauge support for the basketball court in Braden Park (CJ026-02/22 refers), had a 20% response rate, which means 80% of residents did not care one way or another whether there is a basketball court or not?

- A2 The City is unable to comment on individual Elected Member awareness, however, the results of the initial survey were included in the 15 February 2022 report to Council (CJ026-02/22 refers).

Residents were asked to indicate their preference for the installation of a basketball pad in Braden Park in one of two locations: Site A which formed part of the park’s recreational hub; or Site B which is located to the south of the park’s recreation hub. Residents/landowners were also given the option of not installing a basketball pad.

The map below indicates these locations:



Of the 381 eligible participants, 75 valid responses were received, and the outcome is summarised below:

Please indicate your preference for the location of the basketball pad in Braden Park:	N	%
Site A which forms part of the park's recreational hub	47	62.7%
Site B which is located to the south of the park's recreation hub	12	16.0%
I/we do not want a basketball pad installed at Braden Park	16	21.3%
Total responses	75	100.0%

Taking into account the total number of households surveyed, 4.2% of respondents did not want a basketball pad in Braden Park, 15.4% supported Site A, Site B and 80.3% did not respond.

M O'Byrne, Kinross

Re: *Notices of Motions - Braden Park Basketball Pad.*

Q1 *How many valid, invalid responses combined did the Braden Park 19 May to 1 June 2021 Community Consultation give rise to?*

A1 As outlined in the Community Consultation Outcomes Report available on the [City's website](#), there were a total of 75 valid responses included in the Braden Park consultation that was open during 19 May 2021 to 1 June 2021. Only one submission per household was accepted for this consultation. This meant that additional responses (more than one) from the same household were considered invalid. The City does not report on the number of invalid submissions received in any consultations.

Q2 *Why didn't the City apply a greater (higher) relevance score to the residents surveyed who lived in the area immediate to the proposed (later installed) Braden Park basketball pad?*

A2 Under the City's [Community Consultation Policy](#), the City "will identify stakeholders by considering any persons, groups or organisations that could be affected by, or are interested in, the matter under consideration".

It would not be considered appropriate to give a higher weighting to the consultation outcomes dependent on the proximity to the park as the identified stakeholders, (such as users of the basketball pad), were identified as living within 200 metres for both consultations conducted in 2021. The City does not give a higher weighting to some community members over others in this type of consultation. Responses from all community members within the target consultation group are treated equally.

Q3 *Why was the November to December 2021 Braden Park basketball pad feedback invitation limited only to those residents who had previously responded to Braden Park surveys, when the Notice of Motion requested a breakdown analysis on residents' responses within 50, 100 and 200 metres from the site of the basketball pad with no other exclusions intimated?*

A3 In early April 2021, the City, as per the *Notification of Public Works Policy*, notified residents and landowners (within a 200 metre buffer of Braden Park) of the infrastructure upgrade project.

Following feedback received from some residents on the proposed location of the basketball pad, the City undertook a closed consultation with those residents previously notified of the infrastructure upgrade project (that is, residents and landowners within a 200 metre buffer of Braden Park) to seek their feedback on the proposed location of the basketball pad.

Consistent with previous engagements, the closed consultation undertaken from 23 November to 21 December 2021, as per Council's decision of 17 August 2021 (C81-08/21 refers), was again with those residents previously notified of the infrastructure upgrade project (that is, residents and landowners within a 200 metre buffer of Braden Park) and was as per the wording of Council's decision being:

"REQUESTS the Chief Executive Officer conducts a survey to residents within 200 metres of the perimeter of Braden Park..."

Q4 *How can the City of Joondalup justify limiting survey responses to just one response per household in this modern age when the family voice is no longer patriarchal but individual and diverse?*

A4 Each community consultation that the City conducts includes a defined criteria for a valid response. For the two Braden Park consultations conducted in 2021, the choice to limit a valid response to one per household was selected to mitigate the risk of larger family households having more influence on the outcome based on the survey results (as compared to single person households). Community members who choose to provide a response to the consultation request are made aware of the criteria for a valid response (for example, one per household) in the online feedback form.

Q5 *How many responses were deemed ineligible in the November to December 2021 round of Braden Park consultation, simply because more than one response came from the same household in the 0 to 50 metre zone from the basketball court?*

A5 This information cannot be provided as the number of households within the zero to 50 metre radius of the basketball pole is a small population size and it would not be appropriate to communicate results or information at this level as the respondents would be too easily identifiable. This is evidenced by the fact that the report to Council, (CJ026-02/22 refers), included the relevant information as a confidential attachment ("Attachment 3 Confidential cross tabulation - Distance from basketball pole").

Ensuring the anonymity of respondents is of the utmost importance to the City's community consultation approach, as outlined in the Community Consultation Policy which states that:

"The City will employ sound social research and data collection methods and will adhere to professional, ethical standards and codes of practice for the analysis and reporting of consultation outcomes."

When providing their contact details as part of the feedback process, respondents are assured that their contact information will be treated as confidential and will not be published in any document or report on the outcomes of the consultation. Respondent anonymity is a crucial part of any consultation process that the City undertakes.

J Millar, Marmion

Re: Street Lighting on Grand Ocean Entrance, Burns Beach.

Q1 Can the City please advise what is happening to the streetlights along Grand Ocean Entrance, the use of lighting shades is inconsistent, and the quality of the lighting also varies, some being too bright and shining into front facing bedrooms?

A1 The street lighting on this road is owned and maintained by Western Power. It is the City's understanding that Western Power's practice is when a damaged luminaire (light fitting) cannot be serviced, it is replaced with stock they have available. In this instance, decorative luminaires were installed as part of the original sub-division, of which Western Power rarely maintains a stock for, instead preferencing the common light fittings across their wider network. Reactive maintenance and replacement occurs without the City's awareness or approval.

Western Power charges a fee to local governments to modify lighting it owns, including changing luminaires or installing shades to guard light where possible. Historically it costs \$495 for an application fee alone, before any design work or physical works are undertaken at further cost. Modifications to the individual light fittings have cost upward of \$2,000 per instance in total and where this is at the request of an individual resident, the costs are passed on in full.

In December 2021, the City considered a report regarding underground power and LED upgrades, and resolved a position that Council

"SUPPORTS the preference that all streetlights throughout the City of Joondalup should be smart-metered, LED City owned streetlights;"

Should this be achieved, inconsistency of service quality, provision and availability of the correct stock and any direct cost to modify assets would all rest with the City to action. This is still being worked toward and the issues raised in this location are similar to other areas throughout the City, further supporting the City's position. In the meantime, as these are Western Power owned assets, residents are encouraged to contact Western Power about the quality of the lighting in their individual situation, which was the information provided on this occasion.

R Large, Marmion:

Re: *Notices of Motions - Braden Park Basketball Pad.*

Q1 *Can the City please clarify?*

How they can be confident in the Mayor's Notice of Motion, to spend more than \$8,000 when actual tangible or technical evidence have not been provided, or research on any other surface mitigation materials, in relation to their suitability and performance in the reduction of decibels, or any ongoing associated maintenance costs, and the suggestion can only be considered theoretical in the notion that it will actually reduce the noise level of basketballs hitting the surface enough to be compliant with the Environment Protection Authority (EPA) regulations. Nor has due consideration been given in the motion to the backboard still being non-compliant with the issue of LaMax criteria mentioned in the report still remains.

Please note from our conversations with DWER and our previous phone call with the City's own Senior Environmental Health officer Astro turf has never before been used by a Council on a basketball pad anywhere in Western Australia.

A1 Actual noise measurements were taken on a concrete pad with AstroTurf and a concrete pad without AstroTurf. During these measurements, the bounce of the ball appeared unaffected by the Astroturf surface and the initial results showed that the Astroturf with a normal bounce was about 11dB quieter than the concrete pad and 6dB quieter with a heavy bounce.

Q2 *How can the City give their recommendation to the Mayor's Notice of Motion and justify gambling over two thirds of the cost of a brand-new basketball court installation ((\$7,200 Mitigation plus \$750 or more for reinstatement of backboard and post costs) / \$12,000 new basketball court installation) using ratepayer money, based on unproven theoretical mitigation measures?*

Especially considering impacted resident's amenity, health and continued suffering are at stake, and whilst knowing the non-compliant noise from the backboard and hoop is not being addressed as part of the motion, and that the backboard will never comply with EPA regulations at the current residential offset. Versus, simply finding a new more suitable location with greater offset from residential properties, that does not require expensive mitigations measures and allows users to play until all hours.

A2 The City's recommendation is based on actual noise measurements taken on a concrete pad with AstroTurf and a concrete pad without AstroTurf. During these measurements, the bounce of the ball appeared unaffected by the Astroturf surface, the initial results showed that the Astroturf with a normal bounce was about 11dB quieter than the concrete pad and 6 dB quieter with a heavy bounce.

The noise attributed to the backboard has not been identified as being significant, which is consistent with the concerns raised with the City that identified the bouncing of basketballs as the issue of concern. However, should there be any issue with the backboard in the future, the City will take the appropriate action.

- Q3 *As the basketball post and backboard at Braden Park have already now been removed to restore resident's amenity, would the City concur that it is now back at the planning stage, and that the planning department should be involved in any plans from here on in?*

I am sure the City would agree an Installation of a basketball court for a second time, in the same location, as per the Mayor's proposed Notice of Motion and theoretical mitigation measures with unknown outcomes, were to breach EPA Noise regulations once again, especially after being provided with an independent acoustic report showing its previous level of significant non-compliance, reinstallation at this location would surely be seen as negligent.

- A3 The statement that the *Environment Protection (Noise) Regulations 1997* will be breached once again is incorrect. The City is confident that the noise regulations will not be breached within the previously stated permitted playing times as the results of the test indicated there was a good chance of compliance in basketball bounce noise if Astroturf was installed at the Braden Park basketball pad from the nearest houses with both the LA10 and LA1 Levels up to 10.00pm.

The nature of the development is exempt from requiring a planning approval as it is public work being undertaken by a public authority. As such, this is not a role for the City's planning department in the delivery of these works.

- Q4 *In relation to the City's response to my question from the 15 February 2022, Ordinary meeting minutes and published again by the City in the 15 March 2022 Ordinary Meeting agenda on page 74:*

"There are over 48 basketball courts located throughout the City with at least seven basketball pads closer to residential homes than the Braden Park basketball pad. Although, the City has received minimal complaints over noise issues from these other locations, based on these initial results, the City will commence with the installation of the Astroturf or a similar product on the basketball pad located at Bengello Park, which is the closest to residential homes being 26m away. Other locations will be assessed on a case-by-case basis."

Can the City confirm that it has not followed due processes and has shown poor form to have no concerns when complaints have been made, considering the risks associated with breaching compliance with EPA Noise regulations when installing new noise emitting facilities, and without first checking against its own planning policies and current legislation, and therefore has allowed poor planning decisions of past administrations to be repeated, where facilities were either incompetently located too close to residential homes in the first place, or against different (old) legislation of the day?

- A4 The City follows the appropriate requirements when installing public infrastructure and manages any complaint received on a case-by-case basis depending on the nature of the complaint. It should be noted that the basketball pad at Bengello Park was installed by the developer and not the City.

- Q5 *At the 15 February 2022 Ordinary Council Meeting the Mayor made comments to the motion saying 'all of the professional advice that we have from the department and the office is that it complies'. It is this statement that I am referring to.*

Could the City please provide the details of the statement made at the Ordinary Council Meeting held on 15 February 2022, being "all of the professional advice that we have from the department and the office is that it complies"?

- A5 As indicated in the history provided in the Officer's comments to the Notice of Motion and elaborated on in the City's report to Council (CJ026-02/22 refers), the City sought guidance from the regulator, being the Department and Water and Environmental Regulation in compiling the noise assessment report. A copy of the City's sound level assessment report was subsequently provided to DWER by a third party, following its release under freedom of information. The City held a telephone conversation with DWER who confirmed that they supported the City's approach.

S Cunnah, Marmion

Re: Maintenance of Amenities in Rezoned Area of McKirdy Way, Marmion.

- Q1 *Is the council aware the northern side of McKirdy Way has been rezoned R20/25, allowing for subdivision and increasing the density of the population in the area and therefore shouldn't amenities in the area be at least maintained?*

- A1 The properties on the northern side of McKirdy Way, Marmion, have a residential density code of R20/25. The majority of those properties back onto the adjoining laneway. Those properties were identified in the City of Joondalup *Local Housing Strategy* as being suitable for a higher residential density code and are part of Housing Opportunity Area 3. An amendment to the City's planning scheme to implement the higher density codings identified in the *Local Housing Strategy* was approved by the Minister for Planning in February 2016, and the properties have been able to develop at that density code since then.

Council may consider a number of factors in assessing projects, such as, but limited to, the walkable catchment and asset conditions, as part of the budget development process. The City is unable to comment on behalf of Council, or individual Elected Members, the matters they have chosen to take into consideration as part of their decision-making.

C Butler, Marmion

Re: Proposed Removal of the Playground at McKirdy Park.

- Q1 *With respect to the proposed removal of the playground from the McKirdy Way Park and "rationalisation" of funds to Finney Park, has the Council considered that there are only five residential homes which face Finney Park, compared to approximately 27 which face McKirdy Park? Therefore, there is a considerably higher number of residents closely located to McKirdy Park who utilise the playground facilities.*

- A1 Council may consider a number of factors in assessing projects, such as, but limited to, the walkable catchment and asset conditions, as part of the budget development process. The City is unable to comment on behalf of Council, or individual Elected Members, the matters they have chosen to take into consideration as part of their decision-making.

The following summarised questions were submitted verbally at the Council meeting:**L Crawford, Duncraig:**

Re: Covid-19 Mandates.

Q1 As our representatives at a local government level, will you join us, the people, in pressing our state parliament to present us with their evidence that justifies their pandemic responses and the continual renewal of the state of emergency, which has led to medical tyranny and financial devastation for many people?

A1 Mayor Jacob advised that Elected Members have an opportunity to vote on the motions presented to the Special Electors' Meeting at the Council meeting to be held on 19 April 2022.

Q2 In relation to the World Council for Health open letter that has been emailed to Elected Members, will you agree to investigate this organisation and their open letter, with a view to joining them to stand for people's rights?

A2 Mayor Jacob advised that Elected Members have an opportunity to make a decision on the motions presented to the Special Electors Meeting at the Council meeting to be held on 19 April 2022.

S Apps, Woodvale:

Re: Notices of Motions - Braden Park Basketball Pad.

Q1 In relation to the two Notice of Motions on the Council Agenda tonight relating to the Braden Park Basketball Pad, have the Notice of Motions followed City protocol?

A1 The Chief Executive Officer advised that the Notices of Motions have followed protocol.

Q2 What order were these Notice of Motions considered and what determines which one is listed first on the agenda?

A2 The Chief Executive Officer advised the order in the Council Agenda reflects the order in which the Notice of Motions were received by the City.

C Basto, Edgewater:

Re: CJ041-03/22 - Petition in Relation to a Native Contemplation Garden at Lakeview Park, Edgewater.

Q1 What size of tree has the report considered at the price of \$440 each?

A1 The Director Infrastructure Services advised the estimate is based on 35 litre trees, with the cost of \$440 including soil preparation, supply and planting of the trees.

The Director Infrastructure Services added that the City will confirm the details in writing to the resident to ensure the information stated is correct.

N Jamieson, Kingsley:

Re: COVID-19 Mandates.

Q1 Does the City of Joondalup support medical discrimination?

A1 The Chief Executive Officer advised that the City of Joondalup does not support medical discrimination.

S Seeber, Marmion:

Re: Notices of Motions - Braden Park Basketball Pad.

Q1 How can the City state that the noise from the basketball backboard has not been identified as significant?

A1 The Director Infrastructure Services stated that the City, through noise assessments, has found that the bouncing of balls is the most significant issue at Braden Park, adding that the City has changed the backboard to a new design which is not as noisy as the previous basketball backboard.

PUBLIC STATEMENT TIME

The following summarised statements were submitted verbally at the Council meeting:

M O'Byrne, Kinross:

Re: Notices of Motions - Braden Park Basketball Pad.

Ms O'Byrne spoke with regards to the consultation undertaken for the Braden Park basketball pad. Ms O'Byrne questioned why the City of Joondalup went away from normal consultation practices by including residents' responses that are not affected by the problem being encountered with the basketball pad and asked why extra weight was not given to those residents that live closest to the basketball pad and affected by the noise.

Ms O'Byrne stated that the City needs to clearly define the terms that underpin its public consultation practices so that they cannot be misinterpreted to suit the situation and required outcome.

S Seeber, Marmion:

Re: Notices of Motions - Braden Park Basketball Pad.

Mr Seeber spoke in relation to a City of South Perth independent noise assessment that was undertaken prior to the installation of a basketball court within its district. Mr Seeber stated the City of South Perth used Reverberate Consulting as part of their due diligence to ensure compliance within the Environment Protection Authority (Noise) Regulations. Mr Seeber added that in the City of South Perth case, based on the noise assessment undertaken, the basketball court was not installed.

Mr Seeber stated that residents of Braden Way commissioned and supplied the City with a similar report from the company Herring Storer Acoustics, which used the same methodology as the City of South Perth consultants to construct their report. Mr Seeber advised that even with the installation of the noise attenuation surface, the basketball pad at Braden Park will still be non-compliant.

Mr Seeber questioned why every time residents supply information to the City which is not in line with the City's narrative, it is instantly dismissed and discredited most often by those not necessarily qualified to comment.

J Tostevin, Edgewater:

Re: CJ041-03/22 - Petition in Relation to a Native Contemplation Garden at Lakeview Park, Edgewater.

Mr Tostevin stated that the Edgewater community is excited about the proposed Contemplation Garden at Lakeview Park, adding that residents expect it to be a showpiece of what can be done with an underutilised parcel of land, the garden will beautify the area and improve amenity for residents.

Mr Tostevin stated that he had emailed Elected Members a suggested layout for the paths, benches and vegetation for the Native Contemplation Garden to provide a clear idea of the proposal that was presented to the residents who signed the petition for the garden.

Mr Tostevin advised that through extensive research he has prepared a comprehensive list of suitable vegetation that suits the soil composition in the area and plants that give a mixed palette of colour and form. It was added, the use of QR Codes is being explored, where users can access information such as local history, indigenous history, botanical and geological information.

Mr Tostevin expressed that he intends for the Native Contemplation Garden to be much more than a path from one street to another, with a few trees on the way, adding that it will be a pathway to mental health, to information, to contemplation, to peace and beauty.

C Daggitt, Woodvale:

Re: Safety of Trappers Drive, Woodvale intersection.

Mrs Daggitt thanked the City of Joondalup for acting so quickly on a petition submitted to Council from residents of Camarino Drive and surrounding streets who are impacted by the safety of the Trappers Drive, Woodvale intersection.

Mrs Daggitt hoped the proposed timelines provided by the City are adhered to and that the safety of pedestrians is made a priority.

Cr Logan left the Chamber at 7.18pm.

B Harris, Marmion:

Re: Notices of Motions - Braden Park Basketball Pad.

Mr Harris spoke in relation to the basketball pad at Braden Park stating that outdoor community recreation facilities are defined as community spaces designed to create and provide opportunities for people of all ages, genders and demographics to come together, be active, relax, develop friendships, where people are challenged and develop new skills

Mr Harris stated that through the consultation process, 77.2% of residents in the community stated that they want the Braden Park Basketball pad to remain as the facility would be well used by local children. It was added, people in the community who supported the facility are confused with Council's decision to remove the basketball ring and backboard after its installation.

Mr Harris urged Council to undertake a thorough investigation into the installation of noise attenuation surfaces at Braden Park towards a better solution for all concerned.

