

# minutes

## Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 13 DECEMBER 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*

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# CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 13 DECEMBER 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	<i>absent from 9.41pm to 9.43pm</i>
CR ADRIAN HILL	North Ward	
CR NIGE JONES	North Central Ward	
CR DANIEL KINGSTON	North Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 9.16pm to 9.18pm</i>
CR CHRISTOPHER MAY	Central Ward	<i>absent from 9.54pm to 9.59pm</i>
CR SUZANNE THOMPSON	South Ward	
CR RUSS FISHWICK, JP	South Ward	<i>absent from 9.15pm to 9.18pm</i>
CR JOHN RAFTIS	South-West Ward	<i>absent from 9.15pm to 9.17pm</i>
CR JOHN LOGAN	South-East Ward	<i>absent from 7.09pm to 7.13pm</i> <i>absent from 9.18pm to 9.22pm</i>

### Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR JAMIE PARRY	Director Governance and Strategy	
MR CHRIS LEIGH	Director Planning and Community Development	
MR NICO CLAASSEN	Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	
MRS CATHRINE TEMPLE	Manager Planning Services	<i>to 8.00pm</i>
MR MICHAEL HAMLING	Manager Operation Services	<i>to 10.49pm</i>
MRS KYLIE BERGMANN	Manager Governance	
MR DANIEL DAVINI	Media Advisor	<i>absent from 10.49pm to 11.37pm</i>
MRS VIVIENNE STAMPALIJA	Governance Coordinator	
MRS DEBORAH GOUGES	Governance Officer	
MS AVRIL SCHADENDORF	Governance Officer	<i>absent from 9.42pm to 9.49pm</i> <i>absent from 10.49pm to 10.51pm</i>
MR CONNOR TILBURY	Acting Governance Officer	<i>to 7.55pm</i>

There were 98 members of the public and no members 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.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ197-12/22 - Proposed Amendment to Local Planning Scheme No. 3 - Additional Use 'Grouped Dwelling' - Lot 847 (5) Tuart Road, Greenwood.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of All Saints Parish which is under the jurisdiction of the Roman Catholic Archbishop, the owner of the site which is the subject of the report.

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	CJ197-12/22 - Proposed Amendment to Local Planning Scheme No. 3 - Additional Use 'Grouped Dwelling' - Lot 847 (5) Tuart Road, Greenwood.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant and the Director Planning and Community Development previously worked together.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ199-12/22 - Woodvale Trotting Track – Skate Facilities – Preliminary Business Case.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is the secretary of the friends of Yellagonga and a family member is on the executive committee of the association.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ199-12/22 - Woodvale Trotting Track – Skate Facilities – Preliminary Business Case.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga which is actively interested in matters relating to Yellagonga Regional Park including the former trotting track site in Woodvale.

<b>Name / Position</b>	<b>Mr Mat Humfrey, Director Corporate Services.</b>
<b>Item No. / Subject</b>	CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Director of Corporate Services is a member of the Whitford Hockey Club.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ204-12/22 - Population Management of Invasive Bird Species, Foxes and Feral Cats.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is the secretary of the friends of Yellagonga and a family member is on the executive committee of the association.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ204-12/22 - Population Management of Invasive Bird Species, Foxes and Feral Cats.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga which takes an active interest in matters which impact Yellagonga Regional Park

<b>Name / Position</b>	<b>Mr Nico Claassen, Director Infrastructure Services.</b>
<b>Item No. / Subject</b>	CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Director Infrastructure Services' wife is an employee of the Silver Chain Group.

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ211-12/22 - 2022-23 Budget Amendment Capital Works Additional Grant Funding - Coastal and Estuarine Risk Mitigation Program.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Albert Jacob is a member of the Marmion Angling and Aquatic Club (MAAC) which is a beneficiary of this investment.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ211-12/22 - 2022-23 Budget Amendment Capital Works Additional Grant Funding - Coastal and Estuarine Risk Mitigation Program.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Marmion Angling and Aquatic Club which would benefit from the proposed sea wall works.

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ232-12/22 - Status of Proposed Change to the District Boundary – Ocean Reef Marina Location.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of the Local Government Advisory Board.



## PUBLIC QUESTION TIME

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

**G Hughes, Ocean Reef:**

*Re: Hoon Driving at Ocean Reef Boat Ramp Carpark.*

*Q1 Can Elected Members confirm that the Council has no intention of taking any actions to implement temporary or permanent measures to the carpark to resolve ongoing illegal and antisocial behaviour of hoon driving taking place at the Ocean Reef boat ramp carpark which is Council property and by taking no action are condoning this illegal behaviour?*

A1 The City has previously installed temporary CCTV cameras at the Ocean Reef Boat Harbour to assist in monitoring the area. More recently the City has located temporary CCTV cameras on Hodges Drive and Ocean Reef Road monitoring one of the exit points to the Ocean Reef Boat Harbour. The City will shortly be relocating one of its temporary CCTV towers at this location.

This temporary CCTV equipment has three cameras, including one which provides Automatic Number Plate Recognition (ANPR) to support WA Police.

*Q2 Can the Council confirm that they view the risk of serious injury or death due to hoon driving taking place at Ocean Reef boat ramp carpark to be acceptable and there does not warrant any actions to be taken to address this risk and when a serious or fatal accident does occur in this area are the Council prepared to defend this acceptance of risk in a court of law and in front of the local media?*

A2 The City acknowledges that hooning is behaviour that can impact our local community and continues to liaise with WA Police. The City has deployed, and will again be deploying, temporary CCTV towers close to the boat harbour entry and exit points.

*Q3 Why did the Council spend \$350,000 of rate payer's money on promoting and hosting a "Festival of Motoring" including street racing events, which appeals to a minority of the local community and further encourages hoon driving behaviour, rather than spending this money on actual hoon driving prevention methods within the local authority area?*

A3 The Joondalup Festival of Motoring was a Council decision made in February 2022, with the attraction of large-scale events to the region aligning with the City's Strategic Plan Outcome 4.3 Appealing and welcoming, specifically:

### Event attraction

Attract and support significant events that are unique to Joondalup to enhance its image as an attractive destination for visitors, tourists and business.

The event format and programming were the first of its kind in Western Australia and was approved and managed in line with Motorsport Australia's strict safety requirements and guidelines. It focussed on showcasing a wide range of cars with the static displays and the sprint track was designed to minimise speed and in no way encouraged hoon driving.

Q4 *Given the awareness within the Council of these ongoing illegal hoon driving activities, would the Council be prepared to install sets of heavy duty rubber speed bumps across various sections of the open areas and straight road sections of the car park. If not, can the City please provide the reasoning on why this is not possible, noting the risks of serious injury or death identified in Q2 occurring on Council property vs the costs involved?*

A4 The City prioritises the installation of traffic treatments from its annual budget toward locations in the road network where the general public are at relatively high risk, for example historic crash locations and blind corners. It could be difficult to justify the installation of traffic treatments, temporary or otherwise, in a carpark as opposed to other locations which may benefit a greater number of users and the broader community.

Carpark modifications would not address the underlying problem of reckless use of motor vehicles. The installation of speed bumps or similar could be problematic for the intended users who have boats and trailers. Such treatments do not lend themselves to carparks with limited pedestrian facilities as they often cause tripping hazards.

Q5 *In regard to the Ocean Reef Marina development plan and in particular the areas allocated for boat ramp trailer parking. What, if any, planning and/or design features have been prescribed, by the planning authority to the developers, to prevent these wide-open hard paved areas being used for hoon driving, given this being an ongoing issue with the existing Ocean Reef boat ramp car parking area?*

A5 The City will confirm that Development WA as project developer is aware of the issue.

The design of the future parking areas and marine precinct is the responsibility of Development WA and their consultants and the approvals processes will involve the relevant sections within the City's administration.

### **M Baker, Heathridge:**

Re: *Planning and Use Application - West Australian Shalom Group Inc.*

Q1 *When the planning/land use application by West Australian Shalom Group Inc is received what does the Council consider in the assessment process?*

A1 The City has not received a development (planning) application and therefore is unable to provide any comment in relation to any planning policies which may apply at this stage as it will depend on the nature and content of the application.

Q2 *How will the City of Joondalup manage the safety and security for the children surrounding the venue? If the Shalom Group is allowed to proceed with the proposed planning application.*

A2 A development (planning) application has not been lodged by Shalom House to date. In the event an application is lodged and approval granted, there would be a requirement to operate in accordance with any conditions imposed on the approval, which may include safety and security management. It would also be likely that the City of Joondalup would be responsible for ensuring compliance with conditions of approval.

**B Hewitt, Edgewater:**

*Re: CJ209-12/22 - Public Open Space Framework – Quarry Park.*

**Q1** *Can the City please explain the required remediation works that has been undertaken to remove known asbestos from Quarry Park and how they have been carried out.*

**A1** In June 2022 the City engaged environmental consultants to prepare an interim Site Management Plan (ISMP). The ISMP confirmed the presence of surface asbestos containing material (ACM) on site, however the risk was considered to be low and capable of management through the implementation of measures including further visual inspections of the site, removal of visible ACM and periodic inspections.

In response to the ISMP the City engaged contractors to identify and remove visible ACM's from the site. The ISMP and a report from the asbestos removal contractors was forwarded to the Department of Water and Environmental Regulation (DWER) for their comment.

**Q2** *Quarry Park was once listed as a Regional Open Space, then it was referred to as disused and abandoned wasteland, (this when the City was investigating development of the site), it is now proposed to be a "high priority natural area".*

*Can the City advise how each of these classifications has been made and justified?*

**A2** Edgewater Quarry Reserve was classified as a Regional Park in the Parks and Public Open Space Classification Framework adopted by Council in 2010.

In 2013, Quarry Park was identified as bushland in the *Revised Parks and Public Open Space Classification Framework* which was adopted as a management guideline by the then Chief Executive Officer.

In the 2022 the Public Open Space Framework, Quarry Park is classified as a High Priority Natural Area.

These classifications were, and are based on, the classification framework at the time.

**Q3** *Has the City fully and adequately dealt with the community's 1000 signature strong petition calling on the City to create a multigenerational all abilities park within Quarry Park?*

**A3** In March 2021 a 894 signature petition was received from residents of the City of Joondalup requesting Council not accept the preferred draft concept plan for the Edgewater Quarry site and retain it as a green space. A report on the preferred draft concept plan was submitted to Council at its meeting held on 16 March 2021 (CJ040-03/21 refers). At that meeting Council decided in part to note that the preferred draft concept plan was not supported by the majority of respondents to the community consultation and that investigations would be undertaken into the presence of contamination at the site. The lead petitioner was notified of Council's decision.

The City has undertaken investigations into the contamination and will further develop a site management plan in conjunction with feedback from the Department of Water and Environmental Regulation.

Q4 *Did the Council ask the CEO to develop the proposed Public Open Space Framework and what direction was given to the CEO and Director in regard the intent and focus of development of this Framework?*

A4 This information is contained within the Background Section of the Report as detailed in CJ209-12/22 City of Joondalup Public Open Space Framework.

Re: *Misconduct Investigations.*

Q5 *What were the outcome and expense of the misconduct investigation that was carried out recently?*

A5 This is still an active matter and cannot be considered finalised until the external agency with oversight is satisfied. The final expenses cannot yet be determined.

### **E Cochrane, Kingsley:**

Re: *Planning and Use Application - West Australian Shalom Group Inc.*

Q1 *We the parents of both Whitford Catholic Primary School and Nido Craigie Daycare, are concerned that West Australian Shalom Group Inc will move in and operate out of 252-254 Camberwarra Drive, Craigie before they have the appropriate planning or land use approval in place.*

*What assurances can the City of Joondalup give to prevent this from happening?*

Q2 *If West Australian Shalom Group Inc moves in without the appropriate planning application/land use approval, what will the City of Joondalup do to act?*

A1 & 2 The City is aware that Shalom House has publicly stated its intent to submit a development (planning) application to seek approval to operate from the site. Should operations commence prior to relevant statutory approvals being in place, the City would investigate and undertake appropriate compliance action in response.

Q3 *What is the City of Joondalup's full and total definition/interpretation of private community purpose?*

A3 In accordance with Table 2 - Zone Objectives under the City of Joondalup's *Local Planning Scheme No. 3 (LPS3)*, the objectives of the 'Private Community Purpose' zone, being the zoning of the site, are as follows:

- *To provide sites for privately owned and operated recreation, institutions and places of worship.*
- *To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

LPS3 defines the land use of 'community purpose' as:

*means premises designed or adapted primarily for the provision of educational, social, cultural or recreational facilities or services by organisations involved in activities for community benefit.*

Q4 *What planning policy will the West Australian Shalom Group Inc planning/land use application be covered by?*

Q5 *When the planning/land use application by West Australian Shalom Group Inc is received by the City of Joondalup, what is the subsequent process?*

A4&5 The City has not received a development (planning) application and therefore is unable to provide any comment in relation to any planning policies which may apply at this stage as it will depend on the nature and content of the application.

#### **D Gettingby, Whitfords Senior Citizen Club:**

Re: *CJ198-12/22 - Access and Inclusion Plan and Age Friendly Plan Progress Reports.*

Q1 *When elected representatives consider agenda item CJ198 - 12/22, which includes a progress report on a new Age Friendly Plan, how will they reconcile "making bold and courageous decisions for the benefit of the whole community" with the recent decision to charge the City's biggest seniors organisation, the Whitford Seniors Club, more than \$22,000 in facility fees in 2024?*

A1 The City is not able to provide comment on how Elected Members reconcile considerations as part of their decision-making process, however it is noted that the purpose of report CJ198-12/22 is for Council to note progress against the City's existing Age Friendly Plan and to consider extending its validity for a further 12 months to align timing of a review with the City's Access and Inclusion. Council is not being asked to consider the content of a new Age Friendly Plan, including any potential financial implications, as part of report CJ198-12/22.

#### **S Gibbons, Edgewater:**

Re: *CJ209-12/22 - Public Open Space Framework.*

Q1 *Why as ratepayers have we not been given more information and time to consider the new proposed Public Open Space Framework?*

Q2 *Why as ratepayers are those that who live local to the areas that are subject to changes in open space classification are not being consulted?*

A1&2 The Public Open Space Framework does not propose to make any changes to infrastructure provision in parks; rather it is high level framework which continues with the guideline approach previously adopted by Council. This means the framework will continue to be a guide for the types of assets that could exist within each category of park or public open space.

As is already the case, community consultation on infrastructure options will continue to inform decision making regarding park or public open space upgrades on a case by case basis where appropriate.

Q3 *Should the City of Joondalup Elected Members be listening to the ratepayers? It seems members of the public are being ignored.*

A3 The City is unable to respond on behalf of individual Elected Members and what they consider as part of their decision making process.

**S Apps, Woodvale:**

*Re: CJ101-06/22 - Petition Requesting a Safety and Congestion Review at Woodvale Boulevard Shopping Centre.*

*Q1 In relation to CJ101-06/22 the Council endorsed the following recommendation:*

*“NOTES that a further review including a Road Safety Audit will be undertaken in 12-18 months or sooner dependent on the normalisation of traffic flows after the opening of the upgraded service station and fast-food outlet to determine whether further action at this location is required”*

*In the past 6 weeks, since the opening of the fast-food outlet and service station, the area of concern has seen four recorded incidents (including a serious injury). In addition, there have been numerous posts on social media highlighting poor driver behaviour in the area and further near misses.*

*With this information provided, will the Road Safety Audit review be brought forward?*

*A1 The Road Safety Audit has been scheduled to be undertaken in mid 2024 to allow for the following:*

- The normalisation of traffic flows after the opening of the developments, noting that the fast food outlet only commenced operation approximately six weeks ago.*
- The Mains Road WA Annual Crash Data for 2022 and 2023 to become available.*
- Enable a full assessment which includes all relevant data to be undertaken to identify trends and to gauge the operation of both the northern and southern access crossovers on Trappers Drive.*

*Bringing forward the timing of the Audit would not be supported at this stage.*

*Re: CJ199-12/22 - Woodvale Trotting Track - Skate Facilities - Preliminary Business Case.*

*Q2 There is currently no funding budgeted for such a business case, which is likely to cost around \$40,000 to \$50,000. The Department of Local Government, Sport and Cultural Industries has confirmed it would be acceptable for the City to use part of the \$800,000 committed for construction of the facility, for the costs of preparation of the business case.*

*Can the City please advise what has been the cost so far to prepare the business case and have these funds been recovered from the State government?*

*A2 The officer comment provided in response to the Notice of Motion considered by Council at its meeting in December 2021 relating to the likely cost of the business case was based on the preparation of a full business case, which would have likely included technical reporting from external consultants. It is this external reporting which would have cost around \$40,000 to \$50,000.*

*As outlined in the report, a staged approach to developing a business case has been undertaken, with an initial stage undertaking a feasibility review of critical site issues prior to developing options and completing a detailed business case.*

*This initial feasibility review has been completed without the need for external reporting and as such no cost, other than time spent by internal staff resources, have been incurred in preparation of the preliminary business case.*

- Q3 *The petition that the local member for Kingsley received, was initially for a skate park at Chichester Park, this was dismissed as residents near Chichester Park were not supportive. Following this the skate park was considered at Timbercrest Park, however the residents on Delonix Circle, were not supportive, last year the old Trotting Track was suggested, this has now been discounted, and now Chichester Park is being reconsidered, again, even though it was discounted originally.*

*Can the City advise why Chichester Park is being considered again?*

- A3 A petition for a skate facility at Chichester Park was received by Council at its meeting dated 20 March 2018 (C23-03/18 refers). The scale of the facility contemplated by the petition would be classified as a 'dedicated' scale facility as defined by the City's Outdoor Youth Recreation Strategy. This petition was considered by Council at its meeting dated 16 February 2021 in the context of the City's *Outdoor Youth Recreation Strategy* and other requests for outdoor youth recreation facilities including the installation of a BMX dirt track at Kallaroo Park, Mullaloo, a skate facility and BMX track at Percy Doyle and a mountain bike, a BMX facility at Whitfords West Park, improvements to existing BMX tracks at Haddington Park, Triton Park and Littorina Park and new interconnected mountain bike trails through Craigie, Mullaloo and Padbury.

In response, Council requested the initiation of a formal, detailed business case for the provision of dedicated skate and/or BMX facility at Percy Doyle Reserve. The business case was presented and endorsed by Council at its meeting held on 19 April 2022 (CJ46-04/22 refers).

The progression of the project at Percy Doyle Reserve for a dedicated skate and BMX facility as part of a broader outdoor youth recreation precinct meets the need identified in the City's *Outdoor Youth Recreation Strategy* for a dedicated facility in the City's southern suburbs.

Whilst the need for a dedicated-scale skate facility in the City's southern suburbs is being met by the project at Percy Doyle, the City's *Outdoor Youth Recreation Strategy* also identifies a need for 'incidental' scale facilities throughout the entire local government area.

The preliminary business case acknowledges this need and whilst the site of the old Woodvale Trotting Track is not considered an appropriate site, a need remains in the suburb of Woodvale. As outlined in the report, a desktop analysis has been undertaken of other parks in the suburb of Woodvale and Chichester Park has been identified as the most appropriate to investigate in further detail.

- Q4 *Will any chosen location be adhering to the recommendation in the Youth Outdoor Recreation Strategy, including maintaining a minimum buffer of 50 metres from residential property boundaries?*

- A4 The reference in the City's *Outdoor Youth Recreation Strategy* to maintaining a minimum buffer of 50 metres from residential property boundaries relates to critical locational and design criteria to establish dedicated facilities.

The scale of facility contemplated by the officer recommendation is an incidental facility and therefore one of a smaller scale.

**S Belgard, Marmion:**

Re: *CJ209-12/22 - Public Open Space Framework.*

Q1 *Councillors require all relevant data to be able to make informed decisions and approve motions. In relation to the Public Open Space Framework, why have they yet to receive the supporting justification matrix and rationale as requested at the Briefing Session held on 6 December 2022?*

A1 Information requested by Elected Members at the Briefing Session held on 6 December 2022 was either provided at the meeting or on Friday 9 December 2022.

Q2 *When will the justification matrix and rationale be available to the public, so that residents may understand the specific reasoning behind the City's decision making on the classification of each individual park?*

A2 The Public Open Space Framework provides the assessment framework for the classification of public open spaces.

Q3 *How, without consultation of residents and/or visitors with a poll or survey, has the City determined actual short, medium or long stay usage of each individual park?*

A3 The length of stay for each category of recreation park has been based on the function and recommended infrastructure provision of each park category, taking into account the walkable catchment and equitable access to recreational facilities with the aim to serve the community now and into the future.

Q4 *In regards to catchment area, how and what evidence has the City gathered without the consultation, poll or survey of residents or visitors, as to the distance travelled and if by car or on foot to the individual parks?*

A4 The catchment areas for the classifications of public open space have been adapted from the State Government's *Classification Framework for Public Open Space*.

**M Sideris, Mullaloo:**

Re: *Serious Misconduct.*

Q1 *Referring to the \$111,000 plus payments made so far to Civic Legal (questions November Council meeting) "proceedings continuing", regarding a confidential serious misconduct matter.*

*Can the City please advise the specific section of Delegated Authority being relied upon, which enables the City and CEO to withhold from Elected Members and ratepayers the details of the serious misconduct?*

A1 The City is bound by the provisions of Part 5 Division 7 of the *Local Government Act 1995* related to access to information, administered by the CEO, and applied as relevant to the roles and accessibility provisions of elected members, employees and members of the community.

In addition, when an allegation is received from the CCC, the CEO is bound by s153(3) of the *Corruption, Crime and Misconduct Act 2003* which prohibits the recording or disclosure of this information for purposes other than the purpose for which it is provided to the CEO. That purpose is to investigate alleged misconduct.



Q2 *Regarding the serious Misconduct matter in Question 1 above, please advise if any Elected Members had been consulted and/advised, formally or informally of this misconduct matter?*

A2 The CEO provides information to Elected Members relevant to their role, and, to the Mayor, relevant to his responsibility to liaise on the local government's affairs and performance of functions. When providing advice to Elected Members the CEO ensures that the confidential and active nature of this matter is respected.

Q3 *In June 2022 the City's Administration made a formal submission to the Joint Standing Committee on the Corruption and Crime Commission.*

*Can the City please advise was any Elected Member of Council advised and/or consulted of the proposed submission and if not why not?*

A3 The submission to the Joint Standing Committee on the Corruption and Crime Commission related to interactions between the City's Administration and the CCC, and was treated as a confidential document by the Committee when it was made. It was not considered necessary for consultation on the submission. The submission was provided to Elected Members once it was made available by the Committee.

Q4 *In the submission to Joint Standing Committee on the Corruption and Crime Commission, the City advised that it had "notified the Corruption and Crime Commission (the Commission) when there have been reasonable grounds to suspect that employees and/or Elected Members had engaged in serious misconduct, as required by section 28 of the Corruption, Crime and Misconduct Act.*

*Can the City please advise, list and date those that have been referred to in the past five years and outline the findings?*

A4 Referrals of serious misconduct to and from the Corruption and Crime Commission (CCC) in the past five years are:

- Obtaining a benefit for themselves. Matter closed by CCC (June 2018) due to actions taken by the City.
- Failure to disclose acceptance of gift within stipulated timeframe. Matter closed by CCC (September 2018) due to actions taken by the City.
- Falsification of timesheets. Matter closed by the CCC (January 2020) due to resignations.
- Obtaining a benefit for another person by taking advantage of employment. Resulted in termination (August 2020) and matter closed by CCC.
- Acceptance of prohibited gift and falsifying a document. CCC referred the matter to the Department of Local Government, Sport and Cultural Industries. After investigation the matter was closed by the Department (November 2020).
- Taking advantage of employment to obtain a benefit for themselves or suppliers. Matter closed by the CCC (November 2020) due to actions taken by the City.
- Failure to declare an interest. CCC was unable to form a reasonable suspicion of serious misconduct and the matter was closed (January 2021) with no action required.
- Falsification of contractor work sheets. Matter closed by CCC (March 2021) due to actions taken by the City.
- Overclaiming overtime and falsifying timesheets. Matter closed by CCC (March 2021) due to actions taken by the City.

- Failure to submit an Annual Return. Matter closed by CCC (January 2022) due to person not returning to work.
- Taking advantage of employment to obtain a benefit for themselves or supplier. Matter closed by CCC (June 2022) due to resignation.

*Re: Pinnaroo Point - Business Case.*

*Q5 Can the City please advise when the required "Business Case" for the "current" development proposal at Lot 501 Pinnaroo Point was submitted and approved by the Department of Lands?*

*A5 A business case requesting the lease of Crown Land at Pinnaroo Point was submitted to the Department of Planning, Lands and Heritage in 2018. The business case and subsequent negotiations led to the current Crown Land lease at Lot 501 Pinnaroo Point which commenced in 2020.*

### **J Schmidt, Edgewater:**

*Re: CJ194-11/22 - Draft Weed Management Plan 2022 – 2023.*

*Q1 Can the City explain why it wants to use Glyphosate for the next 10 years when there is strong evidence to substantiate that this chemical (in conjunction with other bad chemicals added in with glyphosate) harms our ecosystem (a geographic area where plants, animals and other organisms, as well as weather and landscape, work together to form a bubble of life)?*

*Q2 Why does the City of Joondalup want to continue using glyphosate?*

*A1&2 The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the Australian Government statutory agency responsible for the management and regulation of all agricultural and veterinary chemical products in Australia. Label instructions are regulated by the APVMA and designed to ensure the safe use of chemicals registered with the APVMA, this includes during and after application. The APVMA advises that products containing glyphosate are safe to use in areas which will be later used by people and animals provided the label instructions are followed. As outlined in Section 4.0 of the draft Weed Management Plan the City complies with regulations and implements a number of initiatives to maximise safety and minimise risk to staff and the community in regard to chemical weed control.*

As detailed in the draft Weed Management Plan, the City undertakes an integrated weed management approach to its weed control in public open spaces including use of a variety of mechanical, suppression, chemical-free and chemical (herbicide) application methods, as well as hand weeding. In determining the appropriate weed control method(s) for a given situation the City takes the following into consideration:

- The target weed.
- The season.
- Timing (such as; before weeds set seed).
- Resistance of the weed to specific herbicides.
- Potential residual effects and damage to off-target species.
- Rotation of the type of herbicide used to reduce herbicide resistance.
- Selection of the least toxic herbicide for the target species.
- Site location and any special considerations (such as; near wetlands).
- Weather conditions (such as; rain and wind).
- Effectiveness of outcomes, labour intensity required and cost involved.

Q3 *Why can't there be hand weeding applied in the City of Joondalup? You could ask for resident volunteers.*

A3 The draft Weed Management Plan 2022 – 2032 details an integrated weed management approach which includes the use of mechanical, suppression, chemical-free and chemical (herbicide) application methods, as well as hand weeding. In determining the appropriate weed control method(s) for a given situation the City considers a number of factors which are provided on page 16 of the draft Weed Management Plan.

As detailed on page 38 of the draft Weed Management Plan, hand weeding is used in natural areas as part of an integrated approach. This includes use of hand weeding for smaller infestations, for herbicide resistant weeds or as follow up to herbicide application. Hand weeding is also used in sensitive areas where herbicide use is not recommended. Widespread hand weeding is not used as it is labour intensive and, if applied inappropriately, can result in negative impacts to native vegetation by disturbance of the soil surface and may lead to erosion. The City supports a total of 19 Friends Groups that conduct a large amount of hand weeding in natural areas.

Q4 *Is there a way to crowd out weeds with other non-invasive plants?*

A4 Seven approaches are included within the Plan as part of the integrated approach to weed management with 24 management actions recommended which aim to coordinate and improve the City's weed management activities. Sections 4.1.6 and 4.2.7 of the draft Weed Management Plan discusses methods of weed prevention.

Q5 *Why isn't the City of Joondalup looking at the big picture?*

A5 The City implements an integrated weed management approach with a focus on increasing non-chemical weed control methods to protect biodiversity and maintain amenity accordance with regulatory requirements.

**M O'Byrne, Kinross:**

Re: *CJ209-12/22 - Public Open Space Framework.*

Q1 *How can it be appropriate for Elected Members to be advised to adopt a Public Open Space Framework that is devoid of any form of community consultation, comparative data on equity and fairness between suburbs and devoid of comparative data from previous Public Open Space Frameworks?*

A1 As explained at the 6 December 2022 Briefing Session, the Public Open Space Framework is a high-level document that aims to guide the allocation of infrastructure assets across the City. Further, the City's commitment to quality public open space is clearly articulated in the vision, goals and outcomes of the City's 10-Year *Strategic Community Plan*, Joondalup 2032. Development of that document was subject to extensive community consultation. As is already the case, community consultation on individual parks and infrastructure items will continue to inform decision-making.

A substantial amount of information has been provided to Elected Members to inform decision making on this item.

Q2 *Can the City please state exactly which government relevant state plans and policies that the draft Public Open Space Framework document aligns with?*

A2 The State Government does not have a position on how local government allocates infrastructure within public open spaces as this is considered to be the responsibility of local government. The Public Open Space Framework aligns with all State Government plans and policies that relate to public open space (for example, Liveable Neighbourhoods), but the Framework does not cascade from any specific plan or policy as this is not considered within in the remit of State Government.

To review all plans and policies developed by the various State Government departments and agencies for reference to public open space would require significant time and resources. Please refer to the detailed "Planning Context" section of the Public Open Space Framework which illustrates where the draft Framework sits within the City's broader Integrated Planning and Reporting Framework, and describes all of the related City plans, strategies, local laws and policy documents.

### **M Harrison, Mullaloo:**

Re: *CJ211-12/22 - Budget Amendment - Capital Works Additional Grant Funding - Coastal and Estuarine Risk Mitigation Program.*

Q1 *The City states specific "assessments assisted the City to identify and prioritise the works to be undertaken as part of the City's Coastal Risk Adaptation Program."*

*When did the Council specifically agree to M P Rogers and Associates undertaking and completing a "condition inspection and assessment of coastal protection assets" this "to identify future potential risks and mitigation activities to be undertaken to reduce the identified risks"?*

A1 Council endorsed the development of the City's *Coastal Infrastructure Adaptation Plan* through the adoption of the 2016/17 – 2020/21 *Corporate Business Plan*. The MP Rogers and Associates Coastal Protection Assets Condition Inspection Report 2017 was used to inform the development of the *Coastal Infrastructure Adaptation Plan*.

Q2 *The City states that "not improving the coastal protection assets will impact on the coastal environment which can potentially cause environmental damage to fragile ecosystem including fauna, flora and vegetation communities such as threatened and endangered species." Good management of fauna, flora and vegetation communities in Bush Forever 325 requires good fencing along the coastal foreshore to prevent access to the dunes from the beach by the general public thereby protecting the fragile ecosystem from its current levels of damage, vandalism, littering, pollution, and weed seed dispersal whilst correctly supporting the community's highly significant and active rehabilitation efforts.*

*Why has the City not sought to fence, or to cost the fencing for, or to budget for the fencing of the natural asset that is the unique Class A Reserve at Mullaloo Foreshore including with the correct type of beach fencing such as that the City has already successfully installed on the beach in Sorrento?*

A2 The seaward side of the dune system at Mullaloo Beach historically has been fully fenced and over the years, partial sections have also been fenced. Unfortunately, as the dune system is expanding, this fencing is short lived and is quickly covered by the expansion of the dune. As fencing is rapidly covered by shifting sands it is not seen as a long-term viable option to protect dunes from foot traffic. The City has recently installed regulatory signage at the beach warning beach users that if they enter the dune system they may be fined.

- Q3 *Can the City advise which M P Rogers and Associates report as referenced, specifically identified and costed these specific coastal mitigation actions?*
- A3 The M P Rogers and Associates Coastal Protection Assets Condition Inspection Report 2017 includes a condition inspection and assessment of the City's coastal protection assets and summarises subsequent maintenance recommendations, priority rankings and costs.
- Q4 *Can the City advise when exactly did Council authorise the City to make a Grant application?*
- A4 There is no requirement for Council to authorise the City making applications for grant funding. As per the *Local Government Act 1995*, Council is required to approve, by absolute majority, expenditure not included in the annual budget.
- Q5 *Referring to A1 and A2 to my Q1 and Q2 to the Briefing Session held on 6 December 2022. Explicitly noting that, the City did not secure any agreed Structure Plan as a Project Milestone for Ocean Reef Marina project.*
- How precisely are all the expressed development criteria of concerned City residents to be both fully considered and fully satisfied?*
- A5 The Western Australian Planning Commission (WAPC) has implemented an Improvement Scheme over the Ocean Reef Marina Precinct. The Improvement Scheme includes land use and development provisions and was advertised by the WAPC for public comment between 19 March to 26 June 2020. In addition, the Improvement Scheme allows the WAPC to prepare Improvement Scheme Policies and Improvement Scheme Design Guidelines. These policies and design guidelines will outline additional detailed development and built form criteria that will be used to assess proposed development within the precinct.

### **M Kwok, Ocean Reef**

*Re: Glyphosate use and Pesticide Use Notification.*

- Q1 *How many people are registered to receive pesticide use notification and pesticide exclusion verge?*
- A1 Pesticide Use Notification: 190 (includes 55 schools).  
Pesticide Exclusion Register: 129.
- Q2 *Many people use our parks and foreshores regularly, but do not reside in the City. Can they register for pesticide use notification?*
- A2 Yes.
- Q3 *Why do people need to re-register for pesticide use notification every year?*
- A3 The decision to be included on the City's Pesticide Use Notification Register is entirely at the individual's discretion. The City requires all registrants to reapply (should they wish to) on an annual basis to ensure the register is up to date as some residents may move out of the City and no longer require notification. This also provides residents with the opportunity to update their contact details should they need to.

Q4 *Can the City explain what the process is for sending reminders out?*

A4 The City does not send out specific reminders to registered residents to re-register. The City does inform registered residents that re-registration is required on an annual basis via the following:

- On its website in the preamble to the registration form.
- Via email when an application is processed, and the resident is informed they have been added to the register.
- Annually in June via a public notice on the City's website and a social media post.

Re: *CJ184-12/21 – Update on Weed Control Trial Outcomes.*

Q5 *Can the City please explain why Glyphosate 470 is scheduled to be used in Lakevalley Park Playspace in Edgewater this week?*

A5 Lakevalley Park is currently being upgraded as part of the City's 2022-23 *Capital Works Program*. Glyphosate is required to treat the existing turf areas where the new playground and mulch areas will be installed. The area is currently fenced off and not accessible to the public.

#### **M Moore, Edgewater:**

Re: *CJ209-12/22 City of Joondalup Public Open Space Framework.*

Q1 *The 2012 Department of Sport and Recreation's Classification Framework for Public Open Space defines the required characteristics for local, neighbourhood, district and regional open space. Many of the park areas listed as neighbourhood recreation parks and local recreation parks do not have all the listed characteristics.*

*Can the City explain over what timeframe will those shortfalls be addressed?*

A1 It is not possible to provide a timeframe, as decisions in relation to the provision of additional infrastructure and the upgrading of parks form part of the annual budget development process.