J Cousins, Marmion:

Re: Notices of Motions - Braden Park Basketball Pad.

Ms Cousins, a resident of Braden Way for 15 years, spoke in relation to the basketball pad at the park stating that when Braden Park was upgraded she was supportive of the project and believed the facility was a great addition to the park, and the basketball pad would be enjoyed by all ages in particular local teenagers.

Ms Cousins stated she was concerned that Elected Members have arrived at their decision to remove the basketball hoop and backboard based on a minority of community members' feedback which have outweighed the wellbeing and interests of the majority of residents.

Ms Cousins urged the Council to manage Braden Park for the benefit of the whole community and consider the children in the community as they absolutely love the recreation facility and want the basketball hoop and backboard to be re-instated.

Cr Logan entered the Chamber at 7.22pm.

C Magee, Marmion:

Re: Notices of Motions - Braden Park Basketball Pad.

Ms Magee, a resident of Braden Way for up to 28 years, spoke in relation to the basketball pad at Braden Park stating the thought that the City is going to move the basketball pad to Percy Doyle Reserve, where local children would be expected to walk 23 minutes to another park to play basketball, is ridiculous.

Ms Magee believes that there has been due process for the basketball court, it is clear that the upgrade project at Braden Park has created a great deal of discontent within the community and also amongst Council in relation to this project.

Ms Magee stated that the community wants calm solutions that suit everybody, those living in close proximity to the basketball pad as well as the people in the wider local community.

B Hewitt, Edgewater:

Re: CJ041-03/22 - Petition in relation to a Native Contemplation Garden at Lakeview Park, Edgewater.

Ms Hewitt, Secretary of the Edgewater Community Residents Association (ECRA), spoke in relation to the Native Contemplation Garden at Lakeview Park, Edgewater, advising that ECRA is excited by the concept for the contemplation garden to be located in Edgewater.

Ms Hewitt stated that this garden will reduce the City's need to mow the park and would be providing not only beauty but a valuable habitat for small invertebrates, lizards and skinks, and foraging opportunities for birds.

Ms Hewitt advised that the proposed Native Contemplation Garden will be a fine example of what can be achieved when like-minded individuals work together on a common goal.

Ms Hewitt on behalf of ECRA urged Elected Members to support the creation of the Native Contemplation Garden in Lakeview Park.

The Governance Officer left the Chamber at 7.25pm.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr John Logan 17 to 21 March 2022 inclusive.

C15-03/22 REQUESTS FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP, CR CHRISTOPHER MAY AND CR TOM MCLEAN, JP

Mayor Albert Jacob, JP requested Leave of Absence from Council duties covering the period 11 to 14 April 2022 inclusive.

Cr Christopher May requested Leave of Absence from Council duties covering the period 22 to 26 April 2022 inclusive.

Cr Tom McLean, JP requested Leave of Absence from Council duties covering the period 14 to 20 July 2022 inclusive.

MOVED Cr Hamilton-Prime, SECONDED Cr McLean that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:

- | | | |
|----------|--------------------|---------------------------------------|
| 1 | Mayor Jacob | 11 to 14 April 2022 inclusive; |
| 2 | Cr May | 22 to 26 April 2022 inclusive; |
| 3 | Cr McLean | 14 to 20 July 2022 inclusive. |

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

CONFIRMATION OF MINUTES

C16-03/22

MINUTES OF COUNCIL MEETING HELD ON 15 February 2022

MOVED Cr Hamilton-Prime, SECONDED Cr Jones that the Minutes of the Council Meeting held on 15 February 2022 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Joondalup Festival

Mayor Jacob stated that the 2022 Joondalup Festival commenced last weekend with a number of events held in a COVID-safe manner.

Mayor Jacob advised while it is disappointing that COVID-19 had again impacted on the Joondalup Festival, after the pandemic forced the cancellation of the event in 2020 and 2021, the City is committed to delivering as much of the program as we are able to within Level 2 public health and social measures.

Mayor Jacob encouraged residents and visitors to head to Hillarys Boat Harbour, support local businesses by grabbing a bite to eat and drink, and to see a show in The Gold Digger tent or visit the I Believe Swings and Lost Dogs' Disco.

Mayor Jacob advised that more information on the revised event program is available at joondalupfestival.com.au.

Mayor Jacob stated that the Joondalup Festival 2022 is made possible by sponsors Lotterywest, Hillarys Boat Harbour, Westfield Whitford City, Seven West Media and Nova937.

Community Art Exhibition

Mayor Jacob advised that one of the highlights of the year on the City's visual arts calendar, the Community Art Exhibition begins later this month and is an opportunity to celebrate the creative talents of our local active and vibrant visual arts community.

Mayor Jacob stated that the 2021 Community Art Exhibition features over 170 artworks, incorporating a wide range of traditional and contemporary media.

Mayor Jacob advised that the Community Art Exhibition is open to all residents and members of local affiliated visual arts associations, at all various stages of their practice.

Mayor Jacob encouraged residents and visitors to view the 2022 exhibition from Sunday 27 March through to Sunday 10 April at Lakeside Joondalup Shopping City.

National Water Sensitive Recognition

Mayor Jacob advised that the City is honoured to be recognised at a national level for its water-sensitive practices by the Cooperative Research Centre or CRC for Water Sensitive Cities.

Mayor Jacob recognised the vital importance of sustainable water management and the need to balance the provision of water services for the community with the protection of water resources in the context of a drying climate.

Mayor Jacob advised that the national benchmarking indicated strong results in areas including the equity of essential services, ecological health and adaptive infrastructure.

Mayor Jacob advised that the City thanks the CRC for Water Sensitive Cities for its leadership in urban water management and valuable research, as well as Water Corporation, which sponsored our benchmarking workshop and our endeavours to become a Water Sensitive City.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

PETITIONS

C17-03/22

PETITION IN RELATION TO PROVIDING FUNDING IN THE 2022-23 BUDGET FOR INSTALLATION OF A SHADE SAIL OVER THE MARRI PARK PLAYGROUND (NORTHERN END), DUNCRAIG.

A 40 signature petition has been received from residents of the City of Joondalup requesting the City provides funding in the 2022-23 budget for the installation of a shade sail over the Marri Park playground (northern end) in Duncraig as it is heavily utilised by children especially given the toilet facilities and nearby sports ovals, but with no trees or other shade over the playground at all in summer making the equipment unusable other than in the early morning or late afternoon as the equipment is scorching hot.

MOVED Cr Fishwick, SECONDED Cr Thompson that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 Petition in relation to providing funding in the 2022-23 budget for installation of a shade sail over the Marri Park playground (northern end), Duncraig.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Cr Jones.

REPORTS

CJ030-03/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2022

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – January 2022 Attachment 2 Monthly Subdivision Applications Processed – January 2022
AUTHORITY / DISCRETION	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 during January 2022.

EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during January 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2022 (Attachment 2 refers).

BACKGROUND

Clause 82 of schedule 2 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 15 June 2021 (CJ079-06/21 refers), Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during January 2022 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	8	8
Strata subdivision applications	13	15
TOTAL	21	23

Of the subdivision referrals, 11 were to subdivide in housing opportunity areas, with the potential for 13 additional lots.

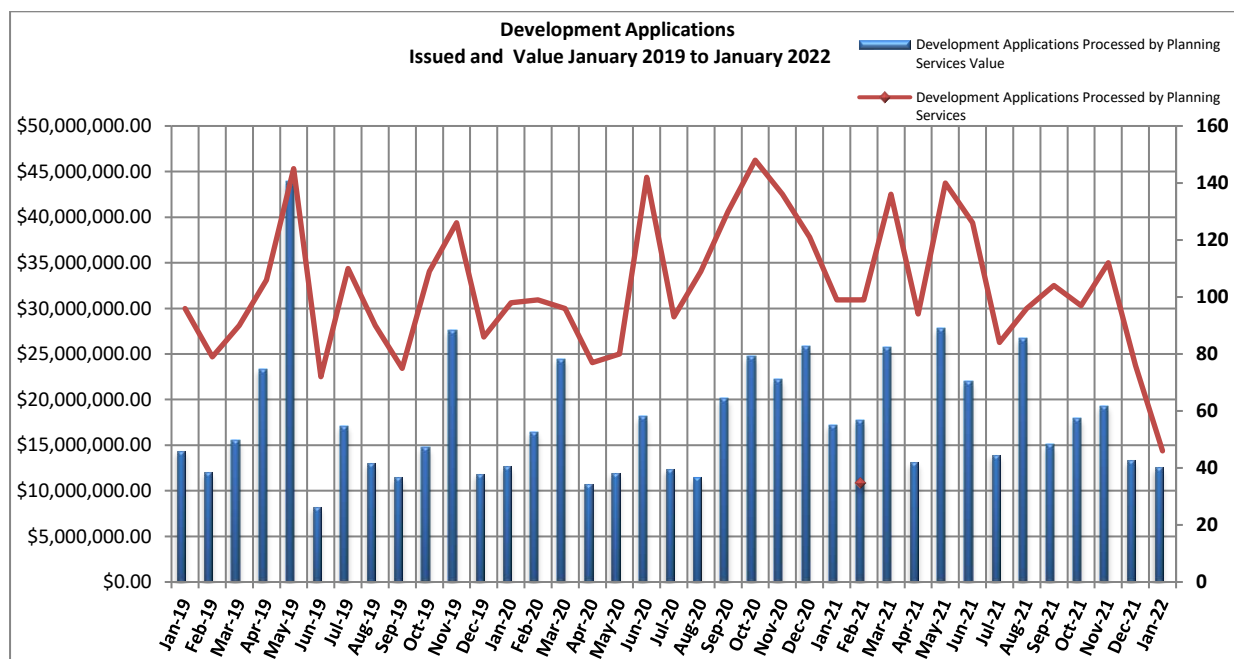
Development applications

The number of development applications determined under delegated authority during January 2022 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	46	\$12,548,826

Of the 46 development applications, 12 were for new dwelling developments in housing opportunity areas, proposing a total of 14 additional dwellings.

The total number and value of development applications determined between January 2019 and January 2022 is illustrated in the graph below:



The number of development applications received during January 2022 was 64.

The number of development applications current at the end of January was 214. Of these, 36 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 154 building permits were issued during the month of January with an estimated construction value of \$17,973,702.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes)
Regulations 2015.*

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 may apply to the particular development.

Clause 82 of schedule 2 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Clause 82 of schedule 2 of the Regulations.

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 46 development applications were determined for the month of January with a total amount of \$41,305.88 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 LPS3 and the Regulations.

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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ030-03/22 during January 2022;**
- 2 subdivision applications described in Attachment 2 to Report CJ030-03/22 during January 2022.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ043-03/22, page 77 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf220308.pdf](#)

CJ031-03/22 PROPOSED REVOCATION OF CRAIGIE HIGH SCHOOL SITE STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3

WARD	Central
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	100894, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 <i>Craigie High School Site Local Structure Plan Map</i> Attachment 3 <i>Craigie High School Site Local Structure Plan</i> Attachment 4 Scheme Amendment Map Attachment 5 Comparison of Development Provisions (Please Note: <i>Attachment 3 is only available electronically</i>).
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider progressing the revocation of the *Craigie High School Site Local Structure Plan*. The proposed revocation will be progressed by way of an amendment to *Local Planning Scheme No. 3*.

EXECUTIVE SUMMARY

As part of the approval of the City's current planning scheme, *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required. The City has been progressing this review since LPS3 came into effect in October 2018.

The *Craigie High School Site Local Structure Plan* (the structure plan) was adopted by Council at its meeting held on 19 April 2011 (CJ062-04/11 refers) and by the Western Australian Planning Commission (WAPC) on 18 November 2011. Minor modifications to the structure plan were adopted by Council at its meeting of 20 May 2014 (CJ064-05/14 refers) and by the WAPC on 8 August 2014.

The structure plan was developed to facilitate the subdivision, zoning, allocation of density and built form standards of the former Craigie High School site. The structure plan specifies that land use permissibility is in accordance with the corresponding zone or reserve under the (now former) *District Planning Scheme No. 2* (DPS2).

The estate, known as 'The Vive', has two remaining vacant lots, one of which has recently obtained a building permit to construct a single dwelling. The other vacant lot is a 4,477m² site which received planning approved in 2014 for 12 'Aged or Dependent Persons' dwellings' however that approval has lapsed. There are no other current or valid planning approvals for the site.

The structure plan area is zoned 'Urban Development' under LPS3. Given the substantial build out of the estate, the majority of the structure plan development provisions are no longer considered necessary to guide development of the area. Notwithstanding, for the properties fronting Camberwarra Drive, a provision was included in the structure plan requiring an eight-metre building setback to accommodate existing mature trees located within the front setback area of these properties. It is considered appropriate that this provision be incorporated into LPS3 to maintain the building setback in perpetuity.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the structure plan (Attachment 4 refers) will automatically revoke the structure plan where a statement to that effect is included as part of the scheme amendment proposal. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

Although the formal planning process to revoke the structure plan does not require public consultation, it was considered appropriate to seek feedback on the proposal from the landowners within the structure plan area, prior to preparing a basic amendment to LPS3 to rezone the land within the *Craigie High School Site Local Structure Plan* area.

Council considered the intention to revoke the *Craigie High School Local Structure Plan* at its meeting held on 14 December 2021 (CJ172-12/21 refers) and resolved to advertise the proposal for a period of 14 days. The advertising period closed on 24 January 2022 with one submission received, being a comment indicating a preference that the remaining vacant site be developed for aged and dependent persons.

It is recommended that Council prepares an amendment to LPS3 to rezone the land within the *Craigie High School Site Local Structure Plan* area, which, if approved by the Minister for Planning, will facilitate the revocation of the structure plan.

BACKGROUND

Suburb/Location	Craigie, including Camberwarra Drive, Vive Avenue, Vitality Way, Revitalise Circuit, Zest Lane, Elevate Way, and Flourish Way.
Owner	Various.
Zoning	LPS Urban Development. MRS Urban.
Site area	10.138 hectares.
Structure plan	<i>Craigie High School Site Local Structure Plan</i> .

Local Structure Plan review project

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan. This would determine if a structure plan covers an area:

- where development is still occurring, in which case the structure plan is still relevant and needs to be retained

- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

It is important that the above assessments be undertaken as all structure plans that were in place prior to the introduction of the LPS Regulations in October 2015 will be automatically revoked in October 2025 unless their period of approval is formally extended.

The City has been progressing this review since LPS3 came into effect with a number of structure plans revoked or in the process of being revoked.

The *Craigie High School Site Local Structure Plan* is the next structure plan that is being reviewed by the City.

Craigie High School Site Local Structure Plan

The *Craigie High School Site Local Structure Plan* applies to the land bounded by Cawarra Park to the north, Camberwarra Drive to the west, a portion of Arawa Place and Revitalise Circuit to the south, and Otago Park and Revitalise Circuit to the east (Attachment 1 and 2 refers).

The structure plan area was originally the site of the Craigie High School. The school was identified as surplus to Department of Education requirements and the facility ceased operations in 2003. The site was rezoned in 2010 to 'Urban Development' under DPS2 to facilitate residential development. Following the rezoning, the Department of Education entered into an agreement with (then) Landcorp to develop the site.

The structure plan (Attachment 3 refers) was initially adopted by Council at its meeting held on 19 April 2011 (CJ062-04/11 refers) and by the WAPC on 18 November 2011. Following subdivision approval of the area, amendments were sought to the structure plan to modify residential density code boundaries, minor boundary realignments, recoding of a portion of the site and text changes to the explanatory report of the document. The modifications were adopted by Council at its meeting held on 20 May 2014 (CJ064-05/14 refers) and by the WAPC on 8 August 2014.

Following approval of the initial structure plan, the land was acquired by (then) Landcorp who developed a 132 residential lot subdivision with residential densities of R20, R25, R30 and R40, and two areas of public open space. The subject area has been fully developed except for two lots, being an R25 lot which was recently granted a building permit for a new dwelling and a 4,477m² R40 coded site. Council at its meeting held on 25 June 2013 (CJ091-06/13 refers) approved an application for 12 'Aged or Dependent Persons' Dwellings' on the vacant R40 site, being Lot 29 (81) Revitalise Circuit, however the development did not proceed.

Council considered the intention to revoke the Craigie High School Site Local Structure Plan at its meeting held on 14 December 2021 (CJ172-12/21 refers), and resolved the following:

"That Council ADVERTISES the proposal to revoke the Craigie High School Site Local Structure Plan to the landowners within the structure plan area, for a period of 14 days."

DETAILS

It is proposed that the structure plan be revoked as the estate has been developed or has the relevant approvals for new dwellings to be constructed, with the exception of Lot 29 (81) Revitalise Circuit. Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings and/or provisions indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect.

It is proposed to rezone the land within the *Craigie High School Site Local Structure Plan* from 'Urban Development' to 'Residential' and apply residential densities codes of 'R20', 'R25', 'R30' and 'R60', and to the 'Public Open Space' and 'Local Road' reserves (Attachment 4 refers) as well as incorporate an eight metre building setback to continue the tree retention zone for those properties abutting Camberwarra Drive. This scheme amendment is classified as 'basic' under the LPS Regulations as the amendment to scheme includes the zones outlined in the structure plan. There is no requirement in the LPS Regulations to advertise a basic amendment.

Issues and options considered

Current need for the *Craigie High School Site Local Structure Plan*

The structure plan consists of one zone being 'Residential' and one reserve being 'Parks, Recreation and Drainage'. The 'Residential' zone is divided between four densities - R20, R25, R30 and R40 (Attachments 2 and 3 refer).

While the structure plan contains many provisions (Attachment 5 refers), all dwellings within the estate have now been constructed, with the exception of Lot 29 (81) Revitalise Circuit. Therefore, the setbacks, boundary walls, building height, retaining walls, open space and the like have already been established. If a property is proposed to be extended or demolished and a new dwelling constructed, it is considered appropriate that the new development be assessed against the R-Codes and the City's *Residential Development Local Planning Policy* which includes both the deemed-to-comply and the design principle standards, allowing development to be assessed on its merits and in the context of the surrounding area.

While it is not considered necessary to retain all the development provisions from the structure plan, the retention of the provision requiring building setbacks to accommodate the existing trees on the properties abutting Camberwarra Drive, can be considered as outlined below.

Tree retention

An arborist assessment was undertaken during the preparation of the structure plan. The report identified that a number of large trees along Camberwarra Drive were in good condition and worthy of retention. The report recommended a protection zone per tree, with a maximum zone of eight metres listed for one of these trees. Subsequently, to accommodate these trees and also ensure a consistent street setback, an eight metre dwelling setback was included in the structure plan for those properties abutting Camberwarra Drive.

It is considered appropriate that the current larger dwelling setback be retained to accommodate the existing trees. This can be achieved by inserting a provision within clause 33, table 8 of LPS3 which maintains a minimum building setback of eight metres to those lots abutting Camberwarra Drive, being as follows:

- Lot (1) 2 Vive Avenue, Craigie.
- Lot 2 (299) Camberwarra Drive, Craigie.
- Lot 3 (271) Camberwarra Drive, Craigie.
- Lot 4 (273) Camberwarra Drive, Craigie.
- Lot 5 (275) Camberwarra Drive, Craigie.

Lot 29 (81) Revitalise Circuit

In considering the revocation of the development provisions as outlined in Attachment 5 to Report CJ031-03/22, regard is given to the implications this may have on the development of the remaining vacant R40 site at Lot 29 (81) Revitalise Circuit. It is noted that that this lot does not adjoin a laneway or public open space, and therefore a number of the provisions within the structure plan would not apply to the lot.