Q2 *Can the City advise how many of the proposed neighbourhood recreation parks and local recreation parks respectively are not irrigated?*

A2 There are 42 neighbourhood and local recreation parks that are not irrigated.

Q3 *What is the City's policy on providing park facilities for all ages and abilities in each of the City's suburbs?*

A3 The City aims to provide play infrastructure to accommodate ages 2-12 within a 400 metre walkable catchment. Facilities for older people above 12 (who can drive/cycle/catch public transport) are accommodated on the basis of larger catchments at the higher level parks as detailed in the framework. The City is currently installing all-abilities play equipment starting with the regional parks (as they have the biggest catchment and service the greatest geography). This is being rolled out as each play space is renewed. Once all the regional parks have facilities, consideration will be made to provide facilities in the district level parks and so on and so forth.

- Q4 *The City's 2010 Parks and Public Open Spaces Classification Framework has the Edgewater Quarry Reserve listed as Regional Park and an Active Reserve. That shows that the intent was for it to be developed as playing fields. Why has that City abandoned that intent?*

#### ACTIVE RESERVES

Active reserves are areas used predominantly for organised sporting activities. They require high maintenance in order to sustain quality turfs and typically have floodlighting of a standard required to support sports participation.

#### REGIONAL PARKS

Regional Parks have the capacity to service the needs of the Joondalup community and may also attract users from outside the City. These parks incorporate a wide range and large number of multi-use sport, leisure and recreation based facilities.

• Three sporting grounds
• Ability to cater for a multiple number of activities at one time
• Major sporting infrastructure such as tennis courts, cricket wickets (practice and competition)
• Floodlighting to facilitate sports participation
• Two community facilities (usually of a high standard and may incorporate other facilities such as spectator seating and playground areas)
• Change-rooms and toilet facilities
• Capacity for 500 cars to park within or around the perimeter of the park grounds

- A4 All public open spaces owned or managed by the City have been classified according to primary function and manner of usage. Should the primary function and manner of usage of a public open space change in the future, then its classification will be updated to reflect this change.

- Q5 *The City has a shortfall of playing fields. Several years back it attempted to remedy this by buying the Padbury High School playing fields.*

*Can the City explain why it is now not proposing to use the quarry floor area to address that shortfall?*

- A5 The Public Open Space Framework is a high-level document that aims to guide the allocation of infrastructure assets across the City. It is not the intention of the draft Framework to address any shortfall in playing fields.

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

#### **C Hand, Joondalup:**

Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.

- Q1 *Why have the ratepayers been excluded from the consultation process when it is the ratepayers' funds that pay for upgrades, equipment and maintenance of local parks and open spaces?*

- A1 The Director Infrastructure Services responded that the ratepayers and residents are not excluded from the process to identify improvements to local parks. The Public Open Space Framework is a high-level document that provides park classifications. The City will continue the public consultation process as improvements are identified for a specific park or public open space.

Q2 *How has the City determined which community groups are engaged in public consultation in relation to the development of the Public Open Space Framework, as the general public is not currently being engaged?*

A2 The Director Infrastructure Services responded by noting no awareness of any comments made concerning certain community groups being engaged in the document's development, however advised that there has been extensive consultation with Elected Members during the development of the Framework.

**S Fellowes, Ocean Reef:**

Re: *Mercyville Site, Craigie.*

Q1 *Does the intended land use for the Mercyville site fit the "Community Purpose" definition or would it align with the "Group Dwelling" definition?*

A1 The Director Planning and Community Development responded that at this stage the City is not aware of the specific details of the forthcoming application to use the former Mercyville site. When the application is received the City will review and determine the appropriate land-use classification.

**J Kung, Edgewater:**

Re: *CJ209-12/22 - City of Joondalup Public Open Space Framework.*

Q1 *Could the classification of Quarry Park, Edgewater be amended back to its present classification of "Regional Park"?*

A1 The Director Infrastructure Services responded that this question will be discussed by Elected Members during the classification process and form part of the decision.

Mayor Jacob responded that the Framework is a very high-level document placing structure around how the City's hundreds of Public Open Spaces are classified. Any future decisions on upgrades to areas will be largely done in the same way they have been done in the past, an example of this is Wentworth Park in Padbury, which did involve extensive community consultation.

Q2 *Regarding the petition from Joondalup residents in relation to Quarry Park, Edgewater. How can the community learn what the outcome of the petition is?*

A2 Mayor Jacob responded that the City decided to take the views and recommendations of the Edgewater Quarry Community Reference Group to the broader community for consultation. The proposal did not receive broad community support at consultation, so nothing is being progressed.

*Cr Logan left the Chamber at 7.09pm.*



**M Moore, Edgewater:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

*Q1 Regarding the Public Open Space Framework, there are five classifications that are arguably questionable, was there any independent vetting of the classifications?*

*A1 The Director Infrastructure Services responded that there was no independent vetting.*

*Q2 Were any of the classifications discussed with the Ward Councillors?*

*A2 The Director Infrastructure Services responded that the classifications were discussed with the Ward Councillors.*

**J Patton, Joondalup:**

*Re: COVID-19 Restrictions.*

*Q1 Why is the City supporting the Covid-19 scam launched by the World Health Organisation through enforcing the restrictions of social distancing and hand sanitising?*

*A1 Mayor Jacob responded with the explanation that Council is an authority that exists under law. As a body enacted through Parliamentary legislation in Western Australia, the City is subject to the directives of the State.*

*Cr Logan entered the Chamber at 7.13pm.*

**J Knox, Gwellup:**

*Re: CJ230-12/22 - Heathridge Park Masterplan Project - Concept Design Review.*

*Q1 Given the 8.5 years since the beginning of discussions around this project, the continued growth of user groups and gross inadequacies of the current facilities to be fit for purpose, when can members and ratepayers have confidence that the Heathridge Park project will progress and capital budget allocated for full completion of the project?*

*A1 The Director Corporate Services responded that the City is to consider the works needing to be implemented as soon as possible, such as change rooms and facilities required by the clubs. The City will focus on the concept of phasing these works, with the aim to have items included in the next edition of the City's *Five Year Capital Works Program*.*

*Q2 What level of confidence can the City give our membership, that adequate funding will be available given the ongoing lack of leasehold improvements and lack of facilities being fit for purpose for our female members, for our ever growing and diverse membership?*

*A2 The Director Corporate Services responded by providing confidence that the City has received \$2.5 million of funding from the State Government and the City is working with the department towards finalising the funding agreement. It is expected that a significant co-contribution from the City would be included in the agreement.*

Mayor Jacob advised that the project will be delivered in partnership with other tiers of government and that engagement with those other tiers will be very important moving forward.

**B Gould, Iluka:**

*Re: Draft Weed Management Plan Consultation.*

*Q1 Other than the City's website and Facebook post, how has the City communicated to the ratepayers, Homeowners' Associations and Friends Groups that the Draft Weed Management Plan is open for comment?*

A1 The Director Infrastructure Services responded by taking the question on notice.

*Q2 Can the City extend the consultation period for the Draft Weed Management Plan, enabling sufficient time for City Administration and Elected Members to consult with the community?*

A2 The Director Infrastructure Services responded that this request will be taken on notice.

**C143-12/22**

**EXTENSION OF PUBLIC QUESTION TIME**

**MOVED Mayor Jacob, SECONDED Cr Logan that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**J Quan, Edgewater:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

*Q1 If the Public Open Space Framework is approved, how can the residents go about changing the classification of one of the parks?*

A1 The Director Infrastructure Services responded that the decision to change the classification of a park or public open space is made by Council. The Framework is not fixed and changes to classifications will depend on the investment in specific parks, that can be considered on an annual basis.

Mayor Jacob advised that classification changes are likely to happen as the City invests in facilities. Some parks will inevitably move up in classification according to infrastructure improvements provided at the location.

*Q2 As the Public Open Space Framework is considered by the City to be a high-level strategy that does not need community consultation, shall such strategies be determined by the City's likes instead of the community's wants?*

A2 Mayor Jacob responded that the Council makes the final decision as it holds the responsibility of being the decision-making body for the City.

**E Cochrane, Kingsley:**

*Re: Shalom Group Development.*

*Q1 What specific action would the City take in response to potential breaches of appropriate planning?*

A1 The Director Planning and Community Development advised that a range of actions could be taken by the City when it comes to enforcing compliance with respect to breaches of planning requirements. Ultimately, it does depend on the nature of the breach and the intent or the response from the person causing the breach. So unfortunately, it is not possible to outline specific actions that would be taken, but the City would consider what is occurring on site and what range of actions are available for the City to ensure that a breach is brought into compliance.

*Q2 Would the City consider the safety and the wellbeing of the children on either side of the site, in the school and day care facilities?*

A2 The Director Planning and Community Development responded that the safety of children would be one of the considerations.

**J Schmidt, Edgewater:**

*Re: Draft Weed Management Plan.*

*Q1 What is the City's approach in reducing the use of glyphosate over the next 10 years, in respect to the Draft Weed Management Plan?*

A1 The Director Infrastructure Services responded that the Draft Weed Management Plan adopts an integrated weed management approach that looks at various aspects being either chemical or mechanical weed control methods. Through that process the City is looking at how to reduce reliance on specific chemicals, such as glyphosate.

**J Tostevin, Edgewater:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

*Q1 What does "low priority urban landscape" mean for Lakeview Park and the proposed Contemplation Garden that is to be created by the community?*

A1 The Director Infrastructure Services responded that the definition for "low priority urban areas" means that the area is not seen as a park at this stage. Classifications might be modified, with an urban landscaping area changing from a "low priority" to a "medium priority" depending on the types of infrastructure and or development that occurs.

Mayor Jacob responded that nothing in the classification changes the decision made by Council earlier this year to support the vision for the Contemplation Garden at Lakeview Park. The Framework is essentially a high-level document that classifies open spaces as they are currently, and as they change, the classification may change.

- Q2 *The local community around Lakeview Park and myself have been putting in a lot of time and effort towards the establishment of the Contemplation Garden. Can the City confirm that all this effort is not being wasted?*
- A2 Mayor Jacob responded by emphasising that nothing in the Framework will have any impact on the decision that the Council has made to support the Contemplation Garden project, or any other project that the Council has made a decision to progress.

## **PUBLIC STATEMENT TIME**

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

**G Hunt, Stirling:**

*Re: CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.*

Dr Garry Hunt, former CEO of the City of Joondalup, spoke in support of renaming the Warwick Hockey Centre to the Troy Pickard Hockey Centre. Dr Hunt noted the service Troy Pickard provided the City of Joondalup in his time as Mayor from 2006-2017, having worked with him as a former Chief Executive Officer of the City from 2005-2020.

Dr Hunt summarised the courage and foresight shown by Troy Pickard's leadership, as he had championed innovation, constructed quality community facilities and advocated for a wide variety of projects such as the Warwick Hockey Centre.

Dr Hunt recalled how Troy Pickard challenged himself and others to a high level of inspiration and effort. Dr Hunt expressed admiration for Troy's unrelenting efforts to achieve and execute projects of tremendous benefit to the City of Joondalup.

For these reasons Dr Hunt emphasised the importance of recognising Troy Pickard's legacy in a meaningful way and naming the Hockey Centre in Troy Pickard's name would be an appropriate reflection of his time serving the City.

**M John, Marmion:**

*Re: CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.*

Prof. Michelle John, former Councillor of the South Ward for the City of Joondalup, expressed support for the renaming of the Warwick Hockey Centre as the Troy Pickard Hockey Centre.

Prof. John noted similarity between the game of Hockey and the efforts of Troy Pickard during his time as Mayor, noting the qualities such as agility, coordination, and long field vision involved. Prof. John described Troy Pickard as a committed and enthusiastic leader, who displayed Hockey skills such as goal setting, teamwork, endurance and dexterity in negotiating City of Joondalup developments.

Prof. John commended the many achievements of Troy Pickard, such as the development of the Ocean Reef Marina, the refurbishment of the Joondalup Arena and the Warwick Hockey Centre. Prof. John described that in life, like in the game of Hockey, the scores on the board are all that is left of the match, noting that Troy Pickard played very well and courageously and won much for the City of Joondalup.

**S Vallelonga, North Beach:**

*Re: CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.*

Mr Sal Vallelonga, former Councillor for the City of Joondalup, spoke in favour of renaming the Warwick Hockey Centre as the Troy Pickard Hockey Centre. Mr Vallelonga noted Troy's eagerness to benefit the community and his commitment to public service from the early years of his career in local government. Mr Vallelonga stated that Troy's efforts were reflected in his service as President of the WA Local Government Association (WALGA) and later the Australian Local Government Association (ALGA).

Mr Vallelonga noted that many sporting groups and cultural communities were impacted by Troy Pickard during his time as Mayor of the City of Joondalup. Mr Vallelonga suggested that a drive along the Joondalup coast would reveal changes and upgrades due to Troy's remarkable commitment, dedication and sacrifice.

Mr Vallelonga spoke strongly on behalf of Troy's legacy, urging Councillors to vote in favour of recognising the many achievements of Troy Pickard as a way of allowing Troy's family and friends to better understand the magnitude of his contribution.

**M McAullay, Greenwood:**

*Re: CJ197-12/22 - Proposed Amendment To Local Planning Scheme No. 3 - Additional Use 'Grouped Dwelling' - Lot 847 (5) Tuart Road, Greenwood.*

Mr Michael McAullay, Chair of the All Saints Parish Greenwood Finance Committee, expressed the Parish's support for IdentityWA to build disability residential accommodation at site. Mr McAullay explained that the use of the vacant block in this way is reflective of the Parish ethos of compassion and community care. Mr McAullay identified this amendment as meeting housing needs and supporting vulnerable community members.

Mr McAullay stated that the Parish and IdentityWA are cognisant that any development must respect the natural environment, and accordingly IdentityWA is working with environmental consultants, the City and the Environmental Protection Authority (EPA) to ensure that these values are respected as part of any future development proposal.

Mr McAullay stated that the Parish and IdentityWA will continue to work with the City and the community, once the amendment is initiated, to ensure that the community's input is valued.

**M O'Byrne, Kinross:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

Ms Mary O'Byrne spoke in support of community input as part of forming the City of Joondalup Public Open Space Framework. Ms O'Byrne presented the view that the information provided on the parks within the City of Joondalup is insufficient, and that the Framework should reflect community views.

**B Hewitt, Edgewater:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

Mrs Beth Hewitt, Secretary of the Edgewater Residents' Association (ECRA), commented on the City of Joondalup Public Open Space Framework. Mrs Hewitt appreciated that the Framework informs the community of appropriate facilities in local parks and public open spaces, however, criticised classifications and future improvement of parks as being arbitrarily arrived upon.

Mrs Hewitt questioned making Quarry Park a “high priority natural area”, suggesting that this consigns the park to never receiving improvements. Mrs Hewitt noted that community expectations and hopes were for Quarry Park to be developed into a recreational park.

Mrs Hewitt urged Councillors to refer the Public Open Space Framework back to the Chief Executive Officer to allow for community consultation to be undertaken.

**M Moore, Edgewater:**

*Re: CJ209-12/22 - City of Joondalup Public Open Space Framework.*

Mr Mike Moore spoke regarding the classification of Quarry Park, in Edgewater, under the City of Joondalup Public Open Space Framework. Mr Moore highlighted that the previous classification of the park was a “regional park active reserve” although the development did not eventuate. Mr Moore questioned the appropriateness of the new classification as a “high priority natural landscape”, with the Quarry floor having no remnant vegetation or trees.

Mr Moore mentioned the City’s previous attempts to buy the Padbury High School playing fields to provide needed sporting facilities and questioned why Quarry Park had not been considered for this use. Mr Moore explained that the two existing sporting complexes are at the extreme south end of the City, and that another could benefit at the north end.

Mr Moore urged the Council to consider alternative uses for the area at Quarry Park in Edgewater.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence Previously Approved**

Cr Christine Hamilton-Prime	7 December to 31 December 2022 inclusive.
Cr Russ Fishwick	8 December to 31 December 2022 inclusive.
Cr John Raftis	19 December to 31 December 2022 inclusive.
Cr Christopher May	21 December 2022 to 6 January 2023 inclusive.

**C144-12/22**

### **REQUESTS FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP AND CR JOHN RAFTIS**

**MOVED Cr Thompson, SECONDED Cr Logan that Council APPROVES the following requests for Leave of Absence from Council duties for:**

- 1 Mayor Jacob covering the period 9 to 13 January 2023 inclusive;**
- 2 Cr Raftis covering the period 21 to 25 February 2023 inclusive.**

**The Motion was Put and**

**CARRIED (11/0)**

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

## CONFIRMATION OF MINUTES

C145-12/22

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 NOVEMBER 2022

**MOVED Cr Jones, SECONDED Cr McLean that the Minutes of the Ordinary meeting of Council held on 15 November 2022 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

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

## ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

### Valentine's Concert

Mayor Jacob announced that the City is proud to deliver its premier music event, the Valentine's Concert, at the Joondalup Resort on Thursday 9 February.

Mayor Jacob advised the act for 2023 features the music of the iconic ABBA, performed by Perth Symphony Orchestra and internationally-acclaimed vocalists Annie Skates and Emma Kershaw, direct from the UK.

Mayor Jacob stated that it promises to be an unforgettable night of entertainment, and tickets are available now via Ticketbooth. More info at [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

Mayor Jacob noted that the City acknowledges premier partner Edith Cowan University, key partner Joondalup Health Campus, media partner Channel Seven and venue partner Joondalup Resort for their support of the Valentine's Concert.

### Joondalup Christmas Lunch

Mayor Jacob announced that the City is again proud to sponsor the Joondalup Christmas Lunch in 2022, which will be held at Joondalup's Central Park on Sunday 25 December.

Mayor Jacob advised that he is delighted to host a table at this free annual event for people who would otherwise spend Christmas Day alone.

Mayor Jacob informed that the event is organised by local church groups and volunteers, it has grown to become one of the biggest of its kind in Perth.

Mayor Jacob stated that guest registrations and more information is available at [www.joondalupchristmaslunch.com](http://www.joondalupchristmaslunch.com)

### Season's Greetings

Mayor Jacob, on behalf of the City and the Council, wished everyone in the City of Joondalup a very happy Christmas and a safe and prosperous New Year.

Mayor Jacob thanked the many people and groups who have made invaluable contributions to the City of Joondalup throughout 2022.

Mayor Jacob made thanks to the CEO and staff of the City of Joondalup for delivering outstanding services, programs and events for our local community with imagination, enthusiasm and care.

Mayor Jacob also thanked all Elected Members, adding that they will be taking a short break in January after another year of dedicated service to the District, before tackling the challenges, and realising the opportunities, that next year will bring.

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

- CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.
- CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley.

**C146-12/22**

### **MOTION TO CHANGE THE ORDER OF BUSINESS**

**MOVED Mayor Jacob, SECONDED Cr May that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:**

- 1 CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre;**
- 2 CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley,**

**to be discussed after “Motions of which previous notice has been given”.**

**The Motion was Put and**

**CARRIED (11/0)**

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

## **PETITIONS**

Nil.



## REPORTS

### CJ195-12/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2022

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENT</b>	Attachment 1	Monthly Development Applications Determined – October 2022		
	Attachment 2	Monthly Subdivision Applications Processed – October 2022		
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)			

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during October 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 October 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during October 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 28 June 2022 (CJ092-06/22 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 October 2022 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	1	1
Strata subdivision applications	7	13
<b>TOTAL</b>	<b>8</b>	<b>14</b>

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

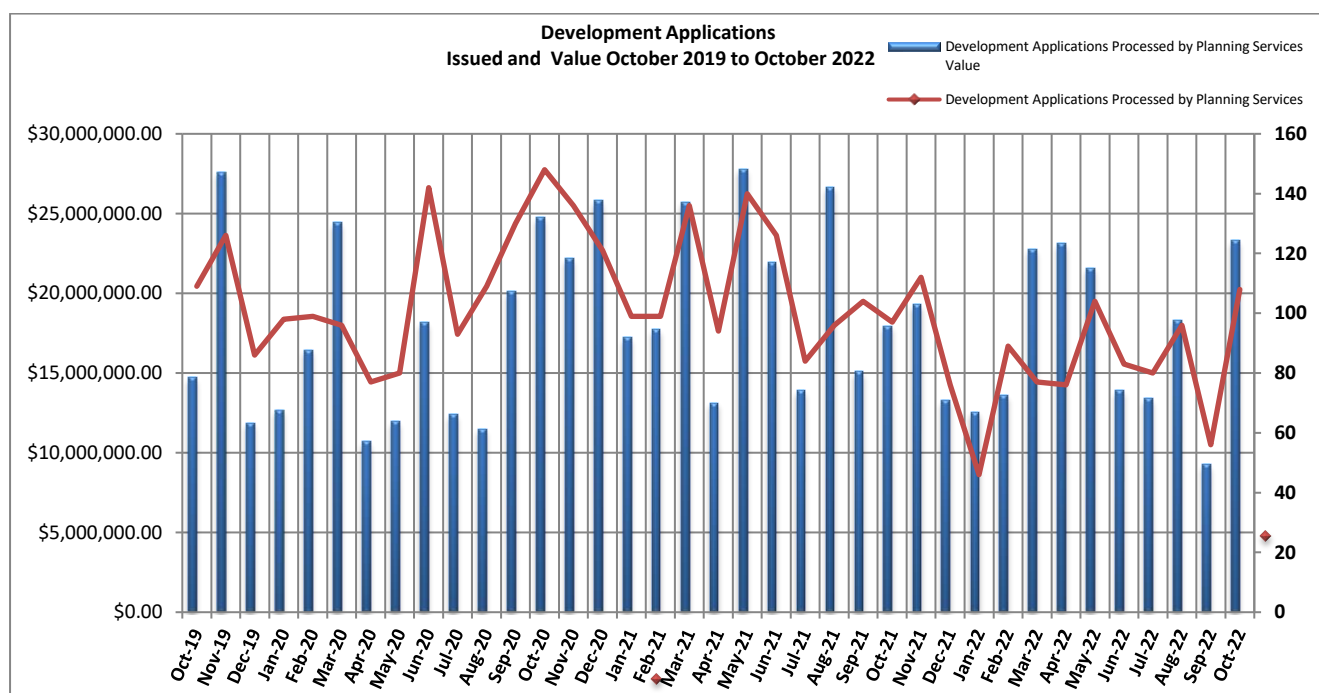
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	108	\$23,311,084

Of the 108 development applications, 14 were for new dwelling developments in housing opportunity areas, proposing a total of 17 additional dwellings.

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



The number of development applications received during October 2022 was 95.

The number of development applications current at the end of October was 197. Of these, nine were pending further information from applicants and four were being advertised for public comment.

In addition to the above, 268 building permits were issued during the month of October with an estimated construction value of \$39,837,104.

### **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** Place.

**Outcome** Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**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 108 development applications were determined for the month of October with a total amount of \$78,287.51 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 Cr Jones, SECONDED Cr Logan that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 Development applications described in Attachment 1 to Report CJ195-12/22 during October 2022;**
- 2 Subdivision applications described in Attachment 2 to Report CJ195-12/22 during October 2022.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnBRF221206.pdf](#)*

## **CJ196-12/22 PROPOSED AMENDMENT NO. 11 TO LOCAL PLANNING SCHEME NO. 3 - TOURISM AND HOSPITALITY LAND USE PERMISSIBILITY CHANGES – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	110240, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider Scheme Amendment No. 11 to *Local Planning Scheme No. 3* (LPS3), following public advertising.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 October 2018 (CJ170-10/18 refers), Council considered a report on the stimulation of hospitality and tourism ventures within the City. The report outlined the hospitality and tourism related initiatives being undertaken by the City and presented a number of recommendations to further stimulate these ventures. This included the investigation of additional development and land uses that could be made exempt from requiring development (planning) approval.

As the City was undertaking research following Council's decision in October 2018, the State Government began progressing reforms to the broader planning system that had a direct impact on the work the City had commenced. The reforms progressed by the State Government came into effect on 15 February 2021 as amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

The amendments include, among other things, additional land uses that are exempt from requiring development approval. This influenced the direction of the work the City had been progressing and in particular the proposed scheme amendment the subject of this report as some of the land uses originally envisaged to be included in the amendment no longer need to be included as the changes to the LPS Regulations made the land uses exempt (subject to conditions).

The amendment to LPS3 proposes to amend the land use permissibility of:

- 'Cinema/Theatre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'Commercial' zone
- 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'City Centre' precinct of the *Joondalup Activity Centre Plan*.

The proposed land use permissibility changes are consistent with the objectives of the zones to which they relate.

At its meeting held on 17 May 2022 (CJ060-05/22 refers), Council resolved to advertise the proposed scheme amendment for public comment for a period of 42 days. Advertising closed on 29 September 2022. No submissions were received.

*It is therefore recommended that Council supports the amendment to LPS3 as proposed.*

## **BACKGROUND**

### Council resolution

In response to a Notice of Motion, Council at its meeting held on 12 December 2017 (C96-12/17 refers), resolved in part, as follows:

*That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:*

- 4 investigating opportunities for greater City discretion to approve uses within Commercial and Industrial zones within the City of Joondalup, particularly for proponent initiatives which may have tourism potential.*

In response to the Council resolution, a report was presented to Council at its meeting held on 16 October 2018 (CJ170-10/18 refers) which outlined the hospitality and tourism related initiatives currently being undertaken by the City and discussed a number of potential actions and initiatives to encourage economic development and tourism in the City of Joondalup.

Council at its meeting held on 16 October 2018 (CJ170-10/18 refers) resolved, in part, as follows:

- 3 REQUESTS the Chief Executive Officer to investigate what additional types of development could be exempt from needing planning approval, with a subsequent report to be presented to Council seeking to initiate an amendment to Local Planning Scheme No. 3 to give effect to the exemptions;*

### Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) require development approval for all development (works and/or land use) unless explicitly exempted under those Regulations.

As part of the State Government's reform of the planning system, amendments to the LPS Regulations came into effect in February 2021, which include additional land uses that are exempt from requiring development approval. This has influenced the direction of the scheme amendment as some of the land uses originally intended to be included in the amendment no longer need to be.

Of the land uses identified in the previous report presented to Council as potentially suitable to be exempt from the need for development approval, the following discretionary ('D') land uses are now exempt in the revised LPS Regulations (subject to specific conditions) where there is no works component:

- 'Restaurant/cafe' up to 300m<sup>2</sup> in the 'Commercial', 'Centre', or 'Mixed Use' zone
- 'Recreation – Private' up to 300m<sup>2</sup> in the 'Commercial', 'Centre', 'Mixed Use' or 'Light industry' zone with no more than 60% obscured glass area on the ground floor.

The above means that, provided the conditions for exemption are met, a 'Restaurant/café' is exempt from development approval in the 'Mixed Use' zone as it is currently a 'D' use. This land use is already 'P' (permitted) in the 'Commercial' and 'Centre' zones and therefore already capable of being exempt from development approval.

'Recreation – private' is also exempt in the 'Commercial', 'Mixed Use' and 'Centre' zones which includes the *Joondalup Activity Centre Plan* and the *Whitfords Activity Centre Plan*.

It should be noted that the exemption relates to the land use only. New buildings or changes in land use that also includes external works such as additions or increases in floorspace will still require a development approval for the works component associated with the development.

## DETAILS

While the LPS Regulations now exempt the land uses 'Restaurant/café and 'Recreation – private', the land uses of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' are still relevant for consideration for exemption as these land uses are identified in earlier reporting to Council.

The scheme amendment proposes to:

- change the land use permissibility in Table 3 Zoning Table of 'Cinema/Theatre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'Commercial' zone
- change the land use permissibility in Table 3b Joondalup Activity Centre Zoning Table of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'City Centre' zone.

It is noted that the exemption only applies to the land use, it does not apply to any works associated with that land use. Therefore, an application for development approval would still be required to build a new 'Cinema/Theatre' in the 'Commercial' zone or build a new 'Medical Centre' in the 'City Centre' precinct.

It is considered that the proposed scheme amendment will assist hospitality and tourism ventures in the City as it will remove the need of applying for development approval for a change of use for those land uses, potentially resulting in time and cost savings for businesses.

The proposed changes to land use permissibility are considered appropriate as those land uses align with the objectives of the zone and are not likely to have significant amenity impacts on surrounding properties.

## Issues and options considered

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

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

**Legislation / Strategic Community Plan / Policy implications**

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

**10-Year Strategic Community Plan**

**Key theme** Economy.

**Outcome** Prosperous and local – you feel supported to grow your business in the City.

**Policy** Not applicable.

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

Part 5 of the *Planning and Development Act 2005*, along with the LPS Regulations, enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. The proposed amendment is considered to be a standard amendment under the LPS Regulations as it is consistent with the objectives of the 'Commercial' zone and the 'City Centre' precinct.

At its meeting held on 17 May 2022 (CJ060-05/22 refers), Council resolved to proceed with the proposed amendment for the purposes of public advertising. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then 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.

*Local Planning Scheme No. 3*

The following extract of Table 2 of LPS3 sets out the objectives of the 'Commercial' zone.

**Table 2 Zone objectives**

Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
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### Joondalup Activity Centre Plan

The following extract of the *Joondalup Activity Centre Plan* sets out the objectives of the City Centre precinct.

#### 1.5.1.1. City Centre Objectives:

- a) Encourage the highest intensity of mixed use development and the greatest concentration of employment intensive land uses.
- b) Support mixed-use development along Joondalup Drive and Grand Boulevard to form intense inner-city development corridors.
- c) Establish the Joondalup Drive/Grand Boulevard and Shenton Avenue/Grand Boulevard intersections as the primary gateways into the city centre.
- d) Improve connectivity from Joondalup Train/Bus Stations to surrounding precincts.
- e) Establish a local mobility hub at Collier Pass city square to improve connectivity between Joondalup Train Station and other precincts within the JAC.
- f) Establish a series of interconnected, function and unique square that form part of an integrated pedestrian network.
- g) Provide car parking in negotiation with Lakeside Shopping Centre as the major trip generator in the City Centre.
- h) Reinforce Central Walk (north-south) and Boas Avenue (east-west) as the primary pedestrian spines by activating buildings at ground floor uses.
- i) Encourage the amalgamation of smaller lots into larger parcels to optimise redevelopment potential.

#### **Risk management considerations**

If less applications for development approval are received, there is a risk that the City will receive less revenue through application fees, however with applications for change of use, the administrative cost of processing the application often outweighs the fee payable.

#### **Financial / budget implications**

As the proponent, the City is required to cover any costs associated with the proposed scheme amendment, which includes the cost of advertising the amendment and publishing a notice in the *Government Gazette*, should the amendment be approved by the Minister for Planning. The cost of advertising the amendment was \$679 excluding GST, with the remainder of the costs estimated to be \$180.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The proposed land use permissibility changes could facilitate business investment in these industries which creates local employment opportunities and contributes to local economic growth.

#### **Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 29 September 2022, by way of:

- a notice published in the *Perth Now* newspaper
- a notice and documents placed on the City's website
- letters to relevant service authorities.

No submissions were received.

## COMMENT

The amendment to change the land use permissibility of 'Cinema/Theatre' from 'D' to 'P' in the 'Commercial' zone of LPS3 and 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from 'D' to 'P' in the 'City Centre' precinct of the Joondalup Activity Centre Plan is considered appropriate as those land uses align with the objectives of those zones and are considered suitable for those zones.

*It is therefore recommended that Council supports the proposed amendment to LPS3.*

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1 In accordance with Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Amendment No. 11 to the City of Joondalup *Local Planning Scheme No. 3* to:
  - 1.1 change the land use permissibility of 'Cinema/Theatre' in the 'Commercial' zone in Table 3 Zoning Table from 'D' to 'P';**
  - 1.2 change the land use permissibility of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' in the 'City Centre' precinct of Table 3b Joondalup Activity Centre Zoning Table from 'D' to 'P';****
- 2 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 Amendment No. 11 to the City of Joondalup *Local Planning Scheme No. 3*.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

**Disclosures of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ197-12/22 - Proposed Amendment to Local Planning Scheme No. 3 - Additional Use 'Grouped Dwelling' - Lot 847 (5) Tuart Road, Greenwood.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of All Saints Parish which is under the jurisdiction of the Roman Catholic Archbishop, the owner of the site which is the subject of the report.

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	CJ197-12/22 - Proposed Amendment to Local Planning Scheme No. 3 - Additional Use 'Grouped Dwelling' - Lot 847 (5) Tuart Road, Greenwood.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant and the Director Planning and Community Development previously worked together.

**CJ197-12/22      PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - ADDITIONAL USE 'GROUPED DWELLING' - LOT 847 (5) TUART ROAD, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	08097, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Scheme amendment map Attachment 3    Concept plans Attachment 4    Applicant's submission
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider a proposed amendment to *Local Planning Scheme No. 3* to allow the additional land use 'Grouped Dwelling' at Lot 847 (5) Tuart Road, Greenwood.

**EXECUTIVE SUMMARY**

The City has received an application for an amendment to *Local Planning Scheme No. 3* (LPS3), on behalf of the owners of Lot 847 (5) Tuart Road, Greenwood.

The land is zoned 'Private Community Purposes' under LPS3 and currently encompasses Liwara Catholic Primary School and All Saints Catholic Church. The scheme amendment proposes to permit the land use 'Grouped Dwelling' on the site (subject to specific conditions) for the purposes of facilitating dependent persons dwellings to assist in the delivery of specialist disability accommodation. Currently the land use 'Grouped Dwelling' is an 'X' (not permitted) land use in the 'Private Community Purposes' zone.

Permitting grouped dwellings on the subject site for dependent persons, as an incidental component of the site, is considered to be complementary to the objectives of the 'Private Community Purposes' zone as well as promoting the objectives of the City's *Strategic Community Plan 2022-2032* and *Access and Inclusion Plan 2021-2024*.

The proposed scheme amendment is considered a standard amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the amendment is considered to be consistent with the objectives of the 'Private Community Purposes' zone.

*It is therefore recommended that Council adopts the proposed amendment to LPS3 for the purposes of public advertising.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 847 (5) Tuart Road, Greenwood.
<b>Applicant</b>	Rise Urban Pty Ltd.
<b>Owner</b>	Roman Catholic Archbishop.
<b>Zoning</b>	<b>LPS</b> Private Community Purpose.
	<b>MRS</b> Urban.
<b>Site area</b>	4,7713.8m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Lot 847 (5) Tuart Road, Greenwood, is zoned 'Private Community Purposes' under LPS3 and does not have a designated residential density code. The lot is bound by the Mitchell Freeway and Kilrenny Park Natural Area to the west, and established residential dwellings to the north, south and east. All Saints Catholic Church and chapel are located primarily on the north-east corner with Liwara Catholic Primary School located to the south of the subject site (Attachment 1 refers).

As part of the adoption of the City's new planning scheme in 2018, the Western Australian Planning Commission (WAPC) requested the City rectify an anomaly in LPS3 which, when gazetted, allowed for residential development within the 'Private Community Purposes' zone, yet no residential density code had been assigned. The WAPC advised that the reason for this request was that the potential for exclusively residential development on a 'Private Community Purposes' zoned lot was not considered to align with the objectives of the zone.