In the event that the structure plan is revoked, any proposed grouped dwelling development on the vacant site would be subject to the provisions of the R-Codes Volume 1. The provisions of the R-codes in terms of maximum building height and side setbacks are more stringent than currently permitted under the structure plan. While the front building setback provision is slightly less onerous under the R-Codes, given that adjacent lots have side boundaries facing or adjoining the vacant lot, there is no established 'front' streetscape in the area, and therefore any impact on adjacent residential properties would be minimal.

Since the approval of the structure plan, the R-Codes Volume 2 (Apartments) have been introduced and therefore any potential multiple dwelling development would be subject to a more comprehensive suite of provisions than those currently captured under the structure plan.

It is noted that the R-Codes Volume 2 (Apartments) would limit total building height to two storeys (nine metres) whereas the current structure plan would permit a total height of 13 metres (three storeys).

Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. It is proposed to rezone this land to 'Residential R20', 'Residential R25', Residential R30', 'Residential R40, and the 'Public Open Space' and 'Local Road' reserves in accordance with the structure plan map (Attachments 2 and 4 refer). As previously noted, the rezoning of the land will require the WAPC to revoke the structure plan where a statement to that effect is included within the scheme amendment proposal.

Land use permissibility

The structure plan states that land use permissibility is to be in accordance with the corresponding zone or reserve under the scheme. If the scheme amendment is supported and the structure plan revoked, land use permissibility will be in accordance with that of LPS3.

Consultation

One submission was received during the advertising period which was a comment specifically in relation to Lot 29 (81) Revitalise Circuit. The submission suggests that the development of this lot would be best suited to aged persons' accommodation, which in turn may reduce the potential of congested living arrangements, high rise buildings and two storey dwellings which could impact on privacy and noise.

While the comment is noted, the current structure plan does not require the development of aged persons dwellings on the site. In addition, as outlined above, the provisions for development on the site under the R-Codes would be more stringent, including a reduction in the permissible building from three storeys to two storeys.

Options

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

- prepare the amendment to the local planning scheme without modification
- prepare the amendment to the local planning scheme with modifications
or
- not prepare the amendment to the local planning scheme.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development (Local Planning Schemes) Regulations 2015.*
Local Planning Scheme No. 3.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

Policy Not applicable.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. This includes structure plans that were approved before the LPS Regulations came into effect, which are taken to have been approved on commencement day of the LPS Regulations and are therefore valid until 19 October 2025. The WAPC may extend the period of approval of a structure plan or revoke a structure plan in certain circumstances.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal that when the amendment takes effect the approval of the structure plan is to be revoked. A basic amendment is not required to be advertised for public comment.

Should Council resolve to prepare the proposed amendment, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. Should the EPA decide that an environmental review is not required, the City will notify the WAPC of the EPA's decision.

Separately, Council's decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment, or require the amendment to be advertised for public comment. If the Minister approves the scheme amendment, the *Craigie High School Site Local Structure Plan* will be revoked by the WAPC.

Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Risk management considerations

Not applicable.

Financial / budget implications

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the Government Gazette should the amendment be approved by the Minister for Planning. The cost of publishing the amendment in the Government Gazette is approximately \$160.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it was considered appropriate to advise the landowners within the structure plan area of the proposal to revoke the structure plan and obtain any feedback prior to Council making a final decision.

The proposal was advertised for a period of 14 days by way of 143 letters to landowners within the structure plan area, closing on 24 January 2022. One submission was received being a comment in relation to Lot 29 (81) Revitalise Circuit with a suggestion that this be developed for aged persons.

COMMENT

The area encompassed by the *Craigie High School Site Local Structure Plan* is nearing completion with all dwellings in the estate developed or having approval to develop, with the exception of Lot 29 (81) Revitalise Circuit. The provisions of the R-Codes and the City's *Residential Development Local Planning Policy* are considered sufficient to ensure that any further development or redevelopment has an appropriate built form outcome, including the remaining vacant lot.

The proposed scheme amendment to rezone the land within the *Craigie High School Site Local Structure Plan* from 'Urban Development' to 'Residential R20', Residential R25', Residential R30, and 'Residential R40', 'Public Open Space' and 'Local Road', as well as incorporate an 8.0 metre building setback to continue the tree retention zone for those properties abutting Camberwarra Drive, is considered appropriate. In the event that the Minister for Planning approves the scheme amendment, the *Craigie High School Site Local Structure Plan* will be revoked by the WAPC.

No issues were identified through advertising of the proposal, and it is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Craigie High School Site Local Structure Plan* area in accordance with the zones and reserves outlined in the structure plan and incorporate an eight metre building setback for those properties abutting Camberwarra Drive.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Logan that Council:

1 in accordance with section 75 of the *Planning and Development Act 2005*, resolves to PREPARE an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:

- 1.1 rezone the land within the *Craigie High School Site Local Structure Plan* from 'Urban Development' to the 'Residential' zone and the 'Public Open Space' and 'Local Road' reserves;
- 1.2 apply the 'R20', 'R25', 'R30' and 'R40' residential density codes;
- 1.3 insert requirement No. 4 in Table 8 'Site specific development standards and requirements':

Table 8 Site specific development standards and requirements:

No.	Description of land	Requirement
4.	Lot 1 (2) Vive Avenue, Craigie Lot 2 (299) Camberwarra Drive, Craigie Lot 3 (271) Camberwarra Drive, Craigie Lot 4 (273) Camberwarra Drive, Craigie	4.1 A minimum dwelling front setback of 8 metres applies to the land.

as shown in Attachment 4 to Report CJ031-03/22;

- 2 in accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINES that the scheme amendment is a basic amendment as the amendment to the scheme map is consistent with the approved *Craigie High School Site Local Structure Plan*;
- 3 pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:

"Approval of the City's Craigie High School Site Local Structure Plan is to be revoked when this amendment is approved and takes effect."
- 4 AUTHORISES the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf220308.pdf](#)

CJ032-03/22 DRAFT PLACE ACTIVATION STRATEGY AND JOONDALUP CITY CENTRE ACTIVATION PLAN

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	108355, 101515
ATTACHMENTS	Attachment 1 Draft Place Activation Strategy Attachment 2 Draft Joondalup City Centre Activation Plan
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 consider a draft Place Activation Strategy and draft Joondalup City Centre Place Activation Plan for the purposes of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 18 August 2020 meeting (CJ104-08/20 refers), Council endorsed a two-tiered approach to place activation comprising an overarching Place Activation Strategy and place plans for specific places.

The draft Place Activation Strategy has been developed in-house, through the efforts of a Place Activation Taskforce. The draft Joondalup City Centre Place Activation Plan, a pilot project, has been prepared by consultants through a collaborative consultation process with community and business.

The implementation of recommendations arising from the strategy and pilot place activation plan will have resource implications, which will be included within relevant budget processes.

BACKGROUND

In December 2017 (C96-12/17 refers), a Notice of Motion was presented to and subsequently resolved by Council that requested the Chief Executive Officer to prepare a report to examine initiatives which can stimulate opportunities and employment in hospitality and tourism ventures in the City of Joondalup. The report responding to this Notice of Motion was presented to Council on 16 October 2018 (CJ170-10/18 refers). This report noted and Council resolved that progression of a Place Activation Plan for the City would provide a clear set of priority projects and aim to attract business and visitors to Joondalup particularly in the tourism and hospitality sectors.

At its meeting held on 18 August 2020 meeting (CJ104-08/20 refers), Council endorsed a two-tiered approach to place activation comprising an overarching Place Activation Strategy and place plans for specific places.

A Place Activation Strategy would address the “how” of placemaking: providing a framework for the City to deliver and support place activation in a consistent way across the City of Joondalup. Place plans would address the “what”: developing a suite of place-specific activation initiatives for a specific place or precinct.

At its meeting held on 16 February 2021 (C08-02/21 refers), a Notice of Motion was presented to and subsequently resolved by Council that requested the Chief Executive Officer to investigate, as part of the development of the City’s Place Activation Strategy, a mechanism whereby local communities can add colour and vibrancy to their neighbourhoods, and enhance community involvement and social connection, through activities such as yarn bombing. These activities are examples of community-led placemaking, recognising the benefits that placemaking provides to social connection in addition to local economic benefits. The structure and intent of the draft Place Activation Strategy responds directly to this Notice of Motion and will serve as the guiding framework that local communities can refer to when looking to undertake placemaking activities.

DETAILS

The draft Place Activation Strategy and draft Joondalup City Centre Place Activation Plan are attachments to Report CJ032-03/22.

Place Activation Strategy

The draft strategy has been developed to provide a consistent framework for supporting placemaking across the City.

The draft strategy includes the following key sections:

- Benefits of activation: providing the rationale for the strategy, articulating why the City values and is planning for placemaking and activation.
- Strategic aspirations: recognising that each place will have its own place vision, but establishing an enduring aspiration from a whole of local government perspective to acknowledge the role and function of place in the community.
- Aspirational outcomes: articulating the two key outcomes that can be achieved through placemaking.
- Placemaking principles: providing the critical enabling strategies to facilitate placemaking.
- A collective responsibility for and commitment to place activation: empowering the community, including business, to share that responsibility.
- Key focus areas, each with objectives and actions: establishing a considered, aligned approach to the delivery and support of placemaking projects and investment.
- Place activation planning framework: providing a consistent approach for when the City will catalyse activation of local places through place activation plans.
- Evaluation success: providing a framework for the review of strategic actions, social and economic trends and interventions relating to place activation.

The collective commitment element of the draft strategy articulates the role of the community (including residents, local businesses, landowners, and other users of local places) and the role of the City in placemaking. These roles are as follows:

- The role of the community: **Make It. Own It. It's your place.**
- The role of the City of Joondalup: **Enable.**

There are three components of the City's enabling role; these reflect the City's responsibility in regulatory processes, infrastructure provision, and community and economic development and are the following key focus areas of the strategy:

- **Empower** community placemakers
- **Provide the right canvas** for local placemaking
- **Catalyse** activation of places and neighbourhoods in response to social and economic need.

The draft strategy was reviewed as the pilot Joondalup City Centre Place Activation Plan was developed and refined in response to outcomes of the community consultation process for that project. At the same time, the strategic elements and principles developed for the strategy have informed the activation plan pilot project, particularly more clearly articulating the City's role in placemaking.

Draft Joondalup City Centre Place Activation Plan

Shape Urban were engaged to facilitate a collaborative consultation process to develop the draft Joondalup City Centre Place Activation Plan; a pilot for projects of this type.

The process included the following two-stage consultation approach:

- Open engagement which encouraged community and business members to share their ideas for activating the core of the City Centre, through:
 - Survey
 - Social pinpoint: online ideas mapping tool
 - Drop-in ideas hub: pop up consultation stand set up at multiple times and locations across the City Centre for in person engagement.
- Deliberative workshops, within which community, business, and City representatives worked together to develop a vision and evaluate ideas collected from the open engagement through a multi-criteria assessment.

Deliberative workshops identified and developed the following vision statement for the draft plan:

“Joondalup City Centre will be the heart and soul of the north, loved and enjoyed by its community and visitors”

The top 15 ideas from the evaluation are expanded and spatially mapped within the resulting draft activation plan, providing a framework for City and community-led delivery of placemaking initiatives. These ideas are:

- redesign Grand Boulevard to make it less of a barrier to pedestrians
- art in the streets
- piazza and courtyard spaces as focal points
- transform a large carpark into a piazza (Boas Avenue)

- pedestrian friendly streets
- alfresco dining
- youth playscapes (facilities for teenagers)
- markets
- better connectivity to train and bus stations
- attract more land use diversity into the CBD
- amphitheatre space for performances in Central Park
- cafes in Central Park and Neil Hawkins Park
- playspaces and playgrounds for small children
- pedestrian mall along Boas Avenue
- art venues and Aboriginal culture.

Many of the ideas linked back to good wayfinding and the idea of a wayfinding strategy for improved discovery of services, locations, and experiences across the City Centre.

The draft activation plan does not envisage that all ideas and projects are delivered by the City; many solutions would be community and business-led.

Many of the ideas presented in the draft activation plan are aligned with existing projects being explored by business units across the City, and solutions listed in the draft activation plan recognise this alignment. The consultation process to develop the draft activation plan has provided a community-based, place-based justification for many existing projects. For some projects, the draft activation plan identifies opportunity to review existing initiatives to better respond to activation opportunities and align with community expectations. The draft activation plan also identifies new opportunities and projects for the City to consider through further community consultation and business cases.

The preparation of business case(s) may be necessary to properly evaluate new initiatives arising from the draft activation plan and undertake necessary financial modelling where those initiatives would require provision of new or upgraded infrastructure. This approach aligns with the project methodology outlined in the City's Project Management Framework (PMF), which is a guide to managing projects across the City. The PMF provides a standard approach for managing projects across the organisation, ensuring a consistent process for project proposals, planning, implementation, monitoring and closure.

Resourcing and scheduling of initiatives and actions will be factored into the City's annual budgeting and business planning processes.

Issues and options considered

Council has the option to either:

- advertise the draft *Place Activation Strategy* and *Joondalup City Centre Place Activation Plan*
- adopt the draft *Place Activation Strategy* and *Joondalup City Centre Place Activation Plan* without advertising
or
- not support the draft *Place Activation Strategy* and *Joondalup City Centre Place Activation Plan*.

While the draft activation plan was developed through considerable community consultation, participation in the workshops that provided the most input to the plan's development was low, and the broader community and many local businesses have not had opportunity to comment on the priority activation ideas that came from this process. Additionally, advertising the draft strategy would provide opportunity for community members to provide feedback on the key strategic approach the City is recommending to support placemaking across the City.

Therefore, it is recommended that advertising of the documents should be undertaken to test them with the broader community, including members of the community that have not yet engaged.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Activity Centre development.

Key theme Community Wellbeing.

Objective Cultural development.
Community spirit.
Community safety.

Policy Not applicable.

Risk management considerations

Place activation will require the City to "get out of the way" and empower the community to directly deliver projects in their public spaces. This may include events, public art, landscaping, etc. Part of the placemaking journey will be subject to experimentation and failure. Alongside this, there may be projects seeking to utilise City assets for community initiatives (for example buildings, open spaces or road verges).

Objectives and actions of the draft strategy recognise the need to remove bureaucratic barriers for local placemakers, however also acknowledges the role of necessary regulatory processes to manage risk and public liability. Objectives and actions of the draft strategy appropriately identify a role to assist community placemakers navigate the necessary approval and risk management aspects of place projects in public places.

Financial / budget implications

Implementation of the draft activation plan will have financial implications. Individual projects recommended by the draft activation plan will be evaluated through businesses cases in accordance with the City's Project Management Framework prior to including projects on the City's capital works program. Other projects will be included in the annual budgeting process, with the activation plan providing context for Council's consideration of the required budget.

Implementation of the draft strategy, with focus on facilitating community-led placemaking, is anticipated to be delivered through the City's existing community and economic development mentoring and capacity building programs, therefore aligned with current resourcing. As the strategy is implemented, any need for additional coordination resources will be reviewed and considered as part of future budget processes.

Regional significance

The draft Joondalup City Centre Place Activation Plan reflects the regional role of the City Centre. Implementation of the activation plan will facilitate greater activation of the City Centre in accordance with its important role in the region.

Sustainability implications

Progressing a place approach in the City will support social and economic sustainability elements.

Social

Increasing focus and support for community driven placemaking across the City will foster greater connection between community and place. By enabling and fostering community involvement in public spaces through placemaking, the City will be supporting greater levels of social cohesion and collaboration.

Economic

A trend noted across Australia, and in many areas of the Perth metropolitan region, is that town centres and main streets have been in decline. There is strong desire for increased foot traffic across the city centre to support retail, hospitality and tourism businesses in the area. Anecdotally, much of this commentary relates to the aesthetic of the streetscape, however the issues affecting local business and the activation of the city centre are complex and many.

At the strategic level, promoting the Joondalup City Centre as a Destination City and working toward Primary Centre status are key objectives of the City current Strategic Community Plan (Joondalup 2022). Alongside major initiatives relating to the regional and significant identity of the city centre, localised place activation provides the authentic, community-scale experiences that support a unique, iconic identity. The place activation strategy will provide an effective framework for place activation across the City to contribute to the City's economic development goals.

The City has been investing considerable resources into events and projects to activate the Joondalup City Centre. The place activation plan for the Joondalup City Centre will align the City's investment into the City Centre with identified activation priorities and enable community-led placemaking efforts to complement the City's programs, supporting positive economic outcomes for the locality.

Consultation

The Engagement Summary Report, provided as an appendix to the draft Joondalup City Centre Place Activation Plan in Attachment 2 to Report CJ032-03/22, includes a description and all outcomes of the community consultation activities undertaken to develop the draft Joondalup City Centre Place Activation Plan.

Engagement sought to raise awareness of the project, identify how people use the city centre and the ideas they have for its activation, and to identify community values and ensure concerns and aspirations for the city centre were understood. The engagement also sought to determine benefits of ideas received, have workshop participants develop criteria to use in the multi-criteria assessment, and undertake an assessment of the most requested ideas to prioritise and start considering the baseline planning of the top 15 rated activation projects for the draft activation plan.

For the online engagement, stakeholders could visit an online project page with a mapping tool, community and business perception surveys and a workshop registration survey. They could drop pins and provide any other feedback on how they use the city centre or on locational ideas for activation on the map. The surveys and mapping tool were open from 29 March 2021 to 4 June 2021.

The project team received 116 comments and 89 survey responses on Social Pinpoint, and 97 'pins' were dropped on the project area map.

136 people provided approximately 638 comments across six drop-in pop-up idea hubs.

The City also received 10 Facebook comments and two emails with activation ideas.

Stakeholders were further engaged through the following:

- Social media posts.
- Meetings with key stakeholders (Edith Cowan University Joondalup and the Joondalup Business Association).
- Briefings to key staff members and meetings with relevant City staff through the project.

A total of 25 people attended the three consecutive workshops at the City of Joondalup Library in the City Centre.

In total, there was an approximate reach of more than 300 local community members and organisations.

The community's ideas, values and principles, and the visioning and multi-criteria assessment for the top rated 15 projects for activation make up the content of the draft activation plan.

It is recommended that both documents are advertised for public comment, enabling the documents to be tested with the broader Joondalup community prior to finalisation. A consultation plan for the advertising process will be prepared to confirm timing of advertising and communications.

COMMENT

The draft Place Activation Strategy establishes the required commitment to placemaking which will facilitate continued activation of the City's places - with this process being appropriately led by the community who maintain that relationship with their local places. The draft strategy provides a consistent approach for determining when the City should be directly involved in catalysing activation of a place, with "getting out of the way" and enabling community placemaking as the primary approach across the City.

The draft Joondalup City Centre Place Activation Plan has been developed through community and business ideas and provides a strong direction from community members involved in its development as to the priorities for investment in activating the City Centre. This direction provides guidance for the City to align its many projects within the City Centre with priorities for activation, based on a thorough and comprehensive review of the opportunities by community members and local business representatives who committed their time to the workshops.

Advertising the documents will enable the City to test the documents against the expectations of the wider community prior to their finalisation.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Logan that Council ENDORSES the draft *Place Activation Strategy* and *Joondalup City Centre Place Activation Plan* for the purpose of public advertising.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka and Thompson.

Against the Motion: Cr Raftis.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf220308.pdf](#)

CJ033-03/22 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Signing and Common Seal Register - Extract for February 2022
AUTHORITY / DISCRETION	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 February 2022.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the 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 the Council NOTES the Signing and Common Seal Register for February 2022, as detailed in Attachment 1 to Report CJ033-03/22.

BACKGROUND

For February 2022, 3 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Removal of Section 70A Notification	1
Section 70A Notification	2

DETAILS**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.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Signing and Common Seal Register for February 2022, as detailed in Attachment 1 to Report CJ033-03/22.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ043-03/22, page 77 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf220308.pdf](#)

Disclosure of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ034-03/22 - Status of Petitions.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston was originally the lead petitioner for the petition requesting the City not to install paid public parking at coastal locations before being elected.