The City subsequently initiated Amendment No. 6 to LPS3 to change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use in the 'Private Community Purposes' zone. The amendment was approved by the Minister for Planning in June 2021.

The above amendment did, however, retain two sites where provision was made in LPS3 for residential development to occur subject to specific conditions, including that the predominant use of the sites was to continue to be for private community purposes.

It was therefore recognised that there are some circumstances where residential land uses may still be appropriate on a lot zoned 'Private Community Purposes' taking into consideration the compatibility of the land use with the existing land uses on site and the surrounding areas.

## DETAILS

### Applicant's submission

An application has been received from Rise Urban Pty Ltd (planning consultant) on behalf of the owners of Lot 847 (5) Tuart Road, Greenwood, to amend LPS3 to include the additional permitted land use of 'Grouped Dwelling' in Table 4 'Specified additional uses for zoned land in Scheme area', subject to meeting the following conditions:

- 1 The purpose/use of the grouped dwellings is restricted to housing for dependent persons as defined in *State Planning Policy 7.3 Residential Design Codes Volume 1* and may include provision for on-site care and support services.
- 2 A residential density code of R20 shall apply.
- 3 The predominant form of the development over the site is for Private Community Purposes.

The LPS3 map would also be amended to reflect that an additional land use applies to the site (Attachment 2 refers).

The applicant has indicated that the intent of the proposed amendment is to assist in the delivery of specialist disability accommodation (SDA) for Identitywa, a not-for-profit outreach of the Catholic Archdiocese of Perth. A concept plan has been prepared by the applicant showing the potential future development of the site consisting of two, single storey dwellings, located in the north-westernmost portion of the site with access from Liwara Place (Attachment 3 refers). While the concept plan is attached for reference, it is important to note that this is indicative only and should not be construed as what is necessarily intended to be developed on the site.

The applicant's submission in support of the proposed scheme amendment is summarised as follows:

- There is an identified shortage of specialist disability accommodation (SDA) housing in the northern suburbs resulting in people with disabilities having to be accommodated in aged care facilities (often despite not being elderly), hospitals, or in other unsuitable / undesirable accommodations that does not meet their needs.
- The additional use will make beneficial use of an underutilised portion of the site and create opportunities for SDA housing in accordance with the National Disability Insurance Scheme requirements. The development will alleviate the pressure from aged care facilities and hospitals in the locality.
- The proposal is in accordance with the relevant state and local planning frameworks and does not undermine the objectives of the zone or the amenity and character of the area.

A full copy of the applicant's submission is provided as Attachment 4.

## Issues and options considered

### Suitability of the proposed scheme amendment

#### *Land use permissibility*

'Grouped Dwelling' is an 'X' (not permitted) land use in the 'Private Community Purposes' zone, however as noted in the 'Background' section above, in considering Scheme Amendment No. 6 to LPS3, it was recognised that residential development may be appropriate as an additional land use for some lots zoned 'Private Community Purposes'. Conditions were imposed to maintain the predominant uses as being for private community purposes, as well as ensuring any future residential development on the sites is appropriately compatible with the uses on and surrounding the sites.

This proposed scheme amendment similarly seeks to allow the additional use 'Grouped Dwelling' with conditions that limit the extent of the use on the site and require any development to be in a manner that will be compatible with the existing on site uses and the surrounding area.

The proposed scheme amendment specifies that the grouped dwellings are to be occupied by dependent persons, with the applicant noting that SDA housing is by its nature a low-intensity form of development. While support services would visit the development, given that the residents are unlikely to drive a car, the overall intensity of the use is likely to be less than that of a standard grouped dwelling development.

The proposed scheme amendment also proposes to ensure that grouped dwellings can only be an ancillary use on the site, recognising that the uses permitted under LPS3 in the 'Private Community Purpose' zone are to remain the predominant uses, in this case, the remainder of the site will continue to service the existing primary school and church.

#### *Compatibility with the surrounding area*

The area proposed to be utilised for the two SDA dwellings is located opposite existing residential dwellings, coded R20, in Liwara Place. It is noted that, notwithstanding the proposed scheme amendment, this area is currently available for the potential development of a range of land uses permissible in the 'Private Community Purposes' zone including, for example, additional school or church buildings. Other permissible uses in the zone include 'Medical Centre', 'Residential Aged Care Facility' and 'Cinema/Theatre', all of which are 'D' (discretionary) land uses.

It is considered that any proposed residential development in this location would be compatible with the existing residential area opposite the site, noting that the proposed scheme amendment allocates an R20 code to the intended development, similar to the residential development opposite.

In the event that the proposed scheme amendment is approved, a development application will need to be made and determined by the City, at which time a full assessment of the proposal would be undertaken against the provisions of the Residential Design Codes (R-Codes).

Overall, it is considered the proposed amendment to LPS3 to permit grouped dwellings on the site in the form of dependent persons housing is considered to complement the objectives of the 'Private Community Purposes' zone in that it will provide for a privately owned community facility that will be developed to the same R20 provisions as the adjoining residential area. A further condition of the scheme amendment will ensure that grouped dwellings would not become the predominant use of the site.

#### Wording of the proposed scheme amendment

The proposed scheme amendment would allow a portion of the site to be developed for grouped dwellings subject to a number of conditions, including:

*The purpose/use of the grouped dwellings is restricted to housing for dependent persons as defined in State Planning Policy 7.3 Residential Design Codes Volume 1 and may include provision for on-site care and support services.*

It is noted that the wording of the proposed condition specifically includes provision for on-site care and support services to accompany the development, however it is considered that the intent to provide support services would already be captured through the R-Code definition for dependent persons dwellings which is:

*“A person with a recognised form of disability requiring special accommodation for independent living or special care.”*

In view of the above, it is considered appropriate, and agreed by the applicant, that the wording of the conditions of the amendment be modified to remove words *“and may include provision for on-site care and support services.”*

### Options

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

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

Should Council adopt the proposed scheme amendment for the purpose of advertising, a further report will be presented to Council following the close of the advertising period.

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

**Legislation**                      *Planning and Development Act 2005.*  
    *Planning and Development (Local Planning Schemes) Regulations 2015.*  
    *Local Planning Scheme No. 3.*

### **10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard, or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is considered to be consistent with the zone objectives, it is considered a standard amendment under the LPS Regulations.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant the final approval to the amendment, with or without modifications, or refuse the amendment.

### Local Planning Scheme No. 3

Clause 16 (Table 2 Zone objectives) of LPS3 sets out the objectives of the 'Private Community Purposes' zone as follows:

Zone name	Objectives
Private Community Purpose	<ul style="list-style-type: none"> <li>• To provide sites for privately owned and operated recreation, institutions and places of worship.</li> <li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provisions of those facilities, which are compatible with surrounding development.</li> <li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li> </ul>

Clause 19 (1) and Table 4 of LPS3 allow additional land uses to be listed for specific sites, which are in addition to those land uses that are permissible in the zone in which the site is located.

### **Risk management considerations**

Should Council elect not to proceed to advertise the amendment, the amendment will not progress any further unless Council is directed by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

### **Financial / budget implications**

The applicant has paid fees of \$5,481.89 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising as the applicant is required to cover these costs separately.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

While the concept plan provided is indicative only, it is recognised that development in this location, whether that be grouped dwellings or development associated with the existing school or church, may impact existing vegetation.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the EPA to decide whether a formal environmental review is necessary.



## Social

The City's *Access and Inclusion Plan 2021 - 2024* includes the following Outcome and associated Strategy:

- Outcome 8: The City of Joondalup will provide opportunities and advocate for an increase in inclusion.
- Strategy 8.1: Investigate and implement ways of encouraging and supporting access and inclusion in the community.

The City's *Strategic Community Plan 2022-2032* includes the following Outcome within the Place theme:

- 3-3 You enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

It is considered that the proposed scheme amendment aligns with the above strategic documents and will contribute to an inclusive community by facilitating needs appropriate housing in the City in a residential setting.

## **Consultation**

Should Council initiate the proposed scheme amendment, advertising is required for 42 days. In accordance with the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, it is proposed that advertising would be by way of:

- letters to adjoining and nearby landowners
- letters to relevant service authorities
- a letter to the Kingsley and Greenwood Ratepayers Association
- a sign on the site
- a notice published in the local newspaper
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

## **COMMENT**

The proposed scheme amendment to allow the additional land use 'Grouped Dwelling' on Lot 847 (5) Tuart Road, Greenwood, is considered appropriate. As the grouped dwellings would be restricted to occupation by dependent persons, would be subject the R20 density code, and would not be permitted to be the predominant use over the site, it is considered that this will ensure that any future SDA development will be complementary to the objectives of the zone as well as being at a scale and form consistent with the surrounding residential context.

The facilitation of SDA housing aligns with the City's strategic plans for the community to have access to diverse housing options in their neighbourhood and to promote inclusion in the community.

*It is therefore recommended that Council adopts the proposed scheme amendment to LPS3 for the purposes of public advertising subject to the condition of the amendment being modified to remove the words "and may include provision for on-site care and support services."*

## **VOTING REQUIREMENTS**

Simple Majority.

*The Governance Officer left the Chamber at 7.55pm.*

**MOVED Cr Logan, SECONDED Mayor Jacob that Council:**

**1** In accordance with section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **ADOPT** an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:

**1.1** insert additional use No. 18 in Table 4 'Specified additional uses for zoned land in Scheme area':

No.	Description of land	Additional use	Conditions
18	Lot 847 (5) Tuart Road, Greenwood	Grouped Dwelling	Purpose/use of the grouped dwellings is restricted to housing for dependent persons as defined in State Planning Policy 7.3 Residential Design Codes Volume 1.  A residential density code of R20 shall apply.  The predominant form of development over the site is for Private Community Purposes.

**1.2** amend the Scheme Map to designate the Additional Use by including an 'A18' notation over Lot 847 Tuart Road, Greenwood.

and proceed to advertise the amendment for a period of 42 days;

**2** In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* **DETERMINES** that the scheme amendment is a standard amendment as the proposal is consistent with the objectives of the 'Private Community Purpose' zone.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agnBRF221206.pdf](#)

## **CJ198-12/22 ACCESS AND INCLUSION PLAN AND AGE-FRIENDLY PLAN PROGRESS REPORTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	17823, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Access and Inclusion Plan 2021/22 – 2023/24</i> Attachment 2 <i>Age-Friendly Plan 2018/19 - 2022/23</i> Attachment 3 <i>Disability Access and Inclusion Progress Report 2021-2022</i> Attachment 4 <i>Access and Inclusion Plan 2021-22 Progress Report</i> Attachment 5 <i>Age-Friendly Plan 2021-22 Progress Report</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

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### **PURPOSE**

For Council to note the annual Progress Report of the City of Joondalup's *Access and Inclusion Plan* and *Age-Friendly Plan* and consider an extension of the *Age-Friendly Plan*.

### **EXECUTIVE SUMMARY**

The City of Joondalup currently delivers on three plans that respond to outcomes from the City's *Strategic Community Plan*, these include the:

- *Access and Inclusion Plan 2021/22-2023/24* (Attachment 1 refers)
- *Age-Friendly Plan 2018/19-2022/23* (Attachment 2 refers)
- *Regional Homelessness Plan 2022/23-2025/26*.

### **Access and Inclusion Plan**

The *Disability Services Act 1993* requires public authorities (including local governments) to ensure their services, buildings and information are accessible to people with a disability. Actions and strategies relating to access are required to be informed and managed by an Access and Inclusion Plan.

The City of Joondalup's *Access and Inclusion Plan 2021/22 – 2023/24* was endorsed by Council at its meeting held 16 November 2021 (CJ152-11/21 refers). At this meeting Council also requested that the Chief Executive Officer provide an annual progress report to Council, detailing the performance progress and achievements against all actions in the plan, each financial year.

## Age-Friendly Plan

At its meeting held on 16 April 2019, Council adopted the *Age-Friendly Plan 2018/19 – 2022/23* (CJ035-04/19 refers). The plan is based on the *World Health Organisation's Framework for Age-Friendly Cities* and is the City's first iteration of a plan under the framework.

As the *Age-Friendly Plan* is due to expire in the 2022-23 financial year, the City has commenced the review of the current plan, with a new plan to be prepared and presented for Council's consideration in mid-2023.

As the City commenced the early stages of a review of the *Age-Friendly Plan*, it was noted that many of the strategies and actions listed within the plan share common themes or objectives with the *Access and Inclusion Plan*. This is not unexpected given the primary objective of both plans is to create inclusive and welcoming communities.

Given the shared objectives of these plans, the City is recommending the extension of the current *Age-Friendly Plan*, extending it through the 2023/24 period, aligning its expiry with the *Access and Inclusion Plan*. This extension will allow the City to undertake a consolidated review of both plans as well as other objectives within the City's new *Strategic Community Plan* with an expected outcome being the development of a single, consolidated community plan that would address the objectives of both the *Age-Friendly* and the *Access and Inclusion Plan*, in a more focussed and effective manner.

*It is therefore recommended that Council*

- 1 *NOTES the progress update of the 2021-22 period of the Access and Inclusion Plan and Age-Friendly Plan;*
- 2 *SUPPORTS the extension of the Age-Friendly Plan from 2018/19 – 2022/23 to 2018/19 – 2023/24.*

## BACKGROUND

### Access and Inclusion Plan

The *Disability Services Act 1993* (the Act) requires the Minister for Disability Services to table a report in Parliament each year on the progress of Disability Access and Inclusion Plans across Western Australia. This report is collated from information provided by Department of Communities (the Department) through an annual progress reporting process. All public authorities are required to complete an annual progress report and submit it to the Department by the last business day in July annually.

The Chief Executive Officer approved the City's *Disability Access and Inclusion Progress Report 2021-2022*, and it was submitted to the Department on 28 July 2022 (Attachment 3 refers).

At its meeting held on 16 November 2021 (CJ152-11/21 refers), the Council resolved that it:

*“REQUIRES the Chief Executive Officer to provide an annual progress report to Council, detailing the performance progress and achievements against all listed actions in the Access and Inclusion Plan (2021-22 to 2023-24)”.*

The City has subsequently prepared this report to provide Council with an annual progress update for the first year of the *Access and Inclusion Plan 2021/22 – 2023/24*.

## Age-Friendly Plan

At its meeting held on 16 April 2019 (CJ035-04/19 refers), Council adopted the *Age-Friendly Plan 2018/19 – 2022/23*. The plan is based on the World Health Organisation's eight domains of liveability for age-friendly communities as follows:

- Outdoor Spaces and Buildings.
- Transport.
- Housing.
- Respect And Inclusion.
- Social Participation.
- Civic Participation and Employment.
- Communication and Information.
- Community Support and Health Services.

## DETAILS

### Access and Inclusion Plan

The *Disability Services Act 1993* (the Act) requires the City to address seven prescribed outcomes in the plan in the areas of accessible services, buildings, information, customer service, consultation, complaints, and employment. This is to ensure equitable access to all services a public authority provides.

The City recognises that some members of the community experience access and inclusion issues to participate in everyday life. This may include people with disability and their families and carers; people from diverse genders, backgrounds, and cultures; the elderly; people with mental health issues; and people who experience other access and inclusion issues, such as parents using prams.

The City, with the support of the Department, has included an eighth outcome that looks to expand the focus of the plan from physical accessibility to also improve social inclusion.

The plan includes actions and strategies to guide the implementation plan of each listed outcome.

Attached is a detailed progress report on the implementation of actions listed for the 2021-22 year of the plan (Attachment 4 refers), which are also summarised as follows:

Outcome 1: The City of Joondalup will provide events and services that are planned to maximise physical accessibility and social inclusivity.

- Provided Auslan interpreting and dedicated accessible seating areas at the Music in the Park series (March – April) and Valentines Concert (February).
- Provided a sensory-friendly space at the Little Feet Festival (October).
- Included accessible programming at the Joondalup Festival (March - April).
- Djeran Experience Bush Walk (May) was held at Neil Hawkins Park with an accessible walking trail and saw its first participant using a wheelchair involved in the history of the walk's delivery.

Outcome 2: The City of Joondalup will provide buildings and facilities that maximise physical accessibility and social inclusivity.

- Installation of universal accessible paths to play spaces at Chelmsford Park, Regents Park, Coolibah Park, Finney Park and Chelsea Park.
- Installation of two beach wheelchair storage lockers at Mullaloo and Sorrento Surf Life Saving Clubs.
- Supported Mullaloo and Sorrento Surf Life Saving Clubs to source grant funding to purchase two new beach wheelchairs and a beach walking frame.

Outcome 3: The information that the City of Joondalup provides will be accessible to all community members.

- Published an Easy Read English Translation of the *Access and Inclusion Plan*; the first translation of any City publication to date.
- Produced a standalone website for Joondalup Festival which was compliant with the Web Content Accessibility Guidelines 2.1, which are a benchmark for best practice in the design of accessible websites.

Outcome 4: All community members will receive the same level and quality of service from the staff of the City of Joondalup.

- Hosted two pilot disability awareness training sessions with over 40 City officers to assess the impact and relevancy of the selected content.

Outcome 5: All community members will have the same opportunities to provide feedback and lodge complaints to the City of Joondalup.

- Replied to 100% of external access and inclusion-related enquiries by providing support to other business units to ensure appropriate responses and actions are undertaken on enquiries.

Outcome 6: Community consultation processes and tools will be designed to be accessible and inclusive.

- Collaborated with the Mullaloo and Sorrento Surf Life Saving Clubs, the Department of Transport, Hillarys Boat Harbour, APM Communities and community members with disability to introduce a Terms of Reference to better guide the Beach Accessibility Working Group. The Beach Accessibility Working Group was started by APM (a disability and aged care services provider) and community members with an interest in accessible beaches. The City was invited onto the group which was formalised in 2020.

Outcome 7: All community members have equal employment opportunities at the City of Joondalup.

- Created a diversity statement that reflects the City's commitment to workplace diversity.
- Engaged Education Support Units and disability employment providers to provide 10 work experience placements at the City of Joondalup in 2021-22 for people with disability.

Outcome 8: The City of Joondalup will provide opportunities and advocate for an increase in inclusion.

- Telethon Clinicids, Autism Therapy and Rocky Bay Disability Health established new presences within the City of Joondalup, increasing service provision options for the City's residents and surrounding communities.

## Age Friendly Plan

The City has made progress against strategies and actions in the *Age-Friendly Plan* during 2021-22 and has commenced the process of applying for membership of the World Health Organisation's Global Network for Age-Friendly Cities and Communities.

The *Age-Friendly Plan* domains overlap and interact with each other. For example, respect is reflected in the accessibility of public buildings and spaces and in the range of opportunities that the City offers to older people for social participation, entertainment, volunteering, or employment.

Affordable public transport for older people who no longer drive can enhance participation in community life, reducing the risk of isolation and loneliness. When transport is available and adapted to the needs of seniors, both in terms of scheduling and destinations, it enhances mobility and facilitates social participation and a sense of belonging in one's community.

It is equally important that older people continue to have a good reason to go out and participate. Cultural and community programs that cater to the interests of older people, provide opportunities for volunteering or civic engagement contribute to mental health and wellbeing.

Attached is a detailed progress report on the implementation of actions listed for the 2021-22 year of the plan (Attachment 5 refers), which are also summarised below:

### Domain 1: Outdoor spaces and buildings

- ongoing use of crime prevention through environmental design (cpted) and universal design when upgrading spaces
- five new construction projects delivered in compliance with the National Construction Code
- park upgrades take CPTED into account and incorporate universal access footpaths and where possible to picnic settings and benches. 11 upgrades were completed.

### Domain 2: Transport

- Transperth expo display at the Seniors Lifestyle Roadshow – Connection Point on 10 June had a high level of engagement with 150 attendees. 86% of survey responses indicated the event was either somewhat helpful (6%), very helpful (31%) or extremely helpful (49%)
- Thirteen bus stop upgrades across various locations
- Thirty Five Community Transport Program community hire bus trips provided to community groups and organisations engaging seniors.

### Domain 3: Housing

- the Seniors Housing Advisory Centre presented at the Library Discovery Session, A Place to Call Home in June with 50 people in attendance
- a review has commenced of the housing component of the City's *Local Planning Strategy*, which will consider how the City's planning framework can support the future housing needs of current and future residents
- several of the City's Housing Opportunity Areas overlap with areas identified by the State Government's Affordable Housing Action Plan for the provision of additional affordable housing.

#### Domain 4: Respect and inclusion

- two Oral History interviews were conducted, 55 transcripts were completed with 34 uploaded to the Libraries Oral History catalogue
- Artist in Resident Sioux Tempestt began the Whitford Library mural and video in June. Community intergenerational workshops were held to develop concepts for the mural
- supported application for the successful Western Australian Senior of the Year winner Jan Standen 2021, President Grandparents Rearing Grandchildren (stepped down from this role recently).

#### Domain 5: Social participation

- Seniors Lifestyle Connection Point expo held in June at Whitford Shopping City with eight organisations attracted 150 people
- libraries provide a range of activities to support connectivity and learning for older adults to participate in with 1,712 people attending 65 events
- Fifty-three promotions of Mentally Healthy WA Act-Belong-Commit message.

#### Domain 6: Civic participation and employment

- delivery of the Joondalup Volunteer Resource Centre volunteer referral service
- when planning for and promoting consultations, the City utilises a variety of communication channels to ensure a good representation from the community
- ongoing and active contribution to Regional Age-Friendly Regional Partnership with the Cities of Stirling and Wanneroo joint initiatives.

#### Domain 7: Communication and information

- Fifty-five+ Digital Come and Try sessions delivered in November
- The Seniors Lifestyle Roadshow in June 2022 promoted community services and information included three events – Connection Point, Explore Joondalup, and A Place to Call Home.
- Fifty-five+ Groups and Activities, Groups and Support Guide promoting 78 community groups and 38 service providers was updated in May 2021 (second edition). The Guide is available at all City events and programs, Joondalup Libraries, and mailed out upon request.

#### Domain 8: Community support and health services.

- the Community Information Service promotes a range of health services and wellness groups which are listed on the City's community Directory
- supported the Carer's Week 'Share Your Care' Carer's WA campaign
- investigations were undertaken into the development of a Memory Café.

#### **Extension of the Age-Friendly Plan**

The City currently has three social impact plans that all operate on a three or four-year replacement cycle. The *Regional Homelessness Plan* currently runs from 2022-23 to 2025-26, the *Access and Inclusion Plan* from 2021-22 to 2023-24 and the *Age-Friendly Plan* from 2018-19 to 2022-23.

All three of these plans address similar outcomes in creating a community that is inclusive, supportive, and welcoming. The *Age-Friendly Plan* and *Access and Inclusion Plan* in particular share many similar strategies and actions, each focussing on different demographics of the City's community.



The City has therefore identified an opportunity to consolidate and possibly simplify the strategies and actions of these two plans within a single consolidated community plan. However, to achieve this it is recommended that the City extend the current *Age-Friendly Plan* which is currently due to expire in the current financial year (2022-23) through the 2023-24 financial year. This will provide the City with an opportunity to review both the *Age-Friendly Plan* and the *Access and Inclusion Plan* which would both then expire in 2023-24 and allow this review to inform this consolidated community plan. As well as the review of the two expiring plans, the new community plan would also be informed by the City's new Strategic Community Plan as well as the Community / Library Strategy that is due for completion in mid-2023.

### **Issues and options considered**

#### Progress update of the 2021-22 period of the *Access and Inclusion Plan* and *Age-Friendly Plan*

Council has the option to:

- note the progress updates of both plans
- not note the progress updates  
or
- choose to note a progress update of one plan only.

The progress updates simply provide a consolidated report of the actions and activities in the age-friendly and access and inclusion spaces undertaken by the City during the 2021-22 financial year. Whilst noting of the progress updates is not required, it is an opportunity for Council to acknowledge the valuable work the City has undertaken in respect to both.

#### Extension of the *Age-Friendly Plan*

Council has the option to:

- support an extension of the *Age-Friendly Plan* for one year  
or
- not support an extension of the *Age-Friendly Plan* for one year.

In the event Council elect not to support an extension, the City will continue to review the existing plan with the intent of presenting a revised plan to Council in mid-2023.

As outlined in the report, as part of the preliminary stages of review, the City has identified opportunities that exist to align the timing of the *Age-Friendly Plan* review with the timing for the *Access and Inclusion Plan* with the intent of preparing a consolidated community plan. Extending the timeframe for the review of the *Age-Friendly Plan* would also mean that the review could incorporate input from the City's new *Strategic Community Plan* as well as the outcomes of the City's *Community / Library Strategy*.

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

#### **Legislation**

*Disability Services Act 1993.*  
*Equal Opportunity Act 1994.*  
*Disability Discrimination Act 1992.*  
*Carers Recognition Act 2004.*  
*Access to Premises Standards 2010.*

## Strategic Community Plan

<b>Key theme</b>	Community.
<b>Outcome</b>	<p>Healthy and safe - you feel healthy and safe in your local community.</p> <p>Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities, and backgrounds.</p> <p>Active and social - you enjoy quality local activities and programs for sport, learning and recreation.</p> <p>Artistic and creative - you celebrate, support, and participate in art and events in your local area.</p> <p>Cultural and diverse - you understand, value, and celebrate the City's unique Aboriginal and other diverse cultures and histories.</p>
<b>Key theme</b>	Place.
<b>Outcome</b>	Functional and accessible - you have access to quality community facilities that are functional and adaptable.
<b>Key theme</b>	Economy.
<b>Outcome</b>	Appealing and welcoming - you welcome residents, and local and international visitors to the City.
<b>Key theme</b>	Leadership.
<b>Outcome</b>	Engaged and informed - you are able to actively engage with the City and have input into decision-making.
<b>Policy</b>	Not applicable.

### Risk management considerations

The *Access and Inclusion Plan*, *Age-Friendly Plan* and *Regional Homelessness Plan* provide a framework to achieve improved social outcomes for the community into the future.

This planned approach, together with alignment to *Strategic Community Plan 2022-2032*, will assist the City to mitigate the risk of not understanding and addressing community need which is vital in preventing and addressing growing social disadvantage and associated issues.

As the City works closely with many community stakeholders, the shared approach to delivery of the plans also assists in managing the risk of the City having to take sole responsibility for the achievement of improved social outcomes for its people.

### Financial / budget implications

It is acknowledged that existing projects and activities in the plans will be funded from the operational budget and new projects will be costed and presented for approval in the City's annual budgeting approval processes.

### Regional significance

The City of Joondalup area provides a hub of services and amenities which benefit the greater north metropolitan region. Enhanced services, programs and amenities to vulnerable cohorts bolster the community wellbeing and City's profile in the region while forming a significant contribution in addressing the City's corporate social responsibility.

## **Sustainability implications**

An accessible, inclusive, and empowered community is where the needs of everyone are met and people have access to information, feel safe, healthy, and enhanced wellbeing contributes to a sustainable community.

It is acknowledged that when services and environments are enhanced for vulnerable cohorts, the benefits cascade through the whole community.

## **Consultation**

Not applicable.

## **COMMENT**

Consistent with Council's decision at its meeting held 16 November 2021 (CJ152-11/21 refers), this report and its supporting attachments provides a progress report for Council to note in relation to the number of significant initiatives achieved in the first year of implementation of the City of Joondalup's *Access and Inclusion Plan 2021/22 – 2023/24*.

The City's *Age-Friendly Plan 2018/2019 – 2022/23* has also significantly contributed to quality wellbeing outcomes for senior residents and visitors throughout the life of the plan. The continued implementation of current strategies into 2023/24 will bolster this contribution and provide the opportunity for the development of a combined plan. This new plan will address both Age-Friendly Cities and Access and Inclusion frameworks with greater scope for the benefit of all.

## **VOTING REQUIREMENTS**

Simple Majority.

*The Manager Planning Services left the Chamber at 8.00pm.*

## **MOVED Cr Raftis, SECONDED Cr Poliwka that Council:**

- 1**      **NOTES** the progress update of the 2021-22 period of the *Access and Inclusion Plan and Age-Friendly Plan*;
- 2**      **SUPPORTS** the extension of the *Age-Friendly Plan from 2018/19 – 2022/23 to 2018/19 – 2023/24*.

**AMENDMENT MOVED Cr Kingston, SECONDED Cr May that an additional Part be ADDED to the Motion to read as follows:**

**“3      REQUESTS the Chief Executive Officer prepare a report on potential improvements to the Access and Inclusion Plan.”**

**The Amendment was Put and**

**CARRIED (6/5)**

**In favour of the Amendment:** Crs Fishwick, Kingston, May, Poliwka, Raftis and Thompson.

**Against the Amendment:** Mayor Jacob, Crs Hill, Jones, Logan and McLean.

**The Original Motion as amended being:****That Council:**

- 1 NOTES the progress update of the 2021-22 period of the Access and Inclusion Plan and Age-Friendly Plan;**
- 2 SUPPORTS the extension of the Age-Friendly Plan from 2018/19 – 2022/23 to 2018/19 – 2023/24;**
- 3 REQUESTS the Chief Executive Officer prepare a report on potential improvements to the Access and Inclusion Plan.**

**was Put and****CARRIED (11/0)**

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

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3agnBRF221206.pdf](#)

**Disclosures of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ199-12/22 - Woodvale Trotting Track – Skate Facilities – Preliminary Business Case.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is the secretary of the friends of Yellagonga and a family member is on the executive committee of the association.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ199-12/22 - Woodvale Trotting Track – Skate Facilities – Preliminary Business Case.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga which is actively interested in matters relating to Yellagonga Regional Park including the former trotting track site in Woodvale.

## **CJ199-12/22      WOODVALE TROTTING TRACK – SKATE FACILITIES – PRELIMINARY BUSINESS CASE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	110107, 08096, 101515
<b>ATTACHMENTS</b>	Attachment 1      Preliminary Business Case
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets

**PURPOSE**

For Council to consider a preliminary business case to develop a skate facility at the Woodvale Trotting Track, Woodvale Drive, Woodvale.

**EXECUTIVE SUMMARY**

An election commitment by the current State Government of \$800,000 is available as a contribution towards funding a skate facility in Woodvale.

The provision of outdoor youth recreation facilities, including skate facilities, is guided by the City's [Outdoor Youth Recreation Strategy](#). The strategy establishes a strategic approach to meet demonstrated community needs, through establishing a facilities framework and identifying key implementation actions for the provision, scale and location of outdoor youth facility delivery in the City.

The *Outdoor Youth Recreation Strategy* provides a hierarchical approach to the provision of facilities and undertakes a needs analysis throughout the City.

One of the infrastructure gaps identified by the strategy is the provision of locally accessible, multi-purpose incidental facilities across the entirety of the City, targeted to entry level and social participation in all recreation styles, that enable fun, fitness and social interaction.

The provision of an incidental-scale skate facility in the suburb of Woodvale would therefore align with the needs analysis of the City's *Outdoor Youth Recreation Strategy*.

In response to Council's decision made at its meeting held on 14 December 2021 (C144-12/21 refers), the City has prepared a preliminary business case to investigate the viability of developing a skate facility at the site of the old Woodvale Trotting Track.

The outcome of the preliminary business case recognises that the provision of skate facility at the site – at an incidental-scale – aligns with the City's *Outdoor Youth Recreation Strategy*. However, the preliminary business case also identifies that whilst the site possesses some favourable characteristics, there are a number of constraints associated with the site that would lead to a skate facility at this location being more expensive for the City to deliver and maintain in the long term than if it were developed elsewhere. Most critically, the preliminary business case also identifies that the land manager, the Department of Biodiversity, Conservation and Attractions, has advised that it does not support the development of a skate facility at this location and there is currently no intent to amend the existing framework to allow for one.

Accordingly, the preliminary business case recommends that other options or approaches to providing skate facilities in the locality should be investigated rather than progressing with the old Woodvale Trotting Track site.

A desktop analysis of other public reserves in Woodvale has been undertaken and it is recommended that further investigations be progressed for the provision of an incidental skate facility in Chichester Park.

*It is therefore recommended that Council:*

- 1 *ENDORSES the preliminary business case for a skate facility at the old Woodvale Trotting Track;*
- 2 *PROGRESSES further investigations to develop an incidental skate facility at Chichester Park, Woodvale;*
- 3 *NOTES that community consultation on an incidental skate facility will be undertaken in early 2023;*
- 4 *REQUESTS that the Chief Executive Officer obtains confirmation that the election commitment by the current State Government of \$800,000 is able to be contributed toward funding a skate facility at an alternate location in the suburb of Woodvale, prior to committing to its development.*

## **BACKGROUND**

At its meeting held on 16 February 2021 (CJ017-02/21 refers) Council adopted the City's *Outdoor Youth Recreation Strategy*. The strategy establishes a strategic approach to meet demonstrated community needs, through establishing a facilities framework and identifying key implementation actions for the provision, scale and location of outdoor youth facility delivery in the City.

At the same meeting, (CJ018-02/21) Council requested the Chief Executive Officer to initiate development of two separate formal, detailed business cases for the provision of:

- a dedicated skate and/or BMX facility at Percy Doyle Reserve;
- a combined mountain bike and BMX facility at Whitfords West Park; improvements to the existing BMX tracks at Haddington Park, Triton Park and Littorina Park; and interconnected mountain bike trails through Craigie Mullaloo and Padbury.

The business case for a dedicated skate facility at Percy Doyle Reserve was endorsed by Council at its meeting of 19 April 2022 (CJ046-04/22 refers), and the business case for mountain bike and BMX facilities and trails is in progress.

Following a Notice of Motion at its meeting held on 14 December 2021 (C144-12/21 refers), Council requested the Chief Executive Officer to initiate development of a business case for the provision of a skate facility at the site of the old Woodvale Trotting Track on Woodvale Drive in Woodvale, noting:

- 1 An election commitment by the current State Government of \$800,000 as a contribution towards funding of the facility;
- 2 The City would liaise closely with the Western Australian Planning Commission and the Department of Biodiversity, Conservation and Attractions as part of the business case.

A staged approach to developing a business case has been undertaken, with an initial stage undertaking a feasibility review of critical site issues prior to developing options and completing a detailed business case.

## **DETAILS**

### **Scope of preliminary business case**

Issues considered in the feasibility assessment presented in the preliminary business case include the following:

- Alignment with the City's *Outdoor Youth Recreation Strategy*.
- Alignment with the Yellagonga Regional Park Management Plan (including advice from the Department of Biodiversity, Conservation and Attractions).
- Critical site constraints, including tenure, heritage, and suitability for young people.
- Potential cost to the City.

### **Preliminary business case outcomes**

The detailed outcomes of the preliminary business case are provided in Attachment 1.

In summary, the assessment identifies that the range of key issues indicate that the old Woodvale Trotting Track is not considered to be the most suitable or feasible site to locate a skate facility in the suburb of Woodvale.

The key issues are as follows:

- The Department of Biodiversity, Conservation and Attractions, the land manager of the site, have advised it does not believe the establishment of a skate park is consistent with the *Yellagonga Regional Park Management Plan* and therefore does not support a skate park at this location.

- The need identified in the City's *Outdoor Youth Recreation Strategy* is for an incidental-scale skate facility.