CJ034-03/22 STATUS OF PETITIONS

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mrs Rebecca Maccario Governance and Strategy
FILE NUMBERS	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 15 February 2022
AUTHORITY / DISCRETION	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 status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions. As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS**Issues and Options Considered**

Attachment 1 to Report CJ034-03/22 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 16 February 2022, with a comment on the status of each petition.

Legislation / Strategic Community Plan / Policy Implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

Policy Implications Each petition may impact on the individual policy position of the City.

Risk Management Considerations

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

Financial / Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

- 1 NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 15 February 2022, forming Attachment 1 to Report CJ034-03/22;**
- 2 NOTES that in relation to the petition requesting the City of Joondalup implement one hour of free off-street parking in the Central Business District with some short-term 15 minute free parking bays included at strategic locations from Monday to Friday, that Council:**
 - 2.1 DOES NOT SUPPORT the introduction of one hour of free off-street parking in the Central Business District, with some short-term 15 minute free parking bays included at strategic locations from Monday to Friday;**
 - 2.2 ADVISES the lead petitioner of Council's decision;**
- 3 NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that Council:**
 - 3.1 NOTES that the setting of all Fees and Charges, including parking fees, on City managed land will be considered as part of the Annual Budget;**
 - 3.2 ADVISES the lead petitioner of Council's decision;**
- 4 NOTES that in relation to the petition requesting that the City install a bin to service the existing dog waste bag dispenser along Spinaway Street, Craigie (outside Craigie Heights Primary School Oval entrance gate), that Council:**
 - 4.1 NOTES that the existing dog waste dispenser is located within the school property boundary along Spinaway Street, Craigie and was installed and maintained by the Craigie Heights Primary School independently of the City;**
 - 4.2 NOTES that the City is liaising with the Craigie Heights Primary School with the aim to install a bin to service this area for a fee payable from 2022-23 as per the City's Fees and Charges;**
 - 4.3 ADVISES the lead petitioner of its decision;**
- 5 NOTES that in relation to the petition for remedial works to be undertaken to ensure safe pedestrian access in and around the intersection of Camarino Drive and Trappers Drive, Woodvale, that Council:**
 - 5.1 NOTES that the upgrading of the Trappers Drive intersections at Camarino Drive and Chichester Drive and path improvements have been approved by Council at its meeting held on 15 February 2022 (CJ029-02/22 refers) to be funded under the Local Roads and Community Infrastructure (LRCl) Program – Phase 3;**
 - 5.2 ADVISES the lead petitioner of its decision.**

AMENDMENT MOVED Cr Kingston, SECONDED Cr Thompson that Part 3 of the Motion be amended to read as follows:

- “3 *NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that Council:*
- 3.1 *DOES NOT SUPPORT the application of any paid public parking at Ocean Reef Marina in areas under the management or control of the City of Joondalup;*
- 3.2 *DOES NOT SUPPORT the application of paid public parking at any other coastal location under the management or control of the City of Joondalup;*
- 3.3 *DOES NOT SUPPORT any representations to the State Government for the application of paid public parking at Ocean Reef Marina, Hillarys Boat Harbour, or any other coastal location under the management or control of the City of Joondalup;”*

C18-03/22 EXTENSION OF TIME TO SPEAK

MOVED Cr Poliwka, SECONDED Cr Raftis that Cr Kingston be permitted an extension of time to speak for a further five minutes.

The Motion was Put and

CARRIED (8/5)

In favour of the Motion: Mayor Jacob, Crs Chester, Hill, Kingston, Logan, Poliwka, Raftis and Thompson.

Against the Motion: Crs Fishwick, Hamilton-Prime, Jones, May and McLean.

The Amendment was Put and

LOST (1/12)

In favour of the Amendment: Cr Chester.

Against the Amendment: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

AMENDMENT MOVED Cr Thompson, SECONDED Cr Kingston that:

1 Part 3 of the Motion be amended to read as follows:

“3 *NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that the item be REFERRED BACK to the Chief Executive Officer to report by no later than May 2022.”;*

2 Parts 3.1 and 3.2 of the Motion be deleted.

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

The Original Motion as amended, being:

That Council:

- 1 NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 15 February 2022, forming Attachment 1 to Report CJ034-03/22;**
- 2 NOTES that in relation to the petition requesting the City of Joondalup implement one hour of free off-street parking in the Central Business District with some short-term 15 minute free parking bays included at strategic locations from Monday to Friday, that Council:**
 - 2.1 DOES NOT SUPPORT the introduction of one hour of free off-street parking in the Central Business District, with some short-term 15 minute free parking bays included at strategic locations from Monday to Friday;**
 - 2.2 ADVISES the lead petitioner of Council's decision;**
- 3 NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that the item be REFERRED BACK to the Chief Executive Officer to report by no later than May 2022;**
- 4 NOTES that in relation to the petition requesting that the City install a bin to service the existing dog waste bag dispenser along Spinaway Street, Craigie (outside Craigie Heights Primary School Oval entrance gate), that Council:**
 - 4.1 NOTES that the existing dog waste dispenser is located within the school property boundary along Spinaway Street, Craigie and was installed and maintained by the Craigie Heights Primary School independently of the City;**
 - 4.2 NOTES that the City is liaising with the Craigie Heights Primary School with the aim to install a bin to service this area for a fee payable from 2022-23 as per the City's Fees and Charges;**
 - 4.3 ADVISES the lead petitioner of its decision;**
- 5 NOTES that in relation to the petition for remedial works to be undertaken to ensure safe pedestrian access in and around the intersection of Camarino Drive and Trappers Drive, Woodvale, that Council:**
 - 5.1 NOTES that the upgrading of the Trappers Drive intersections at Camarino Drive and Chichester Drive and path improvements have been approved by Council at its meeting held on 15 February 2022 (CJ029-02/22 refers) to be funded under the Local Roads and Community Infrastructure (LRCI) Program – Phase 3;**
 - 5.2 ADVISES the lead petitioner of its decision.**

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf220308.pdf](#)

CJ035-03/22 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mrs Rebecca Maccario Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENT	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 27 January 2022 <i>(Please Note: Attachment 1 is only available electronically).</i>
AUTHORITY / DISCRETION	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 minutes of various bodies on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of Mindarie Regional Ordinary Council meeting held on 27 January 2022.

DETAILS**Mindarie Regional Council Ordinary Council Meeting – 27 January 2022**

An ordinary meeting of the Mindarie Regional Council was held on 27 January 2022.

At the time of this meeting Mayor Albert Jacob and Cr Christopher May were Council's representatives at the Mindarie Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 1 refers).

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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the minutes of the ordinary meeting of the Mindarie Regional Council held on 27 January 2022 forming Attachment 1 to Report CJ035-03/22.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ043-03/22, page 77 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

To access this attachment on electronic document, click here: [RegionalMinutes220308.pdf](#)

CJ036-03/22 HEALTH AMENDMENT LOCAL LAW 2021 - ADOPTION

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mrs Rebecca Maccario Governance and Strategy
FILE NUMBER	00432, 101515
ATTACHMENTS	Attachment 1 Schedule of Submissions Attachment 2 <i>City of Joondalup Health Amendment Local Law 2021 – Marked-up Copy</i> Attachment 3 <i>City of Joondalup Health Amendment Local Law 2021 – Adoption Copy</i> Attachment 4 <i>City of Joondalup Health Local Law 1999</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Health Amendment Local Law 2021* and resolve to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 15 June 2021 (CJ076-06/21 refers), Council resolved to make the proposed *City of Joondalup Health Amendment Local Law 2021* for the purpose of public advertising. The effect of the proposed *City of Joondalup Health Amendment Local Law 2021* is to better clarify the provisions and requirements within the *City of Joondalup Health Local Law 1999* and to ensure information is current within prevailing legislation.

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government and Minister for Health.

At the close of the public consultation period, the City received ten submissions from the public and one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). The details of the submissions are provided in Attachment 1 to Report CJ036-03/22.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submissions period for the proposed City of Joondalup Health Amendment Local Law 2021, as outlined in Attachment 1 to Report CJ036-03/22;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Health Amendment Local Law 2021, as detailed in Attachment 3 to Report CJ036-03/22 and AUTHORISES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995;*
- 4 *ADVISES all submitters of Council's decision.*

BACKGROUND

The City's Health Local Law supports the *Health (Miscellaneous Provisions) Act 1911*, the *Public Health Act 2016*, the *Food Act 2008* and an array of other public health regulations. Progress is being made by the State Government to replace the outdated *Health (Miscellaneous Provisions) Act 1911*, however as it is a complex piece of legislation, its replacement by the *Public Health Act 2016* is taking some time and being staged over a number of years.

The Council resolved to make the *City of Joondalup Health Local Law 1999* (the local law) at its meeting held on 13 July 1999 and the Local Law was published in the Government Gazette (No 162) on the 27 August 1999. The purpose of the local law is to provide for the regulation, control and management of day-to-day health matters within the district.

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the City's Health Local Law, as follows:

- Revised lodging house provisions.
- Possible inclusion of nuisance provisions around smoke from fire pits in residential areas.
- Revised sanitary convenience provisions for outdoor festivals to accord with Department of Health guidelines.
- Construction requirements for laundries in residential properties.
- Nuisances created by the feeding of birds.
- Revised refuse disposal enclosure requirements for multiple dwellings.
- Revised provisions relating to the discharge of swimming pool back wash water.
- Removal of the provisions around eating houses as they were repealed on 23 October 2009 with the introduction of the Food Act 2008.

Council resolved at its meeting held on 15 June 2021 (CJ076-06/21 refers) to make the proposed *City of Joondalup Health Amendment Local Law 2021* for the purpose of public advertising. The effect of the proposed Local Law is to better clarify the provisions and requirements within the *City of Joondalup Health Local Law 1999* and to ensure information is current within prevailing legislation.

DETAILS

In accordance with section 3.12 (3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister of Local Government and Minister for Health.

Public notification of the proposed local law occurred as follows:

- Public notice boards at the City of Joondalup administration centre and public libraries.
- Public notice on the City's website.
- Public notice in a newspaper circulating throughout the district.
- Public notice in the Joondalup Voice.
- Public notice to the Community Engagement Network.
- Public notice by way of email to residents / ratepayer groups.
- Public notice posts via Facebook and Twitter.
- Public notice via E-screen displays.

At the close of the public submission period the City received a total of ten public submissions and one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). The Schedule of Submissions is provided in Attachment 1 to Report CJ036-03/22, and details the following comments:

- Eight comments related to Clause 2.6- Outdoor Festivals, requesting a greater number of female and disable toilets at outdoor events, including increased cleaning and pumping of toilets, and increased penalties specified in Clause 9.1. The comments were not supported, and Officer's response provided.
- Ten comments relating to Clause 3.9 – Escape of smoke, fumes, odours and other emissions, requesting further clarification to the definition of “nuisance”, and both support and objection to the provision. The comments were not supported, and Officer's response provided.
- One comment requesting that further restrictions on feeding birds (Clause 3.10) be applied. The comment was not supported, and Officer's response provided.
- One comment suggesting that the local law should be repealed and re-drafted in its entirety. The comment was not supported, and Officer's response provided.
- One submission from the DLGSC providing general comment on the publishing of a consolidated local law so that the principal local law and any amendments are captured in the one local law. The comments were noted and Officer's response provided.
- One comment requesting that Clause 2.6- Outdoor Festivals, the heading be changed from “Outdoor Festivals” to “Outdoor Events”. This suggested change has been supported, as the broader term “outdoor events” would better reflect the application of clause 2.6.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided as Attachment 2 to Report CJ036-03/22. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided as Attachment 3 to Report CJ036-03/22. A copy of the City's current *Health Local Law 1999* is provided as Attachment 4 to Report CJ036-03/22.

Issues and options considered

Council can either:

- adopt the local law as advertised
- adopt the local law with modifications following the public submission period, subject to the modifications not being significantly different to what was advertised
or
- not adopt the proposed local law.

Legislation / Strategic Community Plan / policy implications

Legislation *Health (Miscellaneous Provisions) Act 1911.*
Public Health Act 2016.
Local Government Act 1995.
City of Joondalup Health Local Law 1999.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Ensure the elected body has a comprehensive understanding of its roles and responsibility.

Policy Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take a further four weeks to complete the process, following a decision of Council.

Risk management considerations

The amendment local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which reviews local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend to the Parliament disallowance of the local law.

Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2021-22 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included:

- giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the district
 - displaying public notices at the City of Joondalup Administration Centre and public libraries
 - advertising on the City's website
 - advertising through the City's Community Engagement Network
 - advertising through the City's social media platforms
- providing a copy of the notice and a copy of the proposed local law to the Ministers responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and the Minister for Health).

COMMENT

The *City of Joondalup Health Amendment Local Law 2021* has been progressed to specifically amend certain provisions within the *Health Local Law 1999* and the effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Health Local Law 1999* and to ensure information is current within prevailing legislation.

The City's Health Local Law provides for a range of health considerations in relation to the following matters:

- Sanitation.
- Housing and general provisions.
- Refuse disposal.
- Pest control.
- Lodging houses.
- Offensive trades.

The proposed City of Joondalup *Health Amendment Local Law 2021* was publicly advertised, and subsequently minor amendments made, taking into account comments received.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress, which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

VOTING REQUIREMENTS

Absolute Majority.

Cr Fishwick left the Chamber at 8.24pm.

MOVED Cr Logan, SECONDED Mayor Jacob that Council:

- 1** NOTES the submission received at the close of the public submissions period for the proposed *City of Joondalup Health Amendment Local Law 2021*, as outlined in Attachment 1 to Report CJ036-03/22;
- 2** BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Health Amendment Local Law 2021*, as detailed in Attachment 3 to Report CJ036-03/22 and AUTHORISES the Common Seal to be affixed;
- 3** NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*;
- 4** ADVISES all submitters of Council's decision.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220308.pdf](#)

CJ037-03/22 DRAFT 10 YEAR STRATEGIC COMMUNITY PLAN – JOONDALUP 2032

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mrs Rebecca Maccario Governance and Strategy
FILE NUMBER	109190, 110008, 109319, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report - Shaping Your Local Community: Developing a New 10-Year Strategic Community Plan Attachment 2 Community Consultation Outcomes Report Appendix 1 - 73 Attachment 3 Community Consultation Outcomes Report Appendix 74 - 82 Attachment 4 Draft Strategic Community Plan
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 note the community consultation outcomes from the Shaping Your Local Community initiative and endorse the draft 10-Year Strategic Community Plan, Joondalup 2032, for community consultation.

EXECUTIVE SUMMARY

A 10-Year Strategic Community Plan is a requirement of all local governments in Western Australia under the *Local Government Act 1995*. Council adopted its first Strategic Community Plan, Joondalup 2022, at its meeting held on 23 October 2012 (CJ210-10/12 refers). This plan was developed in consultation with Elected Members, the community and regional stakeholders.

The 10-year period for Joondalup 2022 is set to expire at the end of the 2021-22 financial year. The City has been working with Elected Members, the community and the City's workforce to prepare a new 10-Year Strategic Community Plan - Joondalup 2032.

In developing the draft plan, the City undertook a comprehensive community consultation process commencing in early 2020 with a series of three meetings with the City's Strategic Community Reference Group.

In building on feedback from the Strategic Community Reference Group, the City undertook the Shaping Your Local Community initiative. Community consultation activities were delivered from 1 February 2021 to 30 April 2021.

The full analysis and outcomes from the Shaping Your Local Community consultation initiative can be found in Attachments 1 to 3 to Report CJ037-03/22.

The outcomes of this initiative were used to inform development of the draft 10-Year Strategic Community Plan - Joondalup 2032 (Attachment 4 refers). Additional feedback from Elected Members and the City's workforce complemented the extensive feedback from the community.

The new plan covers the period 2022 to 2032 and outlines the City's commitment to achieving the vision and aspirations of the community and regional stakeholders.

It is therefore recommended that Council:

- 1 *NOTES the community consultation outcomes from the Shaping Your Local Community initiative as detailed in Attachments 1 to 3 to Report CJ037-03/22;*
- 2 *ENDORSES the draft 10-Year Strategic Community Plan, Joondalup 2032, for community consultation, as detailed in Attachment 4 to Report CJ037-03/22.*

BACKGROUND

A 10-Year Strategic Community Plan is a requirement of all local governments in Western Australia under the *Local Government Act 1995*. The Department of Local Government, Sport and Cultural Industries describes the Strategic Community Plan as one which:

- establishes the community's vision for the local government's future, including aspirations and service expectations
- drives the development of local government area/place/regional plans, resourcing and other informing strategies, for example workforce, asset management and services
- will ultimately be a driver for all other planning.

Local governments are required to undertake a major review of the Strategic Community Plan every four years, and a minor review every two years.

At its meeting held on 23 October 2012 (CJ210-10/12 refers), Council adopted the first *Strategic Community Plan - Joondalup 2022*. This plan was developed in consultation with Elected Members, the community and regional stakeholders. During its development, significant levels of support were received from the community for all proposed outcomes and objectives.

In 2014, the City undertook a desktop review of Joondalup 2022. At its meeting held on 19 August 2014 (CJ134-08/14 refers), Council considered the outcomes of the review and minor adjustments were made to some of the City's strategic key performance indicators. Council subsequently endorsed a revised Joondalup 2022 following community consultation at its meeting held on 21 October 2014 (CJ184-10/14 refers).

In 2017, the City undertook a major review of Joondalup 2022. At its meeting held on 18 July 2017 (CJ119-07/17 refers), Council evaluated the City's strategic objectives and initiatives, and reviewed the City's strategic key performance indicators for their continued appropriateness and accuracy. Council subsequently endorsed a revised Joondalup 2022 following community consultation at its meeting held on 17 April 2018 (CJ062-04/18 refers).

The 10-year period for Joondalup 2022 is set to expire at the end of the 2021-22 financial year. The City has been working with Elected Members, the community and the City's workforce to prepare a new 10-Year Strategic Community Plan - Joondalup 2032. This new plan covers the period 2022 to 2032 and outlines the City's commitment to achieving the vision and aspirations of the community and regional stakeholders.

The Department of Local Government, Sport and Cultural Industries is currently reviewing the Integrated Planning and Reporting Framework model for local governments. The City is yet to receive detailed advice on requirements, but it is likely that the new model will incorporate the following:

- Replacing Strategic Community Plan with more flexible “Community Strategies”.
- Reframing Corporate Business Plans as broader “Council Plans”.
- Introducing “Service Plans”.
- Aligning timeframes and review period with local government elections.
- Requiring a baseline reporting system across the sector.

As much as possible, Joondalup 2032 has been developed with the above future requirements in mind.

DETAILS

Strategic Community Reference Group and Community Consultation Outcomes

In developing the draft plan, the City undertook a comprehensive community consultation process commencing in early 2020 with a series of three meetings with the City’s Strategic Community Reference Group. Each meeting focussed on the different key themes of the existing *10-Year Strategic Community Plan, Joondalup 2022*:

- 1 ‘Community wellbeing’ and ‘The natural environment’
- 2 ‘Quality urban environment’ and ‘Economic prosperity, vibrancy and growth’
- 3 ‘Governance and leadership’ and ‘Financial sustainability’

Reference Group members workshopped strategic initiatives and priorities and provided feedback on the role of the City and a vision for the future.

Feedback from the Strategic Community Reference Groups was then used to inform the large-scale community consultation exercise - the Shaping Your Local Community initiative. Community consultation activities were delivered from 1 February 2021 to 30 April 2021. Feedback was sought via a mixed methodology approach which included:

- 1 community survey
- 2 events poll
- 3 stakeholder workshops.

The community survey was available for interested community members online and hard-copy on request. The survey was advertised via print and digital media and also directly distributed to various stakeholders. The single-question events poll was delivered at four City of Joondalup events held January to March 2021. The question: “What’s one positive thing you’d like to see happen in the City of Joondalup over the next 10 years?” was included in the existing feedback interviews/forms distributed at the events. The 10 stakeholder workshops were held with community stakeholders between February and April 2021. Each of the workshops were targeted at different stakeholder groups with participants recruited via direct invitation and also print and digital media.

The City had high levels of engagement across the three consultation methods, including:

- 841 responses to the community survey
- 423 responses to the events poll
- 219 participants at the stakeholder workshops.

The full analysis and outcomes from the Shaping Your Local Community consultation initiative can be found in Attachments 1 to 3 to Report CJ037-03/22.

Development of Joondalup 2032

Following the Shaping Your Local Community consultation initiative, the City commenced development of the new 10-Year Strategic Community Plan - Joondalup 2032. Additional feedback from Elected Members and the City's workforce complemented the extensive feedback from the community. This joint feedback culminated in a shared vision for the future articulated in the new plan.

The approach for Joondalup 2032 has been to bring the plan up to a higher, more strategic level, and shift the more operational initiatives, present in the current plan, to the Corporate Business Plan. Additionally, the community consultation outcomes have been reflected throughout Joondalup 2032 to demonstrate direct alignment with community aspirations.

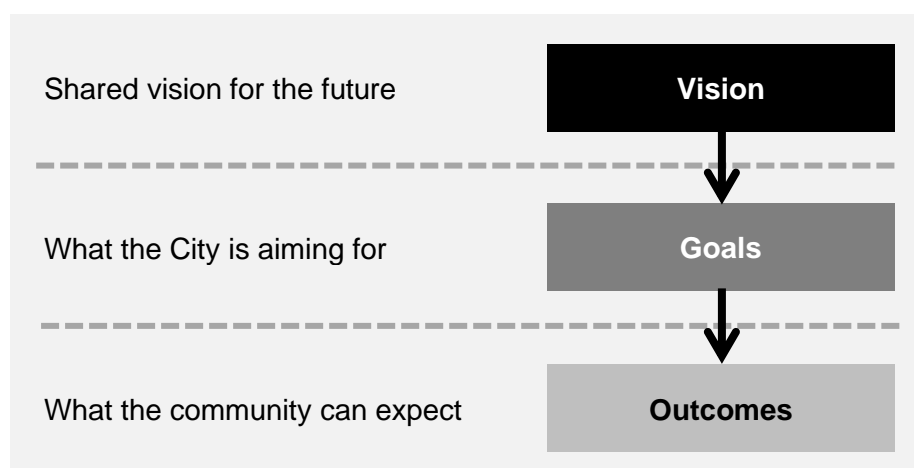
Structure of Joondalup 2032

The new 10-Year Strategic Community Plan comprises five key themes:

- 1 Community
- 2 Environment
- 3 Place
- 4 Economy
- 5 Leadership.

Each of these key themes has a goal which reflects the feedback from the community, and a series of outcomes which are intended to guide the City's service delivery. The outcomes are intentionally broad to allow for different ways to achieve the goals over the 10-year term of the plan. In addition, outcomes from the extensive Shaping Your Local Community initiative are reflected throughout the plan to demonstrate alignment with community aspirations.

A diagram of the overall structure of Joondalup 2032 is shown below. The full draft 10-Year Strategic Community Plan can be found at Attachment 4 to Report CJ037-03/22.



Issues and options considered

It is intended that the draft 10-Year Strategic Community Plan be released for community consultation for a period of four weeks commencing late March 2022. Community stakeholders who participated in the Shaping Your Local Community initiative will be contacted directly and invited to participate. The City will also advertise the consultation to the wider community via a range of online and print communication methodologies.

With regard to the draft 10-Year Strategic Community Plan - Joondalup 2032, Council has the option to:

- endorse the draft 10-Year Strategic Community Plan - Joondalup 2032, as presented in Attachment 4 to Report CJ037-03/22, for community consultation
or
- endorse the draft 10-Year Strategic Community Plan - Joondalup 2032, subject to further amendments, for community consultation.

Option 1 is the recommended option to ensure the City has sufficient time to undertake community consultation on the draft plan and present the results back to Council prior to the expiry of the existing 10-Year Strategic Community Plan - Joondalup 2022.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Administration) Regulations 1996.

Strategic Community Plan

Key theme This report relates to the development of the Strategic Community Plan - Joondalup 2032.

Objective Not applicable.

Strategic initiative Not applicable.

Policy *Community Consultation Policy.*

Risk management considerations

A 10-Year Strategic Community Plan is a requirement of all local governments in Western Australia under the *Local Government Act 1995 (Local Government (Administration) Regulations 1996)*. Should Council choose to delay the adoption of Joondalup 2032, this could result in the City being non-compliant with this legislation. Further, this could delay the development and endorsement of other critical planning and reporting documents which need to align to the 10-Year Strategic Community Plan, including the Corporate Business Plan and Annual Report.

Financial / budget implications

The draft 10-Year Strategic Community Plan will be operationalised through the City's 5-Year Corporate Business Plan and Annual Budget. Financial and budget implications associated with implementation of Joondalup 2032 will be subject to normal budgetary approval processes. Long-term financial implications will be considered as part of the City's Strategic Financial Plan.

Regional significance

The purpose of the 10-Year Strategic Community Plan is to articulate the community's aspirations, vision and objectives for the next 10 years. Joondalup 2032 is the overarching document that will inform all of the City's other plans and services. The plan will therefore impact all projects, partnerships and activities of regional significance.

Sustainability implications

The draft 10-Year Strategic Community Plan sets a strategic and sustainable direction for the City over the next ten years. The plan is underpinned by a shared vision for the future which directly addresses sustainability, and the five key themes of: Community, Environment, Place, Economy and Leadership.

Consultation

This report provides an outline of the community consultation activities undertaken as part of the Shaping Your Local Community consultation initiative. The outcomes of this initiative were used to inform development of the draft 10-Year Strategic Community Plan - Joondalup 2032. The full analysis and outcomes from the Shaping Your Local Community consultation initiative can be found in Attachments 1 to 3 to Report CJ037-03/22.

The City is proposing that the draft 10-Year Strategic Community Plan be released in full for community consultation for a period of four weeks commencing late March 2022. Community stakeholders who participated in the Shaping Your Local Community initiative will be contacted directly and invited to participate. The City will also advertise the consultation to the wider community via a range of online and print communication methodologies.

COMMENT

The draft 10-Year Strategic Community Plan - Joondalup 2032, has been developed in partnership with Elected Members, the community, stakeholders and the City's workforce. The draft plan positions Joondalup to address the major challenges and opportunities over the next ten years. The draft 10-Year Strategic Community Plan will be operationalised through the City's 5-Year Corporate Business Plan and Annual Budget.

The development of Joondalup 2032 was informed by comprehensive and detailed community feedback gathered through an extensive community consultation process. The draft Plan demonstrates best practice in strategic planning and is aligned to the Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Guidelines. As much as possible, Joondalup 2032 has also taken into account what are believed to be the likely outcomes of the local government reform process.

Following community consultation on the 10-Year Strategic Community Plan, it is intended that a final draft will be presented to Council for adoption. Further to this, it should be noted that the plan will be subject to formal design and branding prior to publishing.

VOTING REQUIREMENTS

Simple Majority.

Cr Fishwick entered the Chamber at 8.26pm.

MOVED Cr Raftis, SECONDED Cr Poliwka that Council:

- 1 NOTES the community consultation outcomes from the Shaping Your Local Community initiative as detailed in Attachments 1 to 3 to Report CJ037-03/22;**
- 2 ENDORSES the draft *10-Year Strategic Community Plan, Joondalup 2032*, for community consultation, as detailed in Attachment 4 to Report CJ037-03/22.**

C19-03/22

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Cr Poliwka, SECONDED Cr Kingston that Item CJ037-03/22 – *Draft 10 Year Strategic Community Plan – Joondalup 2032* BE REFERRED BACK to the Chief Executive Officer so that the concerns and issues raised to date by Cr Kingston can be clarified and the aspirations included in the Plan.

The Procedural Motion as Moved by Cr Poliwka and Seconded by Cr Kingston was Put and **LOST (5/8)**

In favour of the Procedural Motion: Crs Chester, Kingston, Poliwka, Raftis and Thompson.

Against the Procedural Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

C20-03/22

PROCEDURAL MOTION – THAT THE MOTION BE NOW PUT

MOVED Cr May, SECONDED Cr Logan that the Motion be now PUT as per 10.1(b) of the *Meeting Procedures Local Law 2013*.

The Procedural Motion was Put and **CARRIED (9/4)**

In favour of the Procedural Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

Against the Procedural Motion: Crs Kingston, Poliwka, Raftis and Thompson.

The Motion as MOVED Cr Raftis, SECONDED Cr Poliwka was Put and

CARRIED (9/4)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

Against the Motion: Crs Kingston, Poliwka, Raftis and Thompson.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf220308.pdf](#)

CJ038-03/22 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2022

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of January 2022 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of January 2022 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2022
AUTHORITY / DISCRETION	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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2022.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2022, totalling \$12,210,304.04.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2022 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ038-03/22, totalling \$12,210,304.04.

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 January 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ038-03/22.

The vouchers for the month are appended as Attachment 3 to Report CJ038-03/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112144 -112150 & 112153 - 112224 & 112228 - 112253 & EF097717 - EF097981 & EF097989 - EF098246 Net of cancelled payments	\$7,268,496.91
	Vouchers 3215A – 3229A	\$4,925,667.43
	Bond Refund Cheques & EFT Payments 112151 - 112152 & 112225 - 112227 & EF097714 - EF097716 & EF097982 - EF097988 Net of cancelled payments.	\$16,139.70
	Total	\$12,210,304.04

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

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2021-22 Adopted Budget* as adopted by Council at its meeting held on 15 June 2021 (CJ092-06/21 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for January 2022 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ038-03/22, totalling \$12,210,304.04.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ043-03/22, page 77 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf220308.pdf](#)

CJ039-03/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2022

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENTS	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
AUTHORITY/ DISCRETION	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 Financial Activity Statement for the period ended 31 January 2022.

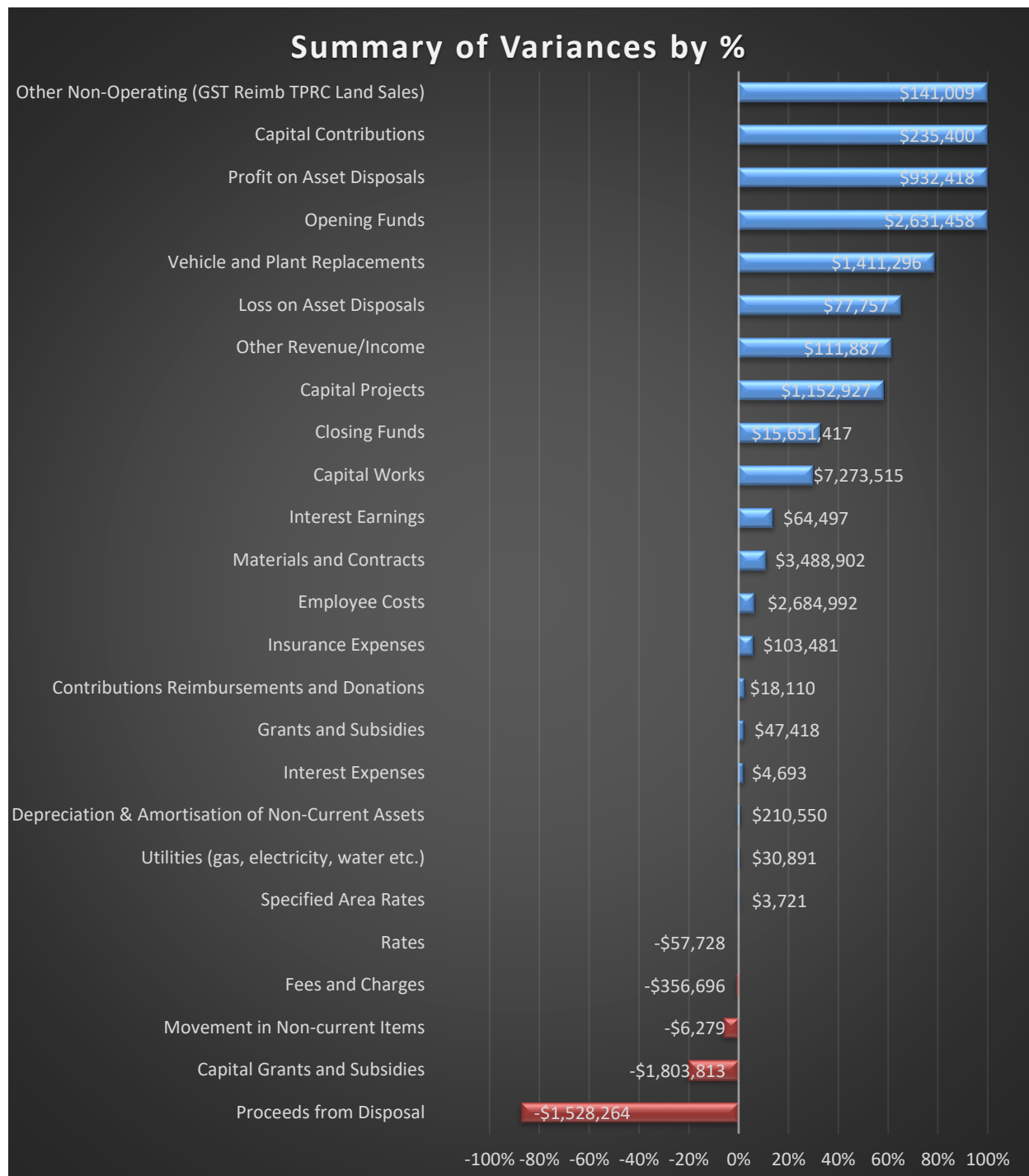
EXECUTIVE SUMMARY

At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the 2021-22 Annual Budget. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers), 21 September 2021 (CJ139-09/21 refers), 12 October 2021 (CJ147-10/21 refers) and 16 November 2021 (CJ169-11/21 refers). The figures in the report are compared to the adopted budget (as amended).

The January 2022 Financial Activity Statement Report shows an overall favourable variance of \$15,651,417 from operations and capital, after adjusting for non-cash items.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in January. The notes in Attachment 3 to Report CJ039-03/22 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The key elements of the variance are summarised below:



The significant variances for January were:

Materials and Contracts

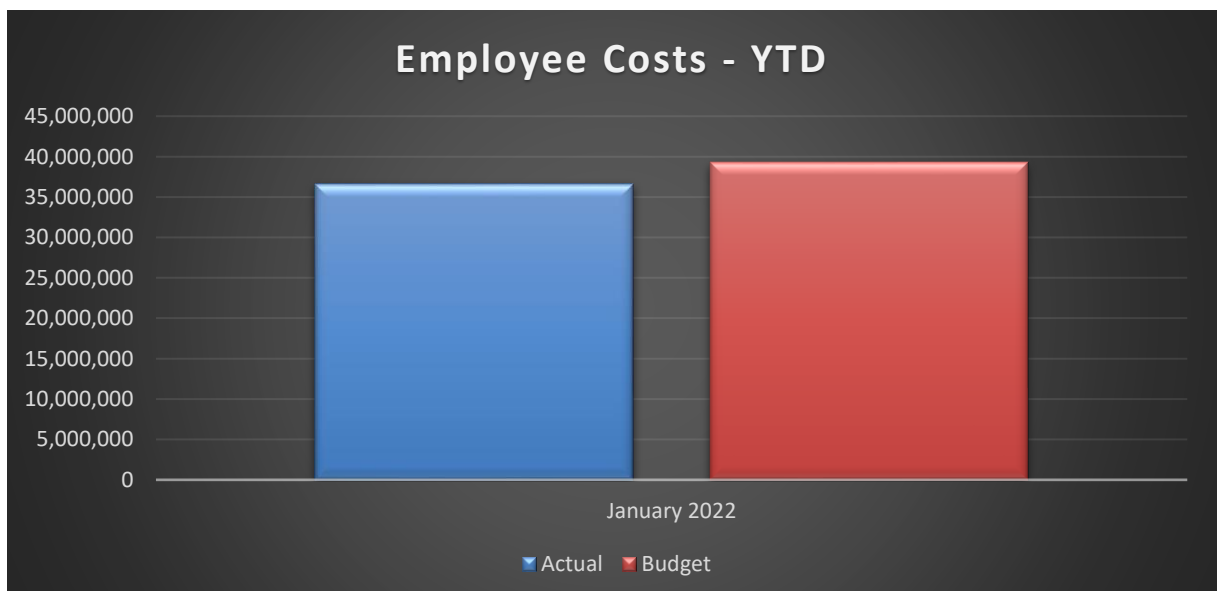
\$3,488,902



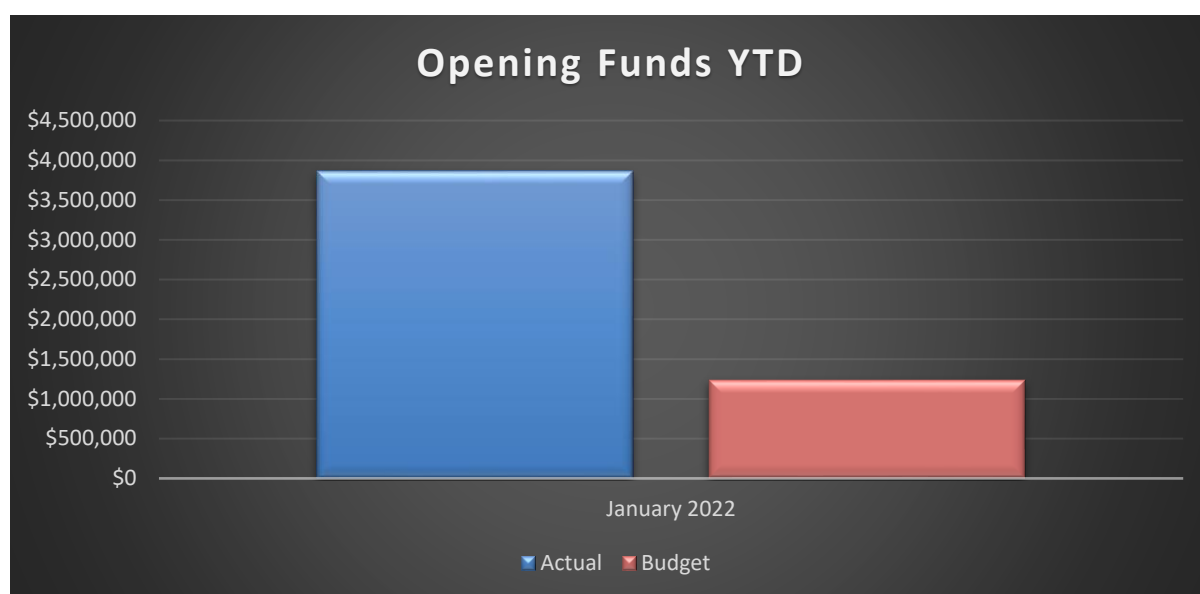
Materials and Contracts expenditure is \$3,488,902 below budget. This is spread across a number of different areas including Waste Management Services \$921,114, Professional Fees and Costs \$757,932, External Service Expenses \$695,863, Public Relations, Advertising and Promotions \$268,961, Administration \$198,448, Contributions and Donations \$157,019, Travel, Vehicles and Plant \$156,555, Telephones and Communication \$135,764, Furniture, Equipment and Artworks \$79,906 and Members Costs \$66,466.