Incidental facilities are typically integrated with existing, complementary facilities. The site does not currently include activated spaces, complementary facilities or sites of interest to young people. This presents a risk of facilities being underutilised and/or potential for anti-social behaviour in the area due to lack of activation and active surveillance at the site or require additional supporting infrastructure at a scale disproportionate to an incidental-scale facility to appropriately manage this risk.

- The project would require land associated with the facility to be established as a separate Crown reserve, vested in the City of Joondalup for the purpose of public recreation. This would create an additional maintenance responsibility (and cost) for the City.
- The potential 20-year cost of the project ranges from over \$7.5 million to \$9.5 million. The \$800,000 election commitment from the State Government represents eight percent of the total possible cost of the project.
- The financial evaluation indicates that the City should not proceed with a dedicated skate facility at this location.
- Some site conditions present challenges to skate facilities at the site, the following in particular:
  - Depending on its location within the site, consideration would need to be given to the appropriateness of the facility's use after 7.00pm in order to remain within the assigned levels of the Environmental Protection Regulations given separation distances to existing residential properties.
  - Potential degradation to nearby native vegetation of environmental value as a result of damage and resulting loss of condition (malicious, opportunistic, or accidental).
  - Depending on its location within the site, potential loss or disturbance of heritage values associated with the "old dairy" structure or the track feature; heritage values are unknown and detailed assessment may be required.
  - Requirement for water quality management (associated with wetlands and public drinking water pollution control) has financial implications. This includes provision of a toilet with sewer connection; it is not possible to connect to sewer therefore services upgrades would be required.
  - The City's water license in the area is fully allocated, therefore there is no additional groundwater resource available to the City for irrigating landscaping in this area.

### **Recommended next steps**

The preliminary business case notes that there is an identified need for local, incidental skate facilities in the locality of Woodvale, however the Woodvale Trotting Track is not a suitable site for them.

In order to meet community need in the Woodvale area for this type of facility, the preliminary business case recommends that other options or approaches to providing skate facilities in the locality should be investigated rather than progressing with the old Woodvale Trotting Track site.

A desktop analysis of other public reserves in Woodvale has been undertaken and it is recommended that further investigations be progressed for the provision of an incidental skate facility in Chichester Park.



As part of these investigations it is recommended that clarification be sought from the Member for Kingsley to confirm whether the \$800,000 election commitment is able to be used for a skate facility at an alternate location in Woodvale to the Woodvale Trotting Track (such as; Chichester Park).

It is also recommended that consultation be undertaken as part of these investigations to obtain community feedback in relation to providing a skate facility at Chichester Park.

### **Issues and options considered**

The following options are available to Council:

#### **Option 1      Proceed with developing a skate facility at Woodvale Trotting Track**

As outlined in the report and in the preliminary business case (Attachment 1 refers), while there are some site characteristics that are favourable, there are a number of key constraints that would make the development of a skate facility at the Woodvale Trotting Track a challenging proposition.

Option 1 is not recommended.

#### **Option 2      Proceed with investigating the developing a skate facility at an alternate site in Woodvale**

The preliminary business case notes that there is an identified need for local, incidental skate facilities in the locality of Woodvale, however the Woodvale Trotting Track is not a suitable site for them.

In order to meet community need in the Woodvale area for this type of facility, other sites could be investigated.

If Council elect to proceed with investigating an alternate site, Council also have the option of nominating a particular site.

A desktop analysis of alternate sites undertaken as part of the preliminary business case indicates a preference for Chichester Park as a suitable alternative.

Option 2, with Chichester Park as an alternate site, is recommended.

#### **Option 3      Do not proceed with developing a skate facility at the Woodvale Trotting Track or an alternate site in Woodvale**

Not proceeding with developing a skate facility at the Woodvale Trotting Track would be consistent with one aspect of the preliminary business case, in that the preliminary business case does not recommend the site as an appropriate location. However, it would also mean that an identified need in the suburb of Woodvale for an incidental facility would go unmet and the available funding from the State Government that could contribute to developing the facility would not be used.

Option 3 is not recommended.

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

**Legislation**                      Not applicable.

#### **Strategic Community Plan**

**Key theme**                      Community.

**Outcome** Active and social - you enjoy quality local activities and programs for sport, learning and recreation.

**Policy** Not applicable.

### **Risk management considerations**

A staged approach to developing a business case has been undertaken, with an initial stage undertaking a feasibility review of critical site issues prior to developing options and completing a detailed business case to ensure City resources are used efficiently.

The preliminary business has analysed key criteria across a range of considerations including the following:

- alignment with the City's *Outdoor Youth Recreation Strategy*.
- alignment with the Yellagonga Regional Park Management Plan (including advice from the Department of Biodiversity, Conservation and Attractions).
- critical site constraints, including tenure, heritage, and suitability for young people
- potential cost to the City.

This ensures Council is able to make an appropriately informed decision in relation to the preliminary business case.

Should Council elect to proceed with investigations of a skate facility at an alternate site in Woodvale, the recommendation includes engaging with the Member for Kingsley to confirm the ability to use the available funding at an alternate site to moderate cost implications to the City.

Should Council elect to proceed with investigations of a skate facility at an alternate site in Woodvale, the recommendation includes undertaking public consultation as part of the process to obtain feedback from the community.

### **Financial / budget implications**

A financial evaluation has been undertaken as part of the preliminary business case.

Two options are modelled to understand and compare potential financial impacts.

Option one includes a skate plaza with necessary amenities and infrastructure such as car parking, toilet, water bubbler, bins, a shade structure and CCTV.

Option two contains elements included in option one along with some additional minor complementary play facilities to further activate the site.

A detailed breakdown of line items built into the scope for both options is included in the preliminary business case, however the key change in scope between the two options relates to more car parking as well as complementary play facilities, complementary barbecue and picnic spaces and a larger contingency for option two.

The estimated capital costs (excluding escalation) are:

Option one \$1.95 million  
Option two \$2.48 million.

The skate facility itself is estimated to be \$350,000 of the capital cost.

The 20-year cash flow projection of project is \$7.58 million (option one) and \$9.52 million (option two).

The cashflow summary of both options is provided in the table below:

Table 1: Cashflow Summary Total

Cashflow Summary Total including inflation		Option1	Option2
		Minimum scope	Recocommended scope
<u>Establishment</u>			
One-off Costs	\$000s	(\$2,242)	(\$2,843)
Grants, Proceeds, Reserves	\$000s	\$800	\$800
Net Funding Required	\$000s	(\$1,442)	(\$2,043)
Borrowings	\$000s	\$1,442	\$2,043
Repayments	\$000s	(\$1,442)	(\$2,043)
Interest earnings lost using reserve	\$000s	(\$81)	(\$115)
<b>Establishment Cost</b>	<b>\$000s</b>	<b>(\$1,523)</b>	<b>(\$2,158)</b>
<u>Recurring Impacts</u>			
Operating Cash Expenses	\$000s	(\$3,671)	(\$4,342)
Operating Income	\$000s		
Asset Replacement / Depreciation	\$000s	(\$2,386)	(\$3,025)
<b>Recurring Impacts Total</b>	<b>\$000s</b>	<b>(\$6,057)</b>	<b>(\$7,368)</b>
Cash Surplus/(Deficit) - Cumulative <b>vs Option 1</b>	<b>\$000s</b>	<b>(\$7,580)</b>	<b>(\$9,526)</b>
Ranking	Rank	1	2

The scale of capital indications reflect the need to provide additional facilities at the site for the skate park to integrate with and as such a facility at the Woodvale Trotting Track is a more costly skate facility than a comparable one developed in a public open space with existing facilities.

### Regional significance

Nil. The scale of skate facility contemplated at the Woodvale Trotting Track would be likely to appeal to a local catchment.

### Sustainability implications

#### Environmental

Under the *Conservation and Land Management Act 1984*, the Department of Biodiversity, Conservation and Attractions (DBCA) is required to prepare a management plan (in the case the *Yellagonga Regional Park Management Plan 2003-2013*), and manage the lands and waters in accordance with the management plan.

The *Yellagonga Regional Park Management Plan 2003-2013* is still in operation and used by DBCA to guide management of the regional park.

The project site is located in the "Natural Environment Uses" Management Zone (as defined by the management plan), with directions for use summarised in the table below:

Table 2: Relevant Management Directions for Natural Environment Uses Zone

<b>Management Zone</b>	Natural Environment Uses
<b>Reserve Purpose</b>	Conservation Park
<b>Management Emphasis</b>	The management emphasis is to provide for appropriate uses of the natural environment. Areas will be managed jointly for public use, conservation and enhancement of flora and fauna, and improvement of landscape qualities. Public use must be compatible with the assigned purpose of the relevant reserve. Visible evidence of management may be moderate to high. Management will encourage uses and develop facilities that promote conservation and education.
<b>Acceptable Uses and Facilities</b>	Areas are readily accessible by walking trails and cycle paths. Some development of facilities necessary. These may include education nodes and facilities (such as car parks) associated with visitor nodes. Commercial concessions compatible with the values of the area may be considered appropriate within this management zone. The provision of facilities will depend on the values of the area and the community demand for facilities. Rehabilitation and habitat protection will be necessary.

The City has contacted the Department of Biodiversity, Conservation and Attractions (DBCA) to seek input on the potential use and whether, in the view of DBCA as the managing agency, it is considered to be an appropriate use of the site.

DBCA has advised it does not believe the establishment of a skate park and supporting infrastructure required (such as carpark and toilets) is consistent with the current management directions for this area.

### Social

The City's Outdoor Youth Recreation Strategy identifies a need across the entirety of the City, including Woodvale, for locally accessible, multi-purpose facilities that are targeted to entry level and social participation in all recreation styles.

An incidental skate facility would therefore align with the need identified in the City's *Outdoor Youth Recreation Strategy*, however it is recommended that a more suitable site in the suburb of Woodvale is investigated for delivery of this facility.

### Financial

As outlined above, a financial evaluation has been undertaken as part of the preliminary business case which indicates that the City should not proceed with a skate facility at this location.

### **Consultation**

Consistent with Council's resolution made at its meeting held on 14 December 2021 (C144-12/21 refers), the City liaised with the Western Australian Planning Commission and the Department of Biodiversity, Conservation and Attractions in preparing the preliminary business case.

Should Council elect to proceed with investigations of a skate facility at an alternate site in Woodvale, it is recommended that public consultation be undertaken as part of the process to obtain feedback from the community. The extent and nature of community consultation would be determined via a separate Community Consultation Plan.

## COMMENT

An election commitment by the current State Government of \$800,000 is available as a contribution towards funding a skate facility in Woodvale.

In response to Council's resolution at its meeting held on 14 December 2021 (C144-12/21 refers), a preliminary business case has been prepared to investigate the viability of developing a skate facility at the site of the old Woodvale Trotting Track.

The key outcomes of the preliminary business case conclude that:

- the City's *Outdoor Youth Recreation Strategy* identifies a need for local, incidental skate facilities in the locality of Woodvale (as well as throughout the rest of the City)
- while possessing some favourable characteristics, there are a number of constraints associated with the site that would lead to a skate facility at this location being more expensive for the City to deliver and maintain in the long term than if it were developed elsewhere
- the land manager, the Department of Biodiversity, Conservation and Attractions, has advised that it does not support the development of a skate facility at this location and there is currently no intent to amend the existing framework to allow for one.

In view of this, the preliminary business case recommends that other options or approaches to providing skate facilities in the locality should be investigated rather than progressing with the old Woodvale Trotting Track site.

A desktop analysis of other public reserves in Woodvale has been undertaken and it is recommended that further investigations be progressed for the provision of an incidental skate facility in Chichester Park.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Poliwka, SECONDED Cr May that Council:**

- 1 ENDORSES the preliminary business case for a skate facility at the old Woodvale Trotting Track;**
- 2 PROGRESSES further investigations to develop an incidental skate facility at Chichester Park, Woodvale;**
- 3 NOTES that community consultation on an incidental skate facility will be undertaken in early 2023;**
- 4 REQUESTS that the Chief Executive Officer obtains confirmation that the election commitment by the current State Government of \$800,000 is able to be contributed toward funding a skate facility at an alternate location in the suburb of Woodvale, prior to committing to its development.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4agnBRF22 1206.pdf](#)

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Mat Humfrey, Director Corporate Services.</b>
<b>Item No. / Subject</b>	CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Director of Corporate Services is a member of the Whitford Hockey Club.

## CJ200-12/22      **CONFIDENTIAL - RENAMING OF WARWICK HOCKEY CENTRE**

**WARD**

South

**RESPONSIBLE DIRECTOR**Mr Chris Leigh  
Planning and Community Development**FILE NUMBER**

100981, 101515

**ATTACHMENTS**Attachment 1      Location plan  
Attachment 2      List of Troy Pickard's achievements

*(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only).*

**AUTHORITY / DISCRETION**

Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 273 refers.

**CJ201-12/22 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1    Signing and Common Seal Register - extract for November 2022
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for November 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 November 2022 as detailed in Attachment 1 to Report CJ201-12/22.*

**BACKGROUND**

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

<b>Type</b>	<b>Number</b>
Section 70A Notification	1
Removal of Section 70A Notification	1
Restrictive Covenant	1
Withdrawal of Caveat	2

**DETAILS****Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / Policy implications**

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

**10-Year Strategic Community Plan**

**Key theme** Leadership.

**Objective** Capable and effective - you have an informed and capable Council backed by a highly skilled workforce.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.



**MOVED Cr Jones, SECONDED Cr Logan that Council NOTES the Signing and Common Seal Register for November 2022, as detailed in Attachment 1 to Report CJ201-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5agnBRF22 1206.pdf](#)*

**CJ202-12/22 MINUTES OF REGIONAL COUNCIL MEETINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	41196, 101515
<b>ATTACHMENT</b>	Attachment 1 Tamala Park Regional Council – Meeting Minutes – 20 October 2022  <i>(Please note: The Attachment is only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**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 the Tamala Park Regional Council meeting held on 20 October 2022.

**DETAILS****Tamala Park Regional Council Special Council Meeting – 20 October 2022**

A special meeting of the Tamala Park Regional Council was held on 20 October 2022.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park 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.

**10-Year Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**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 Cr Jones, SECONDED Cr Logan that Council NOTES the minutes of the meeting of the Tamala Park Regional Council held on 20 October 2022 forming Attachment 1 to Report CJ202-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

To access this attachment on electronic document, click here: [RegionalMinutesBRF221206.pdf](#)

## CJ203-12/22 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1 Status of Petitions – 16 August 2016 to 15 November 2022
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the 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 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 15 November 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 Cr Jones, SECONDED Cr Logan that Council:**

- 1 **NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 15 November 2022, forming Attachment 1 to Report CJ203-12/22;**
- 2 **in relation to the petition requesting the City to adopt a policy regarding dog access to the foreshore:**
  - 2.1 **NOTES that the holistic review on animal exercise areas and the development of a framework to guide the planning, identification, and delivery of animal exercise areas within the City of Joondalup will include the foreshore areas and a specific, standalone policy regarding dog access to the foreshore is not required;**
  - 2.2 **ADVISES the lead petitioner.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6agnBRF221206.pdf](#)*

**Disclosures of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ204-12/22 - Population Management of Invasive Bird Species, Foxes and Feral Cats.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is the secretary of the friends of Yellagonga and a family member is on the executive committee of the association.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ204-12/22 - Population Management of Invasive Bird Species, Foxes and Feral Cats.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga which takes an active interest in matters which impact Yellagonga Regional Park

## CJ204-12/22      POPULATION MANAGEMENT OF INVASIVE BIRD SPECIES, FOXES AND FERAL CATS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102082, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the City's approach to management of pests (introduced and feral animals) within Yellagonga Regional Park and City managed natural areas.

**EXECUTIVE SUMMARY**

The City is responsible for the management of a diverse number of natural areas and undertakes conservation activities to enhance and protect biodiversity values and reduce the impact of environmental threats in these areas, including the threat from pest fauna species. Pest fauna species have the potential to impact upon native fauna and reduce biodiversity values. There are several pest animal species that occur in the City including foxes (*Vulpes vulpes*), feral cats (*Felis catus*) and introduced bird species.

In order to provide strategic ongoing management of the City's natural areas and protect native vegetation and ecosystems, the City has developed Natural Area Management Plans for the majority of the major conservation areas. The Natural Area Management Plans include actions to undertake feral animal control. The City also partners with neighbouring local governments and State Government agencies to manage pests at the regional level.

At its meeting held on 17 May 2022 (C55-05/22), Council considered a Notice of Motion and resolved that it:

- 1 *NOTES that the proliferation of the introduced Corella and Rainbow Lorikeet bird species impacts the populations of endemic bird species throughout competing for roosting sites, nesting space and foraging habitat;*
- 2 *NOTES the adverse impact of foxes and other introduced predators such as feral cats have on endemic wildlife populations within natural areas, including Yellagonga Regional Park;*
- 3 *REQUESTS the Chief Executive Officer prepare a report on options for the City of Joondalup to work with the Department of Biodiversity, Conservation and Attractions, WALGA, neighbouring local governments and other agencies as necessary to engage in population management of invasive bird species, such as Corellas and Rainbow Lorikeets;*
- 4 *REQUESTS the City of Joondalup liaise with the Department of Biodiversity, Conservation and Attractions and City of Wanneroo as required, to support the removal of foxes, feral cats and other introduced predatory species within all sections of Yellagonga Regional Park and other natural areas as required.*

The City currently conducts feral animal control programs within City managed natural areas in Yellagonga Regional Park, in collaboration with the Department of Biodiversity, Conservation and Attractions (DBCA) and the City of Wanneroo.