Employee Costs

\$2,684,992



Employee Costs expenditure is \$2,684,992 below budget. Favourable variances predominantly arose from vacancies in various areas.

Opening Funds**\$2,631,458**

Variations in the actual results for 2020-21 compared to the budget estimate gave rise to a favourable variance of \$2,631,458 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in capital expenditure partially offset by an increase in operating expenditure. Adjustment to opening funds are reflected in the 2021-22 Revised Budget.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2022 forming Attachment 1 to Report CJ039-03/22.

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 January 2022 is appended as Attachment 1 to Report CJ039-03/22.

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

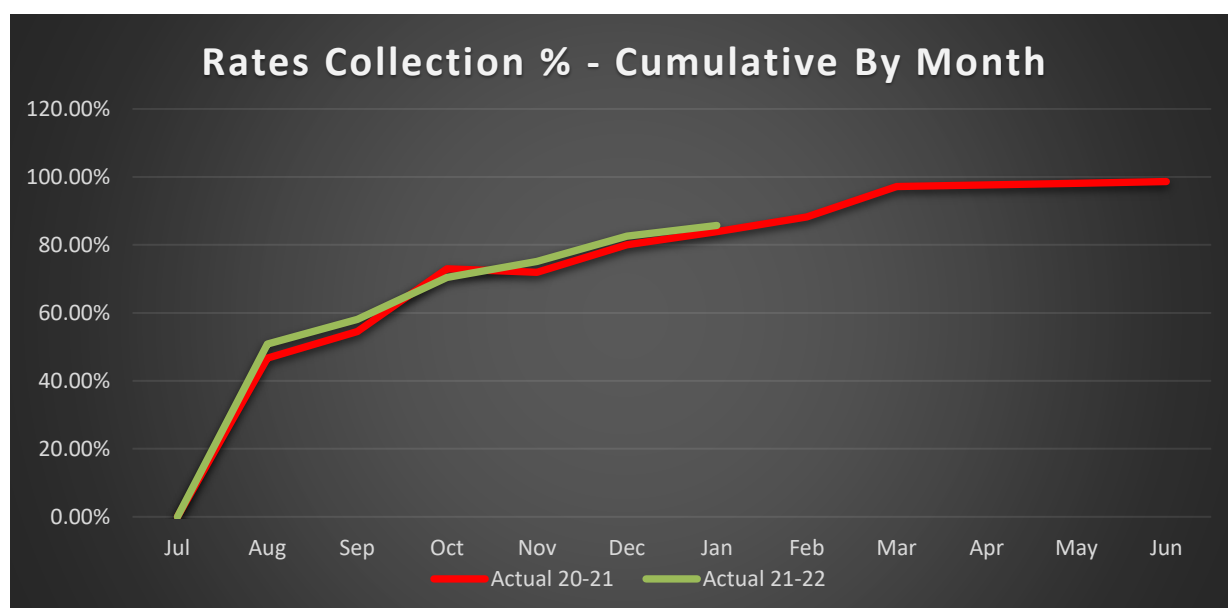
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

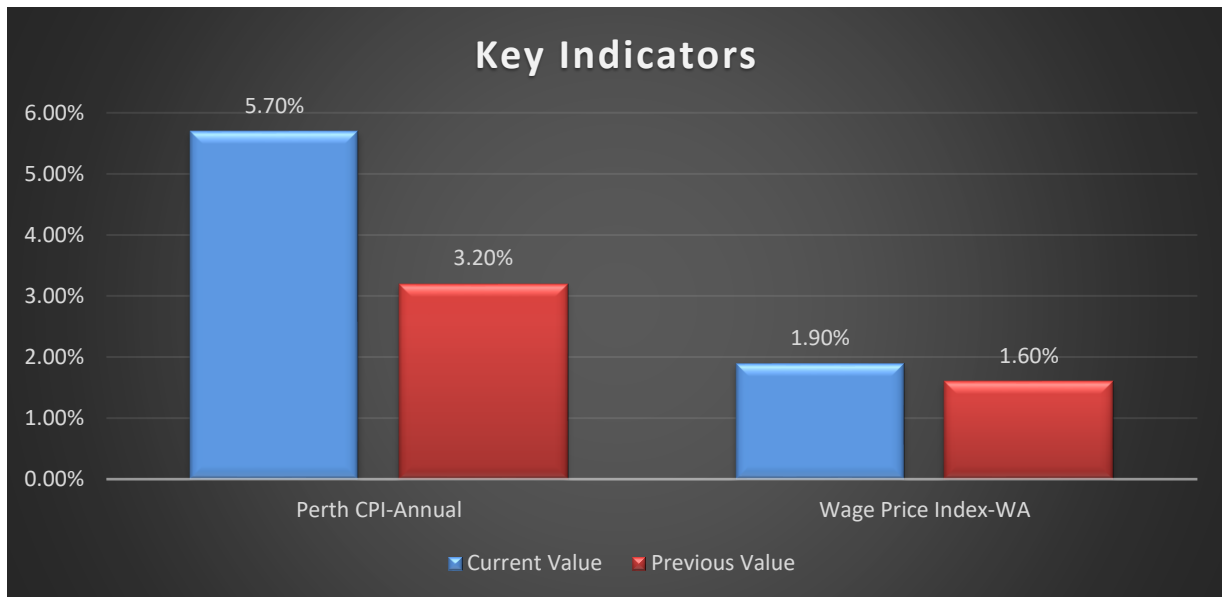
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is similar to the prior year at the end of January.

Economic Indicators



During January the Perth CPI for the fourth quarter of 2021 was released. This saw an increase in consumer prices exceeding market expectations. Half of the rise came from two major contributors. The first major contributors is new owner-occupier dwellings with elevated demand for housing construction and the second major contributor is automotive fuel which reflected the surge in global oil prices. The results for the first quarter of 2022 are expected to provide a better indication of whether this upward movement will be sustained into the following financial year.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2021-22 adopted budget (as amended) or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

Cr Thompson left the Chamber at 8.42pm and returned at 8.43pm.

The Director Planning and Community Development left the Chamber at 8.42pm and returned at 8.43pm.

MOVED Cr Raftis, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 January 2022 forming Attachment 1 to Report CJ039-03/22.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf220308.pdf](#)

CJ040-03/22 TENDER 004/22 – SUPPLY, DELIVERY AND INSTALLATION OF GATES, BOLLARDS AND BUSHLAND FENCING (INCLUDING REPAIR OR REMOVAL OF EXISTING FENCING)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	109927, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential - Tender Summary <i>(Please Note: Attachment 3 is Confidential and will only appear in the official Minute Book).</i>
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 accept the tender submitted by Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday, 8 January 2022 through state-wide public notice for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing). Tenders closed on Tuesday, 25 January 2022. A submission was received from each of the following:

- Agrimate Pty Ltd as Trustee for Bezuidenhout Trading Trust t/as Agrimate.
- Barra Civil and Fencing Pty Ltd as Trustee for Barra Civil and Fencing Trust.
- Natural Area Holdings Pty Ltd (Natural Area Management & Services).
- Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd.

The submission from Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd represents best value to the City. It demonstrated a sound understanding of the City's requirements and substantial experience in providing similar services to local governments including the Cities of Stirling, Gosnells and Joondalup. Peter Wood Fencing Contractors Pty Ltd is well established with significant industry experience and proven capacity to provide the goods and services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 004/22 for a period of three years, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth (All Groups) CPI.

BACKGROUND

The City has a requirement to engage a contractor for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) at various locations within the City as and when such works are required by the City at the direction of the Superintendent.

The City has a single contract in place with the Peter Wood Fencing Contractors which will expire on 28 February 2022.

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 supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) was advertised through state-wide public notice on 8 January 2022. The tender period was for two weeks and tenders closed on 25 January 2022.

Tender Submissions

A submission was received from each of the following:

- Agrimate Pty Ltd as Trustee for Bezuidenhout Trading Trust t/as Agrimate.
- Barra Civil and Fencing Pty Ltd as Trustee for Barra Civil and Fencing Trust.
- Natural Area Holdings Pty Ltd (Natural Area Management & Services).
- Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ040-03/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ040-03/22.

A confidential tender summary is provided in Attachment 3 to Report CJ040-03/22.

Evaluation Panel

The evaluation panel comprised three members:

- one with contract preparation skills
- two with the appropriate operational 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 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 supplier to satisfactorily deliver the goods and services. The predetermined minimum acceptable qualitative score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
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

Barra Civil and Fencing Pty Ltd scored 59.5% and was ranked fourth in the qualitative assessment. It provided an organisational chart and details of 9 staff including their roles and relevant experience. It included a broad range of products and services it offered to its customers, but most of the products and services were not necessary for this requirement. A list of its equipment was included but information was basic and limited to descriptions only, no quantities were included. It demonstrated some experience providing fencing services to the Cities of Wanneroo, Melville and Swan and the Department of Planning but similarities were not evident. It provided only a single page methodology with minimal details and no method of approach. Barra Civil and Fencing may have the capacity to deliver the service.

Agrimate Pty Ltd scored 68.8% and was ranked third in the qualitative assessment. The company demonstrated sufficient capacity to provide the services by providing the structure of its business and details of key personnel including their roles, work history, experience, and qualifications. It demonstrated a reasonable understanding of the required tasks providing its "Service Delivery Process" which included a "Job Brief" which included the job scope, fence and post installation processes and tasks, however no timeframes for the work were provided. It demonstrated experience undertaking three fencing projects for the City of Armadale, Perth Transport Authority and Acacia Prison however only the project for the City of Armadale had significant similarities to this scope of work.

Natural Area Holdings Pty Ltd scored 69.7% and was ranked second in the qualitative assessment. The company demonstrated sufficient capacity to provide the services and a good level of experience in providing various conservation fencing to several local and state governments. Details of its specialised equipment was provided including equipment types and models and it owns duplicates of all equipment to cover for any breakdowns. It demonstrated a good understanding and appreciation of the City's requirements. Its detailed methodology addressed bollard installation and removal, bushland, track and path fencing installation and removal, and pedestrian, field and boom gate installation.

Peter Wood Fencing Contractors scored 72.8% and was ranked first in the qualitative assessment. It has sufficient qualified and experienced field and administrative staff, to undertake the works for the City. It demonstrated substantial experience completing projects that contain similar aspects to the requirements. It has during the past ten years delivered similar fencing services to the Cities of Stirling and Gosnells. It has also been the City's incumbent provider of the supply, delivery and installation of gates, bollards and bushland fencing since 2019, with previous experience delivering similar services to the City from 2012. It demonstrated a sound understanding of the City's requirements.

Given the minimum acceptable qualitative score of 50%, Agrimate Pty Ltd, Barra Civil and Fencing Pty Ltd, Natural Area Holdings Pty Ltd and Peter Wood Fencing Contractors qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

Historical data of the 18 scheduled items was taken from Year 1 of the current Contract. This is due to expenditure against Year 2 and Year 3 (to date) of the current Contract not reflecting typical usage as a result of the City taking advantage of the Federal Governments Local Roads and Community Infrastructure (LRCI) Program designed to stimulate post-pandemic economic recovery with its corresponding time constraints. This has resulted in the City bringing forward works with substantial additional expenditure in the past two years.

For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Estimated Contract Price (Excluding GST)				
Tenderer	Year 1	Year 2	Year 3	Total
Peter Wood Fencing Contractors Pty Ltd	\$377,241	\$384,786	\$392,482	\$1,154,509
Natural Area Holdings Pty Ltd	\$513,264	\$523,529	\$534,000	\$1,570,793
Agrimate Pty Ltd	\$591,676	\$603,509	\$615,580	\$1,810,765
Barra Civil And Fencing Pty Ltd	\$411,253	\$419,478	\$427,867	\$1,258,598

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Peter Wood Fencing Contractors Pty Ltd	72.8%	1	\$1,154,509	1
Barra Civil And Fencing Pty Ltd	59.5%	4	\$1,258,598	2
Natural Area Holdings Pty Ltd	69.7%	2	\$1,570,793	3
Agrimate Pty Ltd	68.8%	3	\$1,810,765	4

Based on the evaluation result the panel concluded that the tender from Peter Wood Fencing Contractors Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) at various locations within the City of Joondalup. 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 regulations 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 \$250,000.

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

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

Policy Not applicable

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to conduct schedule maintenance and capital works programs on damaged gates, bollards and bushland fencing.

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

Financial / budget implications

Account no.	Various capital and operational accounts
Budget Item	Gates, bollards and bushland fencing.
Budget amount	\$ 140,000
Amount spent to date	\$ 155,693 (1.07.2021 - 15.02.2022)
Proposed cost	\$ 377,241
Balance	\$ (392,934)

The estimated expenditure against the proposed contract exceeds the budget amount of \$140,000 due to year-to-date expenditure including the impact of the City taking advantage of the Federal Governments Local Roads and Community Infrastructure (LRCI) Program, bringing forward a variety of capital works, but adding significant expenditure to the last two years. In addition, other expenditure will be incurred against this contract in various other capital and operational accounts.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

This contract supports the City's strategic initiatives in environmental management for biodiversity, protection and enhancement of the natural environment.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Peter Wood Fencing Contractors represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Wood Peter Family Trust t/as Peter Wood Fencing Contractors Pty Ltd for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 004/22 for a period of three years, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth (All Groups) CPI.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf220308.pdf](#)

Disclosure of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ041-03/22 - Petition in Relation to a Native Contemplation Garden at Lakeview Park, Edgewater.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston supported Mr Tostevin, the lead petitioner, in putting together the petition before being elected.

CJ041-03/22 PETITION IN RELATION TO A NATIVE CONTEMPLATION GARDEN AT LAKEVIEW PARK, EDGEWATER

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	46676, 101515
ATTACHMENTS	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 consider the request for the community to create a native contemplation garden at Lakeview Park, Edgewater.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 21 September 2021 (C92-09/21 refers) seeking support from Council for the community to create a native contemplation garden at Lakeview Park in Edgewater.

Lakeview Park, Edgewater is a small (755m²) non-irrigated parcel of land boarded on all sides by residential properties and is considered by the City to be an extension of the existing Public Access Way (PAW) linking Lakeview Drive and Ridge Close which is used as a path network. It falls into a 400 metre walkable catchment of:

- four Local Recreation parks with playspaces, landscaping and associated infrastructure
- one Local Recreation park with fenced natural areas and a BMX track
- one Natural Area Bushland park
- two Urban Landscape parks.

Although historically named a “park”, this portion of land is currently classified under the Parks and Public Open Spaces Classification Framework (PPOSCF) as a “Thoroughfare” and receives basic maintenance which includes mowing as required (six to seven times per year).

As Lakeview Park is currently classified as, and maintained as, a thoroughfare as opposed to a recreation park, and is considered by the City to be an extension of the existing PAW, the petition request for a contemplation garden at this site is consistent with the recently established on-line process enabling applications to be received for PAWs to be planted with appropriate vegetation.

It is therefore recommended that Council:

- 1 *NOTES the request from the Petition of Electors to create a native contemplation garden at Lakeview Park in Edgewater is consistent with the City’s recently established on-line process enabling applications to be received for Pedestrian Accessway Planting and Maintenance;*
- 2 *SUPPORTS Lakeview Park in Edgewater as a site suitable for consideration under the City’s Pedestrian Accessway Planting and Maintenance application process;*
- 3 *NOTES that if supported in Part 2 above, an application will need to be submitted to the City for assessment in line with the City’s on-line application process;*
- 4 *ADVISES the lead petitioner of Council’s decision.*

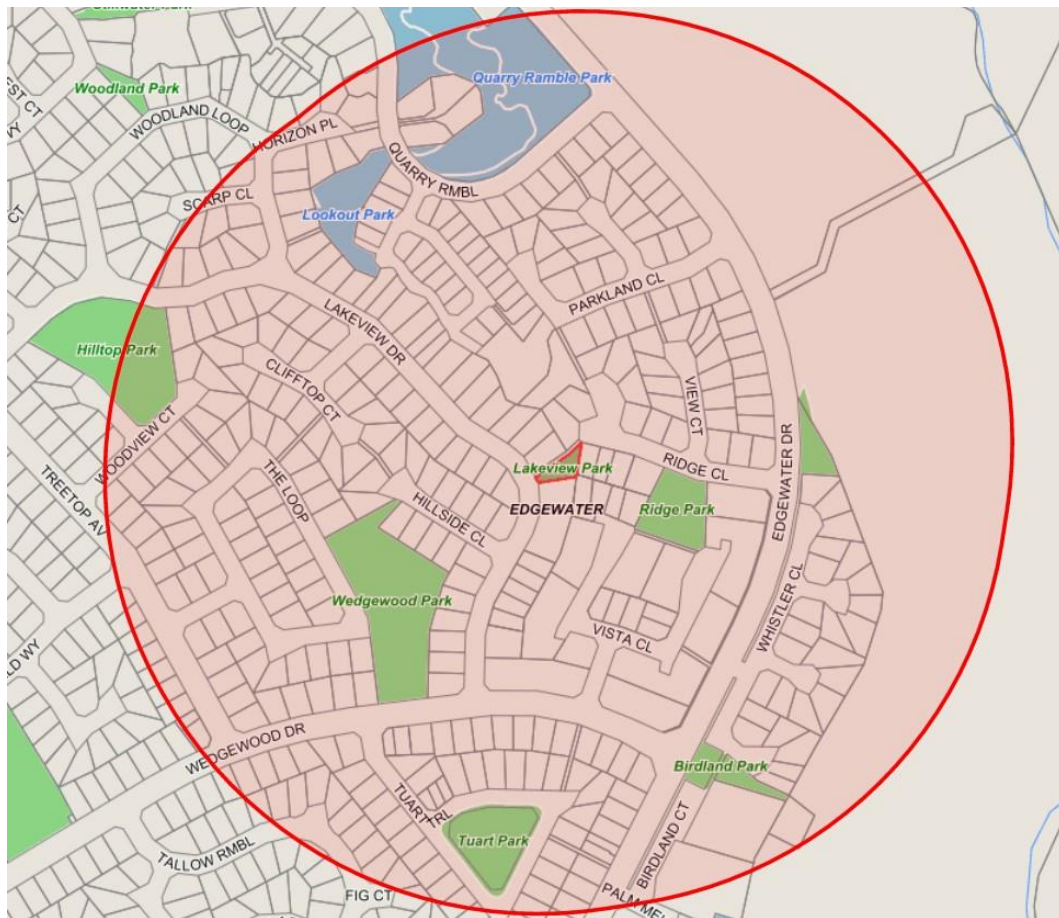
BACKGROUND

Lakeview Park, Edgewater is a small (755m²) non-irrigated parcel of land boarded on all sides by residential properties and is considered by the City to be an extension of the existing Public Access Way (PAW) linking Lakeview Drive and Ridge Close which is used as a path network. The existing infrastructure at Lakeview Park includes a park sign and simple bollard fencing.



Lakeview Park falls within the 400 metre walkable catchment of the following five Local Recreation parks:

- Ridge Park (90 metres away) is a dry park which includes a playspace, universal access path network and bench seating (installed in 2016).
- Wedgewood Park (130 metres away) is an irrigated park which includes planted garden beds, a playspace, universal access path and bench seating (installed in 2018).
- Tuart Park (300 metres away) is a dry park which includes a playspace, universal access paths and bench seating (installed in 2018).
- Quarry Ramble Park (300 metres away) is an irrigated park which includes fenced natural areas, seating, path network and a BMX track.
- Hilltop Park (370 metres away) is an irrigated park which includes a playspace, universal access path and bench seating (installed in 2020).



At its meeting held on 21 September 2021 (C92-09/21 refers), Council received a 91-signature petition requesting that Council:

“Support the community in creating a native contemplation garden at Lakeview Park, Edgewater. The reasons we want to create this garden are:

- 1 *To provide opportunities to improve the mental health of the community through creating connection and social interactions during the creation, planting and ultimately use of the finished garden;*
- 2 *To provide a quiet garden for the older residents to increase recreational options and amenities;*
- 3 *To increase a diversity of species and habitat for local wildlife and birds;*

- 4 *To provide an informative area for sharing between generations of local residents; and*
- 5 *To inspire connection to the environment and future pocket gardens within the City of Joondalup.”*

Council resolved that the petition be received and referred the Chief Executive Officer for a subsequent report to be presented to Council for consideration.

DETAILS

The City manages over 370 parks and reserves (588 hectares) and a substantial number of urban landscaping areas such as the City Centre, streetscapes, pedestrian accessways (PAWs), sumps and swales. Parks and urban landscaping areas are categorised and prioritised based on the type, profile, amenity, or functional requirements of a specific location.

The City has developed an internal advisory document, the Parks and Public Open Spaces Classification Framework (PPOSCF), which is a key tool used in the planning and provision of park asset infrastructure. The objective of the framework is to inform decision-making processes that are based on strategic and sustainable planning principles. By appropriately classifying parks and public open spaces, the City is able to determine where assets should be allocated according to the function, size, geography and catchment of an area. This ensures the community has access to quality park infrastructure that reflects their needs now and into the future. It also enables assets to be managed into the long-term, taking into account the costs associated with renewing and maintaining park infrastructure to a high standard.

Lakeview Park, Edgewater is a small (755m²) non-irrigated parcel of land boarded on all sides by residential properties and is considered by the City to be an extension of the existing PAW linking Lakeview Drive and Ridge Close. Although historically named a “park”, this portion of land is currently classified under the PPOSCF as a “Thoroughfare” and receives basic maintenance which includes mowing as required (six to seven times per year).

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council considered a report in relation to a number of items carried at the Annual General Meeting of Electors held on 23 March 2021 including a request that Council allow residents the option to plant and maintain native shrubs along public accessways. Council resolved, amongst other things, as follows:

“19 *in relation to Motion No. 18 carried at the Annual General Meeting of Electors:*

- 19.3 *NOTES public access ways form an integral part of the City’s overall transport network and specifically caters for non-motorised modes of transport such as pedestrians and cyclists;*
- 19.4 *SUPPORTS the planting of appropriate vegetation including native shrubs within public access ways, subject to the expressed support of all adjoining property owners of the public accessway;*
- 19.5 *NOTES vegetation planted within a public access way can have a detrimental impact on the overall perception of safety as well as unimpeded access for users of the public access way;”*

In response to part 19.4 above, City officers developed an on-line process that allows residents to apply and seek approval to landscape the adjacent PAW to their property in accordance with Council's decision. The approval is subject to a number of conditions applicants must commit to including:

- maintaining the PAW in a safe, good and tidy condition
- keeping footpaths clear of landscaping and trip hazards
- not using any chemical weed control.
- adhering to the Local Government and Public Property Local Law including planting of approved species only
- maintaining a one metre plant clearance zone from any City or public utility infrastructure such as, but not limited to, lighting, street signs, traffic signs, control boxes, and the like
- indemnifying the City against damage to people or property as a result of the works undertaken in the PAW
- reinstating the planting following works undertaken by the City or other service authorities.

Applicants must also note that:

- built structures, staking, plants with thorns and the planting of trees is not permitted
- the City is not liable for any damage or vandalism to plants or landscaping treatments
- the City will not supply plants, mulch or other landscaping materials to undertake the works
- the City will not provide financial or practical assistance to undertake the works
- the Pedestrian Accessway Planting and Maintenance Register does not apply to parks, reserves, or natural areas
- it is the responsibility of the applicants to pay for any damage caused to private, City or public utility infrastructure during the planting and maintenance process. If any damage or disturbance occurs to infrastructure, ensure you contact the City immediately
- residents and stakeholders must reapply every two years to ensure the continuing support of the adjoining property owners.

Within the 400 metres walkable catchment of Lakeview Park there are five Local Recreation parks that provide the residents of Edgewater with a high level of access to green open space and associated recreational infrastructure, including playspaces, natural area bushland, and a BMX track.

As Lakeview Park is currently classified as, and maintained as, a thoroughfare as opposed to a recreation park, and is considered by the City to be an extension of the existing PAW, the petition request for a contemplation garden at this site is consistent with the recently established process enabling PAWs to be planted with appropriate vegetation.

If Lakeview Park is supported by Council as a site suitable to be planted in accordance with the City's Pedestrian Accessway Planting and Maintenance process, an on-line application which includes demonstrated written support of all property owners adjoining Lakeview Park and a planting plan of proposed works in alignment with the guidelines available on the City's website would need to be submitted to the City by the applicant for assessment.

Following approval for inclusion on the City's Pedestrian Accessway Planting and Maintenance Register, the City would be willing to provide assistance if requested by undertaking the following works which are not permitted under the register:

- Spraying out the existing turf area to be planted by the applicants estimated at \$3,000.
- Supplying and installing trees in appropriate City approved locations estimated at \$4,400.

Issues and options considered

Council can either:

Option 1: Support Lakeview Park as a site suitable to be planted in accordance with the City's Pedestrian Accessway Planting and Maintenance process.

This is the recommended option as it will provide the opportunity for the applicants and other interested residents to plant appropriate vegetation including native shrubs to achieve the outcomes listed on the petition which included improving the mental health of the community through creating connection and social interactions during the creating, planting and ultimate use of the finished garden.

Option 2: Not support Lakeview Park as a site suitable to be planted in accordance with the City's Pedestrian Accessway Planting and Maintenance process.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality Open spaces.

Strategic initiative Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy Not applicable.

Risk management considerations

Lakeview Park is currently in a neat condition with the soil stabilised through established dry turf. If Lakeview Park was supported as a site suitable for planting under the City's Pedestrian Accessway Planting and Maintenance process, an application was received and approved, the site planted in accordance with the City's requirements, then fell into disrepair, the City would need to fund the reinstatement costs. As the area is not irrigated, it would be difficult to reinstate the site back to its current state, and as such other options would need to be considered which may include water-wise plant species and mulched.

Financial / budget implications

	Option 1 (support)	Option 2 (do not support)
Spray out turf (2 applications)	\$3,000	0
Supply and install 10 trees	\$4,400	0
Annual maintenance	0	0
Annual depreciation	0	0
TOTAL CAPITAL	\$7,400	0

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No formal consultation has been undertaken.

COMMENT

The success of this project will be dependent on the buy-in of the adjacent property owners and the level of commitment from the wider community to not just implement this initiative but also to undertake the required maintenance over time.

VOTING REQUIREMENTS

Simple Majority.

The Acting Director Governance and Strategy left the Chamber at 8.49pm and returned at 8.51pm.

Cr May left the Chamber at 8.50pm and returned at 8.53pm.

MOVED Cr Kingston, SECONDED Cr Jones that Council:

- 1 NOTES the request from the Petition of Electors to create a native contemplation garden at Lakeview Park in Edgewater is consistent with the City's recently established on-line process enabling applications to be received for Pedestrian Accessway Planting and Maintenance;**
- 2 SUPPORTS Lakeview Park in Edgewater as a site suitable for consideration under the City's Pedestrian Accessway Planting and Maintenance application process;**
- 3 NOTES that if supported in Part 2 above, an application will need to be submitted to the City for assessment in line with the City's on-line application process;**
- 4 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

CJ042-03/22 BUDGET AMENDMENT – CAPITAL WORKS INSURANCE

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	107357, 101515
ATTACHMENTS	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 approve further amendments to the 2021-22 Revised Budget reflecting additional capital works projects which are required following property damage at the Iluka Sports Complex and Woodvale Community Centre.

EXECUTIVE SUMMARY

On 30 December 2021, the Iluka Sports Complex was damaged by a fire which had ignited on the roof of the complex. On 14 February 2022, the Woodvale Community Centre was damaged when a vehicle drove into the side of the building.

Although both these events are subject to insurance claims a budget amendment is required to enable the City to undertake the necessary repair works. The net cost of these works to the City is nil as the estimated insurance reimbursements will offset the estimated cost of works to be undertaken.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$185,000 to the Capital Works Expenditure Budget for the following two projects:*
 - 1.1 *Iluka Sports Complex fire damage repair;*
 - 2.2 *Woodvale Community Centre vehicle damage repair;*
- 2 *BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$185,000 to Non-operating Grant, Subsidies and Contributions Revenue.*

BACKGROUND

On 30 December 2021, the Iluka Sports Complex was damaged by a fire which had ignited on the roof of the complex. The initial inspection at the time confirmed that damage extended to the following:

- The 3 roof-mounted air-conditioners on the eastern end of the building.
- Roof sheeting on the southern side of the building and the attached box gutter.

- Bird netting used to protect the units.
- Minor water damage to the ceiling and carpet within the sports bar area.

On 14 February 2022, the Woodvale Community Centre was damaged when a vehicle crossed from a car parking bay over the footpath and drove into the side of the building. This resulted in significant damage to the side wall, window frames, air conditioner unit and flooring inside the centre.

Insurance claims were submitted to the City's insurer for both of these events.

DETAILS

The works to repair the damage at the Iluka Sports Complex includes the removal and replacement of damaged roof sheeting, air conditioning units and solar panels. The repair works are estimated at \$135,000; however, it is not possible to assess the full damage until the damaged roof sheeting has been removed. Permission to proceed with the works on a like-for like basis was received from the insurer on 15 February 2022.

The repair works at the Woodvale Community Centre will include rebuilding the damaged wall, replacing the windows, air conditioning and section of flooring inside the building. The initial estimate of these works is \$50,000. At the time of writing this Report, the insurer has not provided final approval to proceed. It is likely that approval will be received soon as the insurer has requested the City to obtain a quote for the works to be undertaken.

Issues and Options Considered

Option 1 – Do not amend the 2021-22 Revised Budget

Council can choose not to amend the 2021-22 Revised Budget to include these two projects to repair the damaged infrastructure identified in this Report.

Option 2 – Amend the 2021-22 Revised Budget

This is the recommended option as amending the 2021-22 Revised Budget will allow the City to incur the necessary expenditure to commence the repair works at the Iluka Sports Complex and Woodvale Community Centre within the 2021-22 financial year.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Section 6.8 of the *Local Government Act 1995*:

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency*
- (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

* *Absolute majority required.*

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk Management Considerations

The City's ability to complete the required repair works with minimal impact to the facility users could be impacted if the projects are not approved for 2021-22.

Financial / Budget Implications

The total additional expenditure required in 2021-22 for the repair works is as follows:

- \$185,000 to be added to the Capital Works Program 2021-22 Revised Budget (Expenditure).
- \$185,000 to be added to Capital Grants 2021-22 Revised Budget (Revenue).

The net cost of these works to the City is therefore nil, as the estimated insurance reimbursements will offset the estimated cost of works to be undertaken.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

The City will liaise with the facility users to minimise impact during the construction works.

COMMENT

Amending the 2021-22 Revised Budget will allow the City to undertake the necessary repairs works to the Iluka Sports Complex and the Woodvale Community Centre.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

- 1 BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$185,000 to the Capital Works Expenditure Budget for the following two projects:**
 - 1.1 Iluka Sports Complex fire damage repair;**
 - 2.2 Woodvale Community Centre vehicle damage repair;**
- 2 BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$185,000 to Non-operating Grant, Subsidies and Contributions Revenue.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

REPORT – AUDIT AND RISK COMMITTEE - 1 MARCH 2022

CJ043-03/22 2021 COMPLIANCE AUDIT RETURN

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBERS	32481, 09492, 101515
ATTACHMENTS	Attachment 1 2021 Compliance Audit Return Attachment 2 Compliance Audit Return (2019 to 2021)
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 adopt the City's 2021 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

EXECUTIVE SUMMARY

The DLGSC Compliance Audit Return for the period 1 January 2021 to 31 December 2021 has been completed and is required to be adopted by Council before being submitted to the DLGSC by 31 March 2022.

It is therefore recommended that Council:

- 1 ADOPTS the completed 2021 Local Government Compliance Audit Return for the period 1 January 2021 to 31 December 2021 forming Attachment 1 to Report CJ043-03/22;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government, Sport and Cultural Industries.*

BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year. After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister. The Audit and Risk Committee is to review the Return before it is presented to Council for adoption.

Regulation 15 requires the Return to be certified by the Mayor and the Chief Executive Officer before being submitted to the DLGSC, along with the relevant section of the minutes, by 31 March next following the period to which the Return relates.

The 2021 Return was made available to local government authorities by the DLGSC via its centralised portal Smart Hub. The 2021 Return is similar to previous years and focuses on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

DETAILS

The 2021 Return contains the following compliance categories:

- Commercial Enterprises by Local Governments.
- Delegation of Power / Duty.
- Disclosure of Interest.
- Disposal of Property.
- Elections.
- Finance.
- Integrated Planning and Reporting.
- Local Government Employees.
- Official Conduct.
- Optional Questions.
- Tenders for Providing Goods and Services.

The relevant Managers were required to complete the responses to the Return's questions which were approved by their Director before being forwarded to the Internal Auditor for review and input via the Smart Hub on the DLGSC website. The Return has been completed and is now required to be adopted by Council before being finalised and submitted to the DLGSC by 31 March 2022.

It should be noted that the Return indicates two areas of non-compliance as follows:

- Disclosure of Interest – Question 5

One employee failed to lodge an annual return by 31 August 2021. The employee was on extended personal leave since 31 August 2020 and during this their position was made redundant. The employee ceased employment with the City on 22 July 2021.

- Disclosure of Interest – Question 22

The draft Code of Conduct for council members, committee members and candidates was provided to Elected Members at Strategy Sessions on 2 March 2021 and 6 April 2021 for feedback; and adopted by Council on 18 May 2021 (CJ071-05/21 refers). This was not within three months of the prescribed model code of conduct coming into operation on 3 February 2021.

Legislation / Strategic Community Plan / Policy Implications

Legislation Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*.

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

The risk associated with Council failing to adopt the 2021 Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

Financial / Budget Implications

Not applicable.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

Two areas of non-compliance were identified, one of which was outside the City's control, as it related to an annual return not being lodged by one employee. Notwithstanding this, the 2021 Return reveals a high level of compliance with legislation by the City.

Responses to the questions for the Compliance Audit Returns from 2019 to 2021 are attached for information (refer Attachment 2).

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 1 March 2022.

MOVED Cr Raftis, SECONDED Cr Fishwick that Council:

- 1 ADOPTS the 2021 Local Government Compliance Audit Return for the period 1 January 2021 to 31 December 2021 forming Attachment 1 to Report CJ043-03/22;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed 2021 Compliance Audit Return as detailed in Part 1 above to the Department of Local Government, Sport and Cultural Industries.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf220308.pdf](#)

C21-03/22

COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION

MOVED Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ030-03/22; CJ033-03/22; CJ035-03/22 and CJ038-03/22.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C22-03/22 NOTICE OF MOTION NO. 1 – MAYOR JACOB – BRADEN PARK BASKETBALL PAD

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Jacob has given notice of his intention to move the following Motion at the Council meeting to be held on 15 March 2022:

That Council:

- 1 *BY ABSOLUTE MAJORITY REVOKES Part 4 of its decision of 15 February 2022 (CJ026-02/22 refers) which reads as follows:***

‘SUPPORTS the request to remove the basketball pole and backboard from Braden Park.’;
- 2 *REQUESTS the Chief Executive Officer to:***
 - 2.1 reinstall the basketball pole and backboard at the Braden Park basketball pad;***
 - 2.2 install noise attenuation material such as AstroTurf or similar to the concrete basketball pad.***

REASON FOR MOTION

My reasons for this Notice of Motion are twofold.

First, I have been inundated with requests from local residents requesting an opportunity for the majority of respondents (who supported the facility’s retention) to engage with the Council on this matter. Many residents have stated that they had seen the consultation results and the officers’ recommendation but not the alternative motion. Therefore, believing the item would pass as recommended, many residents had not engaged further with the Council on the decision. Bringing this matter back for Council to re-consider its decision gives these residents an opportunity to also be heard on this matter.

Second, when the Council passed the alternative motion last month, it did not have before it information on noise attenuation options which may be applied to the facility to help further ameliorate some residents’ concerns. It is my understanding that such options do exist, such as the use of an AstroTurf type product overlaid onto the concrete pad. Noting the strength of local support for this facility to remain, I believe that it would be prudent for the Council to reconsider installing the basketball hoop in Braden Park in the context of further noise amelioration measures which may be applied.

Call for One-Third Support

In accordance with regulation 10 of the *Local Government (Administration) Regulations 1996*, one-third support of the number of offices of members of the Council was given by the following elected members:

- 1 Mayor Albert Jacob, JP.
- 2 Cr Nige Jones.
- 3 Cr Tom McLean, JP.
- 4 Cr Christine Hamilton-Prime, JP.
- 5 Cr Christopher May.

OFFICER'S COMMENT

At its meeting held on 8 October 2019 (C65-10/19 refers), Council received a 165 signature Petition of Electors requesting that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and to take into account recent community led feedback in the planning and design of the playspace.

At its meeting held on 19 May 2020 (CJ063-05/20 refers), Council considered a report in relation to this petition and supported bringing forward the play space renewal project for construction in 2020-21 and supporting the inclusion of additional infrastructure items in the project, one of which being a basketball pad.

In early April 2021, the City advised affected residents surrounding Braden Park of the renewal works and undertook additional consultation which indicated strong support for the installation of the basketball pad in its current location.

At its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council remove the basketball pad and four-square court from the Braden Park playground upgrade. At its meeting held on 17 August 2021 (C81-08/21 refers), in response to a Notice of Motion, Council requested the Chief Executive Officer to conduct a survey of residents within 200 metres of the perimeter of Braden Park and remove the basketball pad and four-square court if supported by the majority of residents surveyed.

The construction of the basketball pad and four-square pad component recommenced on 3 September 2021, however, to address the noise concerns that had been raised by some residents, the basketball back board design was changed to a new design which reduced the recorded decibels of the basketball striking the back board following a successful trial of this design at Mawson Park. In addition, the City also installed a temporary CCTV unit for data collection to determine usage of the facility and if any anti-social behaviour was occurring. The overall upgrade project was completed and opened to the community on 17 September 2021.

The City undertook sound level measurements between 8 October and 12 October 2021. A subsequent sound level assessment was completed to determine whether the noise that was occurring complied with the *Environmental Protection (Noise Regulations) 1997*. Prior to analysis of the sound level assessment, the Authorised (Noise) Officers of the Department of Water and Environmental Regulation's (DWER) Noise Section were contacted and provided with the measurements and sound recording taken as part of the assessment. The assessment, including the application of appropriate penalties was completed based on the advice and guidance from DWER.

The results of the assessment indicated there was a potential for the assigned levels to be exceeded after 7.00pm, due to the application of the LA Max criteria. Due to the many influencing factors associated with the playing of basketball, it could not be concluded that the playing of basketball would breach the assigned levels on every occasion after 7.00pm.

In consideration of the potential that the playing of basketball may breach the assigned levels on some occasions, the City, in early November 2021, installed signage which limited the permitted times of play to be between 7.00am and 7.00pm Monday to Saturday and between 9.00am and 7.00pm on Sundays and public holidays.

In addition to the above, the City continued to investigate potential surface treatment options to the concrete pad to further minimise noise created by bouncing balls.

From 23 November to 21 December 2021, previously notified residents of the Braden Park renewal works were invited to provide their feedback on the recently installed basketball pad and four-square pad at Braden Park and determine its impacts (if any) on local amenity, and whether residents wished for the infrastructure to be removed.

Respondents to the consultation survey who opted in as part of the survey process were notified by email that the analysis of this consultation would be provided to Council to assist them in their decision-making role first at the Briefing Session to be held on 8 February 2022 and then at the Council meeting to be held on 15 February 2022.

At the Ordinary Council meeting held on 15 February 2022 (CJ026-02/22 refers), Council considered a report in relation to the outcomes of this recent round of community consultation and resolved the following:

“That Council:

- 1 *NOTES the results of the community engagement process as detailed in Attachment 2 to this Report;*
- 2 *NOTES that 77.2% of respondents either strongly oppose or oppose removing the basketball pad and four-square pad from Braden Park, Marmion as detailed in Attachment 2 to this Report;*
- 3 *BY ABSOLUTE MAJORITY revokes Part 4 of its decision of 17 August 2021 (C81-08/21 refers) which reads as follows:*

“is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.”;
- 4 *SUPPORTS the request to remove the basketball pole and backboard from Braden Park;*
- 5 *ADVISES the lead petitioner of its decision.”*

Residents were notified of the above decision of Council via a letter dated 18 February 2022 and the basketball pole and backboard were removed on Tuesday 1 March 2022 at a cost of \$750 (excluding GST).

Investigations into different treatment options that could be applied to the basketball concrete pad to further reduce noise levels continued. While some of the treatments investigated were more suited to an indoor stadium, a synthetic turf layer glued to a concrete slab has shown promising results. An assessment was undertaken at Heathridge Park on 16 February 2022 on recently installed Astroturf (on a concrete cricket pitch) as compared to a bare concrete basketball pad.

Although the bounce of the ball appeared unaffected by the Astroturf surface, the initial results showed that the Astroturf with a normal bounce was about 11dB quieter than the concrete pad and 6 dB quieter with a heavy bounce.

The results of the test indicated there is a good prospect of compliance in basketball bounce noise if Astroturf was installed at the Braden Park basketball pad from the nearest houses with both the LA10 and LA1 Levels up to 10.00pm.

There are over 48 basketball courts located throughout the City with at least seven basketball pads closer to residential homes than the Braden Park basketball pad. Although, the City has received minimal complaints over noise issues from these other locations, based on these initial results, the City will commence with the installation of the Astroturf or a similar product on the basketball pad located at Bengello Park, which is the closest to residential homes being 26m away. Other locations will be assessed on a case-by-case basis.

If the Notice of Motion is supported, the City will undertake further noise assessments following installation of the noise attenuation product prior to making any changes to the hours of permitted play. The cost estimate for the reinstatement of the basketball pole and backboard is \$750 (excluding GST) and to install the Astroturf or similar product is \$7,200. Additionally, there is no other impediment, legal or otherwise, to reinstate the basketball pole and backboard as the City has not entered into a contract following the decision of Council at its meeting held on 15 February 2022 on this matter.

Based on the results of the community consultation as reported to Council at its meeting held on 15 February 2022 (CJ026-02/22 refers) and the preliminary result of the assessment undertaken at Heathridge Park, the Notice of Motion can be supported.

C23-03/22

CALL FOR ONE-THIRD SUPPORT TO REVOKE A PREVIOUS COUNCIL DECISION

Regulation 10 of the *Local Government (Administration) Regulations 1996* prescribes the following procedure for dealing with revoking or changing decisions made at Council or Committee Meetings:

“If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.”

Mayor Jacob called for support from one-third of the members of Council. Support to revoke Council’s resolution in relation to Notice of Motion No. 1 – Braden Park Basketball Pad was given by:

- 1 Mayor Jacob.
- 2 Cr Jones.
- 3 Cr McLean.
- 4 Cr Hamilton-Prime.
- 5 Cr May.

In accordance with clause 8.2(1)(c) of the *Meeting Procedures Local Law 2013*, which permits a Point of Order to be raised relating to the following:

“The violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached”.

Cr Kingston raised a Point of Order that clause 13.4(1)(d) of the *Meeting Procedures Local Law 2013* had been breached as the Notice of Motion No. 1 – Mayor Jacob – Braden Park Basketball Pad did not include the required number of signatures.

In accordance with clause 8.4(1) Mayor Jacob rejected the Point of Order.

C24-03/22 **PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH**

MOVED Cr Kingston, SECONDED Cr Poliwka that the Presiding Member be DISAGREED with as per section 10.12 of the *Meeting Procedures Local Law 2013*.

The Procedural Motion was Put and

LOST (5/8)

In favour of the Procedural Motion: Crs Chester, Kingston, Poliwka, Raftis and Thompson.

Against the Procedural Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

1 BY ABSOLUTE MAJORITY REVOKES Part 4 of its decision of 15 February 2022 (CJ026-02/22 refers) which reads as follows:

‘SUPPORTS the request to remove the basketball pole and backboard from Braden Park.’;

2 REQUESTS the Chief Executive Officer to:

2.1 reinstall the basketball pole and backboard at the Braden Park basketball pad;

2.2 install noise attenuation material such as Astroturf or similar to the concrete basketball pad.

C25-03/22 **PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK**

MOVED Cr McLean, SECONDED Cr Logan that Item Notice of Motion No. 1 – Mayor Jacob – Braden Park Basketball Pad **BE REFERRED BACK** to the Chief Executive Officer to report back to Council with an analysis of current and proposed guidelines and any further information that will assist Council in making its decision.

In accordance with clause 8.2(1)(c) of the *Meeting Procedures Local Law 2013*, which permits a Point of Order to be raised relating to the following:

“The violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached”.

Cr Kingston raised a Point of Order that clause 10.1(c) of the *Meeting Procedures Local Law 2013* had been breached as Cr McLean’s Procedural Motion, that the Item be Referred Back to the Chief Executive Officer, for Motion No. 1 – Mayor Jacob – Braden Park Basketball Pad implied that the Notice of Motion originated from the Chief Executive Officer.

In accordance with clause 8.4(1) Mayor Jacob rejected the Point of Order.

C26-03/22 **PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH**

MOVED Cr Kingston, SECONDED Cr Poliwka that the Presiding Member be DISAGREED with as per section 10.12 of the *Meeting Procedures Local Law 2013*.

The Procedural Motion was Put and

LOST (5/8)

In favour of the Procedural Motion: Crs Chester, Kingston, Poliwka, Raftis and Thompson.

Against the Procedural Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

The Procedural Motion as Moved by Cr McLean and Seconded by Cr Logan was Put and
CARRIED (9/4)

In favour of the Procedural Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean and Raftis.

Against the Procedural Motion: Crs Chester, Kingston, Poliwka and Thompson.

C27-03/22

NOTICE OF MOTION NO. 2 – CR RUSS FISHWICK, JP – BRADEN PARK BASKETBALL FACILITY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 15 March 2022:

That Council REQUESTS the Chief Executive Officer to prepare a report for consideration at the 19 April 2022 meeting of Council on:

- 1 the installation of a basketball pad with pole and backboard at an appropriate location within Braden Park Marmion, including an independent acoustic sound engineers report on the noise levels to ascertain if it will impact on the amenity of nearby residents within close proximity of the proposed location, particularly with regard to noise emissions levels emanating from the bouncing of balls on the pad and hitting the backboard;***
- 2 the cost and timing to construct the basketball facility mentioned in Part 1 above, so that the matter can be considered in the 2022-23 Draft Budget;***
- 3 undertaking community consultation on installing a new basketball facility within an appropriate location at Braden Park that complies with the noise regulations.***

REASON FOR MOTION

The Council at its meeting held on 15 February 2022 resolved to remove the basketball pole and backboard at Braden Park due to the noise levels emanating from the basketball pad causing a detrimental effect on nearby residents and attempts to mitigate the noise levels failed.

The problem I believe was that the basketball facility was placed too close to homes, creating an unreasonable noise nuisance (one that exceeds noise regulations during certain times). This is reflected in the fact that the City's Administration have advised that they will not be placing basketball pads so close to homes in the future and will begin to consult before they install play spaces.

This will resolve future noise issue problems for other installations; however, it means that the youth in Marmion are now devoid of a basketball facility that was popular and heavily utilised.

To rectify the matter, it is requested that a report be presented to Council at its 19 April 2022 meeting on options and costings to provide a facility in Braden Park so that noise levels emanating from the facility will not impact on the residential amenity of the area.

The City of South Perth recently commissioned an independent sound report prior to considering installing a basketball pad. The report recommended that such facilities with sound mitigation strategies in place should be located at least 60 metres and ideally 100 metres away from residential properties.

It is therefore proposed that an independent acoustic sound engineers report on the noise levels should be included in the report being requested which I believe would cost approximately \$1,500 and should be obtained to ascertain if any noise emissions will impact on nearby residents within close proximity of the proposed location of the facility.

Had risk management considerations being undertaken similar to those carried out by the City of South Perth with regard to noise emissions prior to installing the pad, then it may have resulted in another location being selected at Braden Park that complied with the noise emission regulations.

In addition, the actions contained in this "Notice of Motion" may also reunite the local community which is at variance with the removal of the basketball pole and backboard.

OFFICER'S COMMENT

At its meeting held on 8 October 2019 (C65-10/19 refers), Council received a 165 signature Petition of Electors requesting that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and to take into account recent community led feedback in the planning and design of the playspace.

At its meeting held on 19 May 2020 (CJ063-05/20 refers), Council considered a report in relation to this petition and supported bringing forward the play space renewal project for construction in 2020-21 and supporting the inclusion of additional infrastructure items in the project, one of which being a basketball pad.

In early April 2021, the City advised affected residents surrounding Braden Park of the renewal works and undertook additional consultation which indicated strong support for the installation of the basketball pad in its current location.

At its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council remove the basketball pad and four-square court from the Braden Park playground upgrade. At its meeting held on 17 August 2021 (C81-08/21 refers), in response to a Notice of Motion, Council requested the Chief Executive Officer to conduct a survey of residents within 200 metres of the perimeter of Braden Park and remove the basketball pad and four-square court if supported by the majority of residents surveyed.

The construction of the basketball pad and four-square pad component recommenced on 3 September 2021, however, to address the noise concerns that had been raised by some residents, the basketball back board design was changed to a new design which reduced the recorded decibels of the basketball striking the back board following a successful trial of this design at Mawson Park. In addition, the City also installed a temporary CCTV unit for data collection to determine usage of the facility and if any anti-social behaviour was occurring. The overall upgrade project was completed and opened to the community on 17 September 2021.

The City undertook sound level measurements between 8 October and 12 October 2021. A subsequent sound level assessment was completed to determine whether the noise that was occurring complied with the *Environmental Protection (Noise Regulations) 1997*. Prior to analysis of the sound level assessment, the Authorised (Noise) Officers of the Department of Water and Environmental Regulation's (DWER) Noise Section were contacted and provided with the measurements and sound recording taken as part of the assessment.

The assessment, including the application of appropriate penalties was completed based on the advice and guidance from DWER.

The results of the assessment indicated there was a potential for the assigned levels to be exceeded after 7.00pm, due to the application of the LA Max criteria. Due to the many influencing factors associated with the playing of basketball, it could not be concluded that the playing of basketball would breach the assigned levels on every occasion after 7.00pm.

In consideration of the potential that the playing of basketball may breach the assigned levels on some occasions, the City, in early November 2021, installed signage which limited the permitted times of play to be between 7.00am and 7.00pm Monday to Saturday and between 9.00am and 7.00pm on Sundays and public holidays.

In addition to the above, the City continued to investigate potential surface treatment options to the concrete pad to further minimise noise created by bouncing balls.

From 23 November to 21 December 2021, previously notified residents of the Braden Park renewal works were invited to provide their feedback on the recently installed basketball pad and four-square pad at Braden Park and determine its impacts (if any) on local amenity, and whether residents wished for the infrastructure to be removed.

Respondents to the consultation survey who opted in as part of the survey process were notified by email that the analysis of this consultation would be provided to Council to assist them in their decision-making role first at the Briefing Session to be held on 8 February 2022 and then at the Council meeting to be held on 15 February 2022.

At the Ordinary Council meeting held on 15 February 2022 (CJ026-02/22 refers), Council considered a report in relation to the outcomes of this recent round of community consultation and resolved the following:

“That Council:

- 1 *NOTES the results of the community engagement process as detailed in Attachment 2 to this Report;*
- 2 *NOTES that 77.2% of respondents either strongly oppose or oppose removing the basketball pad and four-square pad from Braden Park, Marmion as detailed in Attachment 2 to this Report;*
- 3 *BY ABSOLUTE MAJORITY revokes Part 4 of its decision of 17 August 2021 (C81- 08/21 refers) which reads as follows:*

“is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.”;
- 4 *SUPPORTS the request to remove the basketball pole and backboard from Braden Park;*
- 5 *ADVISES the lead petitioner of its decision.”*

Residents were notified of the above decision of Council via a letter dated 18 February 2022 and the basketball pole and backboard were removed on Tuesday 1 March 2022 at a cost of \$750 (excluding GST).

Investigations into different treatment options that could be applied to the basketball concrete pad to further reduce noise levels continued. While some of the treatments investigated were more suited to an indoor stadium, a synthetic turf layer glued to a concrete slab has shown promising results. An assessment was undertaken at Heathridge Park on 16 February 2022 on recently installed Astroturf (on a concrete cricket pitch) as compared to a bare concrete basketball pad.

Although the bounce of the ball appeared unaffected by the Astroturf surface, the initial results showed that the Astroturf with a normal bounce was about 11dB quieter than the concrete pad and 6 dB quieter with a heavy bounce.

The results of the test indicated there is a good prospect of compliance in basketball bounce noise if Astroturf was installed at the Braden Park basketball pad from the nearest houses with both the LA10 and LA1 Levels up to 10.00pm.

There are over 48 basketball courts located throughout the City with at least seven basketball pads closer to residential homes than the Braden Park basketball pad. Although, the City has received minimal complaints over noise issues from these other locations, based on these initial results, the City will commence with the installation of the Astroturf or a similar product on the basketball pad located at Bengello Park, which is the closest to residential homes being 26m away. Other locations will be assessed on a case-by-case basis.

As indicated in the history provided above and elaborated on in the City's report to Council (CJ026-02/22 refers), the City sought guidance from the regulator, being the Department and Water and Environmental Regulation in compiling the noise assessment report. A copy of the City's sound level assessment report was subsequently provided to DWER by a third party, following its release under freedom of information. The City held a telephone conversation with DWER who confirmed that they supported the City's approach.

Additionally, as requested, the City has undertaken a review of the Herring Storer Acoustics report dated March 2022 and can provide the following commentary:

The acoustic assessment report undertaken by Herring Storer Acoustics was based on predictive modelling using a sound power level associated with certain basketball activities. Predictive modelling is not as effective in demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997* compared to an actual sound level assessment undertaken at a noise sensitive premises and to this regard, should only be used where an actual sound level assessment is not possible.

Potential limitations in the report undertaken by Herring Storer Acoustics include:

- The calculation of a sound pressure level to be utilised in computer modelling includes an unrealistic assumption that every bounce of a basketball is identical and that every bounce of a basketball was occurring at the same distance as the point of measurement. In practice, the City's assessment of actual sound level measurements taken at a noise sensitive premises clearly demonstrates that each noise that a basketball makes varies, depending upon a range of factors.
- The predictive modelling assumes that no other noise sources are occurring while the basketball court is in use. In practice, there will be a number of noise sources occurring at Braden Park that would impact a sound level assessment undertaken over a suitable representative period. As an example, a bounce of a basketball that occurs at the time a child is cheering, or an aeroplane is flying over, influence the assessment of the LA10 and LA1 levels.
- The *Environmental Protection (Noise) Regulations 1997* refer to a representative assessment period that is appropriate, having regard to the type and nature of a noise emission and is between 15 minutes and four hours. A longer assessment period is necessary to be representative of the overall impact of basketball activities, considering the unpredictable and varying nature of the noise source. The Herring Storer Acoustics report's predictive modelling infers that a 15 minute period is representative.

- The Herring Storer Acoustic report is based on a finding that the noise associated with the bounce of a basketball lasts one second. The noise from the bounce of a basketball is much less than one second.
- The sound contour map does not provide a clear indication of whether the predictive sound levels based on modelling, would be within the home of the noise sensitive premises and therefore representative of the noise experienced.

In summary, the report by Herring Storer Acoustic is a theoretical prediction and contains assumptions that could have a significant impact on predictive L_{A10} and L_{A1} levels. A sound level assessment of actual basketball play occurring taken from within the noise sensitive premises, such as the noise assessment undertaken by the City in October 2021, would provide a better indication of whether the *Environmental Protection (Noise) Regulations 1997* are being met.

Based on the above the City considers that its assessment complies with the requirements from the regulator; and appointing an independent acoustic consultant estimated to cost between \$5,000 and \$7,000 is not required.

Further, the City is unlikely to have enough time to engage an independent acoustic consultant in accordance with the City's procurement processes, undertake the required investigation and prepare an acoustic report in time for the cut-off date for reports for the April Council meeting.

The notification of the upgrading works at Braden Park (April 2021) and two rounds of consultation (May/June 2021 and November /December 2021 respectively) have occurred with residents within the vicinity of Braden Park in regard to the installation of the basketball court and its subsequent location.

In both these consultations the installation and proposed location of the basketball pad at Braden Park was strongly supported by the community and in the most recent consultation there was strong support for the retention of the basketball pad. The most recent round of community consultation also attracted a significant response rate which demonstrated a high level of engagement amongst the residents.

Given the large amount of data already collected from the residents within close proximity of Braden Park, including detailed verbatim comments, it is not clear that further consultation would provide significant new information relevant to Council's decision making; and there is a risk of consultation fatigue, where residents may disengage with the process as they feel they have already provided input through the previous consultation activities.

Based on the considerations above, the Notice of Motion is not supported.

MOVED Cr Fishwick, SECONDED Cr May that Council REQUESTS the Chief Executive Officer to prepare a report for consideration at the 19 April 2022 meeting of Council on:

- 1 the installation of a basketball pad with pole and backboard at an appropriate location within Braden Park Marmion, including an independent acoustic sound engineers report on the noise levels to ascertain if it will impact on the amenity of nearby residents within close proximity of the proposed location, particularly with regard to noise emissions levels emanating from the bouncing of balls on the pad and hitting the backboard;
- 2 the cost and timing to construct the basketball facility mentioned in Part 1 above, so that the matter can be considered in the 2022-23 Draft Budget;
- 3 undertaking community consultation on installing a new basketball facility within an appropriate location at Barden Park that complies with the noise regulations.

Cr Poliwka left the Chamber at 9.23pm.

C28-03/22

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Item Notice of Motion No. 2 – Cr Russ Fishwick, JP – Braden Park Basketball Facility BE REFERRED BACK to the Chief Executive Officer to allow the Chief Executive Officer time to develop a report analysing current and proposed guidelines and any further information that will aid Council in making its decision pertaining to the basketball court situated at Braden Park.

The Procedural Motion was Put and

CARRIED (8/4)

In favour of the Procedural Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

Against the Procedural Motion: Crs Chester, Kingston, Raftis and Thompson.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Mayor Jacob signalled his intention to submit a Notice of Motion to the Council Meeting to be held on Tuesday 19 April 2021, regarding a call for a report that investigates design options for an artificial reef south of the marina rock wall north of Mullaloo point including various engagement options with the local community and State Government stakeholders.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.26pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR JOHN CHESTER
CR RUSS FISHWICK, JP
CR CHRISTINE HAMILTON-PRIME, JP
CR ADRIAN HILL
CR NIGE JONES
CR DANIEL KINGSTON
CR JOHN LOGAN
CR CHRISTOPHER MAY
CR TOM MCLEAN, JP
CR JOHN RAFTIS
CR SUZANNE THOMPSON