*It is therefore recommended that Council:*

- 1 *NOTES that the City currently undertakes feral animal control programs on City managed land and within Yellagonga Regional Park, in collaboration with the Park co-managers, City of Wanneroo and the Department of Biodiversity, Conservation and Attractions;*
- 2 *NOTES the City is pursuing a collaborative approach to Corella control with WA Local Government Association;*
- 3 *SUPPORTS the implementation of a City wide environmental education campaign focussed on reducing impacts from domestic cats to protect biodiversity values.*

## **BACKGROUND**

In Western Australia, local government authorities are responsible for controlling pest species on land under their management. The key State legislation that guides pest species management is the *Biosecurity and Agriculture Management Act 2007* (BAM Act). Organisms declared under the BAM Act are listed on the Western Australian Organism List (WAOL) database. The BAM Act is currently being reviewed and the City is participating in the review process.

Under the Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, a number of pest animals are recognised as threats to native animals and plants, including cats.

Under the Commonwealth *Biosecurity Act 2015*, an *Australian Pest Animal Strategy* provides guidance for the effective and humane control of vertebrate pest animals and mitigation of their impacts on Australia's biodiversity, public health, cultural and social values. The humane control of pest animals in Australia is guided by a set of Model Codes of Practice which were developed under the former Vertebrate Pests Committee.

At its meeting held on 17 May 2022 (C55-05/22), Council considered a Notice of Motion in relation to population management of invasive bird species, foxes and feral cats. This report considers the matters raised at the Council meeting.

## DETAILS

The City is responsible for the management of a diverse number of natural areas and conducts feral animal control programs to protect biodiversity values. Fox control in City managed areas is usually conducted based on sightings of foxes or fox hollows by the Natural Areas team, Friends Groups and residents. In 2022, fox control has been conducted in City managed natural areas within three reserves with five foxes caught.

The implementation of feral animal control programs within Yellagonga Regional Park differs to the City's other natural areas as the Park is jointly managed by the DBCA, and the Cities of Joondalup and Wanneroo; with the DBCA being responsible for the management of the majority of the land within the Park. Land tenure is also vested with the Conservation Commission of Western Australia, the Western Australian Planning Commission, with small sections owned by private landholders; particularly within the southern extent of the Park.

The Cities of Joondalup and Wanneroo jointly implement the [Yellagonga Integrated Catchment Management \(YICM\) Plan 2021-2026](#), in collaboration with the DBCA to improve catchment health and protect the diverse ecological values of Yellagonga Regional Park. To implement the Plan, the Cities of Joondalup and Wanneroo and DBCA formed a Yellagonga Catchment Working Group (YCWG) to focus on key biodiversity projects requiring collaboration, this includes feral animal control programs.

### ***Foxes (*Vulpes vulpes*)***

Foxes are declared pests in Western Australia under the BAM Act and can become pests in urban areas, scavenging on food waste and killing pets. Foxes are a threat to numerous native animals within the City's natural areas, including fauna, birds, reptiles, invertebrates and amphibians, including the iconic quenda and Southwestern snake-necked turtles. Foxes are adequately controlled in the City's natural areas and within Yellagonga Regional Park.

The YCWG conducts feral animal control in Yellagonga Regional Park including engaging a qualified contractor to conduct fox trapping in spring and summer each year. Fox control commenced in Yellagonga Regional Park in 2017 and includes trapping up to four times per year throughout the park, which is considered to be appropriate for this location. The program involves fox activity assessments and trapping, as well as opportunistic feral cat trapping.

Trapping frequency and site selection is based on previous fox locations, recorded sightings and site surveys by a qualified consultant. Trapping timing is also coordinated with the turtle nesting season, to reduce fox numbers during turtle nesting migrations. Since its commencement, 90 foxes have been caught and euthanised, with an average of 12 foxes caught each year. It is expected that this annual program will continue into the future. The City's budget for fox control in Yellagonga Regional Park is \$5,000 annually. The DBCA and City of Wanneroo also contribute \$5,000 annually.

The most recent fox trapping results highlighted that foxes regularly enter Yellagonga Regional Park from the north boundary from the Department of Planning, Lands and Heritage (DPLH) and DBCA land. The City is working with DPLH, DBCA and City of Wanneroo collaboratively to determine suitable fox control options to prevent foxes migrating from this land into Yellagonga Regional Park.



### ***Feral Cats (Felis catus)***

Feral cats are a declared species under the BAM Act and are defined as cats that are living and reproducing in the wild. They are not owned or socialised and survive on their own in the wild by hunting. Feral cats are the same species as domestic cats but differ in how and where they live. Predation by feral cats is recognised as a key threatening process under the EPBC Act.

The City recognises the impact that feral cats can have on the biodiversity of the natural environment. Through the YICM Plan, in collaboration with the park's co-managers, the City has implemented initiatives to raise community awareness of issues and manage feral cats within the catchment. The City has undertaken targeted education campaigns with local residents regarding responsible pet ownership and the impact of wandering cats within the Yellagonga Regional Park which has included distribution of brochures and signage within the park. Feral cats caught as bi-catch during fox trapping in Yellagonga Regional Park are removed.

### ***Pest Parrots***

Introduced bird species such as Rainbow Lorikeets (*Trichoglossus moluccanus*), Little Corellas (*Cacatua sanguinea*), and Eastern Long-Billed Corellas (*Cacatua tenuirostris*) are a threat to local biodiversity by impacting local endemic bird species populations, can cause damage to infrastructure and agricultural crops, and are a potential public health risk.

These introduced bird species are not native to Southwestern Australia and are now flourishing on the Swan Coastal Plain. The effective long-term management and control of introduced bird species requires a collaborative approach between local governments and state government agencies.

Rainbow Lorikeets are declared pests in Western Australia under the BAM Act. Little Corellas are declared pests in Western Australia under the BAM Act, however for the City of Joondalup area is noted as 'C3 Management / Exempt' and should have some form of management applied that will alleviate the harmful impact of the organism, reduce the numbers or distribution of the organism or prevent or contain the spread of the organism. Eastern Long-Billed Corellas are Permitted (s11 of BAM Act) for the whole of state and is not assigned to any control category for a local government area at this time.

From 2016 to 2019 the City worked with neighbouring local governments and the DBCA through the Western Australian Local Government Association (WALGA) led *Coordinated Corella Control Program*. The Program aimed to develop a coordinated approach to addressing noise, damage to infrastructure and public health impacts of introduced Corellas across the southwest of Western Australia. The City was represented on the Program Working Group and provided a financial contribution to the Program of \$5,000 per year.

Over the duration of the program approximately 10,000 Corellas were removed in the Southwest and Perth Metropolitan Regions and approximately 4,000 from within the Northern Perth region. In 2019 the group was disbanded due to a lack of financial support from the state government and partner organisations.

In February 2022, the Mayor wrote to the Hon. Reece Whitby MLA, Minister for Environment; Climate Action, regarding the concerns of residents that are affected by the destructive behaviour of Corellas within the City and across suburbs within the Perth metropolitan region and for consideration of funding to establish a joint population control program in partnership with the DBCA and local governments.

The Hon. Reece Whitby MLA responded in March 2022 and indicated that the aims of the former WALGA Corella Control Working Group were to increase local government capacity to manage Corella populations. It was also outlined that the responsibility for undertaking management activities when fauna causes damage or impacts to public health and safety rests with landowners and managers. DBCA provide the necessary approvals under the *Biodiversity Conservation Act 2016* to facilitate Corella control by local governments and work collaboratively with local governments to achieve this in a planned manner, considering best practice and animal welfare.

The Mayor wrote to the President of WALGA in 19 April 2022 seeking support to re-establish a WALGA led Corella control program to enable a strategic, collaborate approach to Corella management and aim to minimise negative impacts from introduced Corellas. The City is currently liaising with WALGA in regard to a potential future program.

Additionally, the City has participated in and supported BirdLife Western Australia's Operation Rainbow Roost Program which is aimed at locating roosting sites for the introduced Rainbow Lorikeet. The City hosted a workshop for community members to encourage involvement in the program in January 2020. The City has not considered the removal of Rainbow Lorikeets.

City officers attended the 'Pest Parrot and Cockatoo Management Strategy Workshop' which was conducted by Strickland Park Economics for the Department of Primary Industries and Regional Development on 8 September 2022. Officers also attended the 'Improving WA's community led pest and weed management' workshop held by the Department of Primary Industries and Regional Development on 3 November 2022 as part of the review of the BAM Act.

### **Issues and options considered**

Option 1 – Continue with existing feral animal control programs.

The City currently implements feral animal control programs in natural areas under its management and works collaboratively with the City of Wanneroo and DBCA to implement an annual fox trapping program within Yellagonga Regional Park.

The City is currently pursuing a collaborative approach to Corella control with WALGA, which if successful, could potentially extend to Rainbow Lorikeet control also.

Option 2 – Continue with existing feral animal control programs and increase related educational awareness initiatives.

The City could continue to implement its existing feral animal control programs as outlined in Option 1 and increase community education regarding the shared responsibility of managing introduced animals, including domestic cats, to protect biodiversity values.

Option 2 is the recommended option as the City could continue to undertake the existing feral animal control program and encourage community members can take actions to prevent negative environmental impacts from domestic cats.

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

#### **Legislation**

*Biosecurity and Agriculture Management Act 2007.*  
*Environment Protection and Biodiversity Conservation Act 1999.*  
*Biosecurity Act 2015.*

## 10-Year Strategic Community Plan

**Key theme** Environment.

**Outcome** Managed and protected – you value and enjoy the biodiversity in local bushland, wetland, and coastal areas.

**Policy** *Sustainability Policy.*

### Risk management considerations

Pest animals are an environmental threat to the City's natural areas and pose risks to native-fauna and biodiversity values. In addition, there are risks in regard to noise, damage to infrastructure and public health impacts from pest parrots.

### Financial / budget implications

Currently the City budgets \$30,850 (excluding GST) annually for pest animal control in bushland reserves (excluding Yellagonga Regional Park), and \$5,000 (excluding GST) annually for the Yellagonga Regional Park fox control program. The DBCA and City of Wanneroo also contribute \$5,000 (excluding GST) annually for the Yellagonga Regional Park fox control program.

The Corella control program was previously implemented at a cost of \$5,000 annually and it is expected that a Rainbow Lorikeet control program would be a similar annual cost.

The City could undertake an environmental education campaign regarding reducing impacts from domestic cats within the current operating budget.

### Regional significance

The City recognises that working collaboratively with neighbouring land managers to implement feral animal control programs is essential for success. The City currently partners with the City of Wanneroo and the DBCA to implement an ongoing fox control program within Yellagonga Regional Park. The City also manages foxes and other pest species within its other reserves. The City is hoping to work collaboratively with other local government organisations to implement a regional-scale collaborative pest bird control program, and is currently waiting on advice from WALGA. Continuing to control pest species collaboratively will prevent negative environmental and social impacts across the region.

### Sustainability implications

The City currently implements feral animal control programs to protect native fauna and biodiversity values, meet community expectations, and fulfil the City's responsibilities for pest animal control under the *Biosecurity and Agriculture Management Act 2007*.

### Consultation

Not applicable.

### COMMENT

It is recommended that the City continue to implement the existing feral animal control programs, including controlling foxes within City managed natural areas, and continue to work in collaboration with the City of Wanneroo and DBCA and other land managers as required, to manage pest animals within Yellagonga Regional Park.

The City will continue to pursue a collaborative approach with WALGA to implement a pest bird control program and work collaboratively with other land managers. An environmental education campaign focussed on reducing impacts from domestic cats could assist to protect biodiversity values in the City's natural areas.

## **VOTING REQUIREMENTS**

Simple Majority.

### **MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1 NOTES that the City currently undertakes feral animal control programs on City managed land and within Yellagonga Regional Park, in collaboration with the Park co-managers, City of Wanneroo and the Department of Biodiversity, Conservation and Attractions;**
- 2 NOTES the City is pursuing a collaborative approach to Corella control with WA Local Government Association;**
- 3 SUPPORTS the implementation of a City wide environmental education campaign focussed on reducing impacts from domestic cats to protect biodiversity values.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

## **CJ205-12/22 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of October 2022 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of October 2022) Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2022
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2022.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of October 2022, totalling \$17,065,649.11.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 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 CJ205-12/22, totalling \$17,065,649.11.*

### **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 October 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ205-12/22.

The vouchers for the month are appended as Attachment 3 to Report CJ205-12/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112588 - 112639 & EF104791 - EF104811 & EF104821 - EF105130 & EF105141 - EF105526 & EF105527 - EF105912 Net of cancelled payments	\$11,878,808.98
	Vouchers 3388A – 3403A	\$5,164,772.78
	Bond Refund Cheques & EFT Payments 112587 & EF104812 - EF104820 & EF105131 - EF105135 & EF105136 - EF105140 Net of cancelled payments.	\$22,067.35
	<b>Total</b>	\$17,065,649.11

### 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.

### 10-Year Strategic Community Plan

#### Key theme

Leadership.

#### Outcome

Accountable and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

#### 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 City of Joondalup *2022-23 Budget* as adopted by Council at its meeting held on 28 June 2022 (CJ104-06/22 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Logan that Council NOTES the Chief Executive Officer's list of accounts for October 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 CJ205-12/22, totalling \$17,065,649.11.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7agnBRF221206.pdf](#)

## **CJ206-12/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 October 2022.

### **EXECUTIVE SUMMARY**

At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the *2022-23 Annual Budget*. Council subsequently amended the budget at its meeting held on 16 August 2022 (CJ132-08/22 refers), 20 September 2022 (CJ158-09/22 and CJ161-09/22 refers) and 18 October 2022 (CJ178-10/22 and CJ179-10/22 refers). The figures in this report are compared to the amended budget.

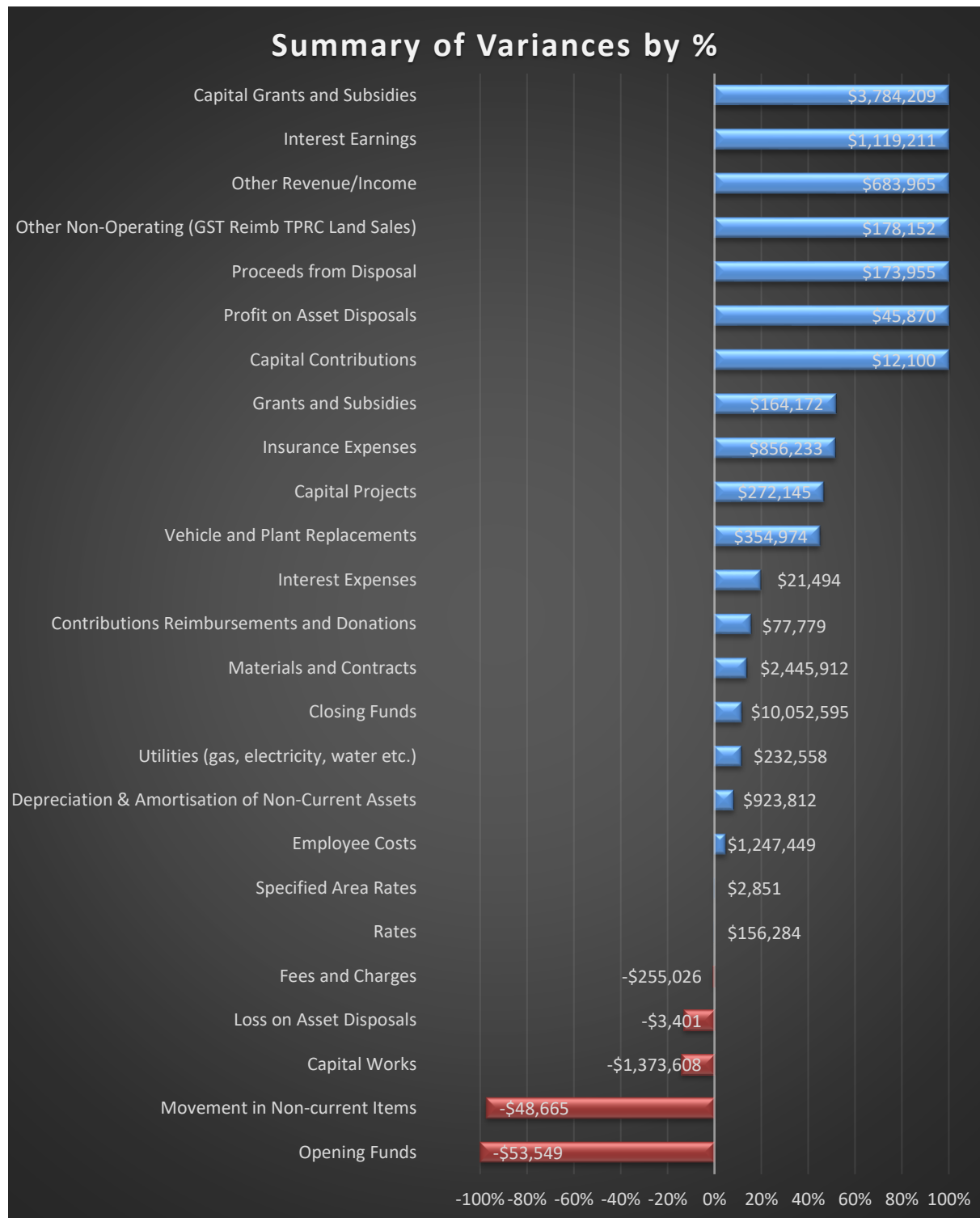
The October 2022 Financial Activity Statement Report shows an overall favourable variance of \$10,052,595 from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year-to-date position to 31 October 2022 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2021-22 Annual Financial Statements*.

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 October and the finalisation of 2021-22 end of year process. The notes detailed in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.



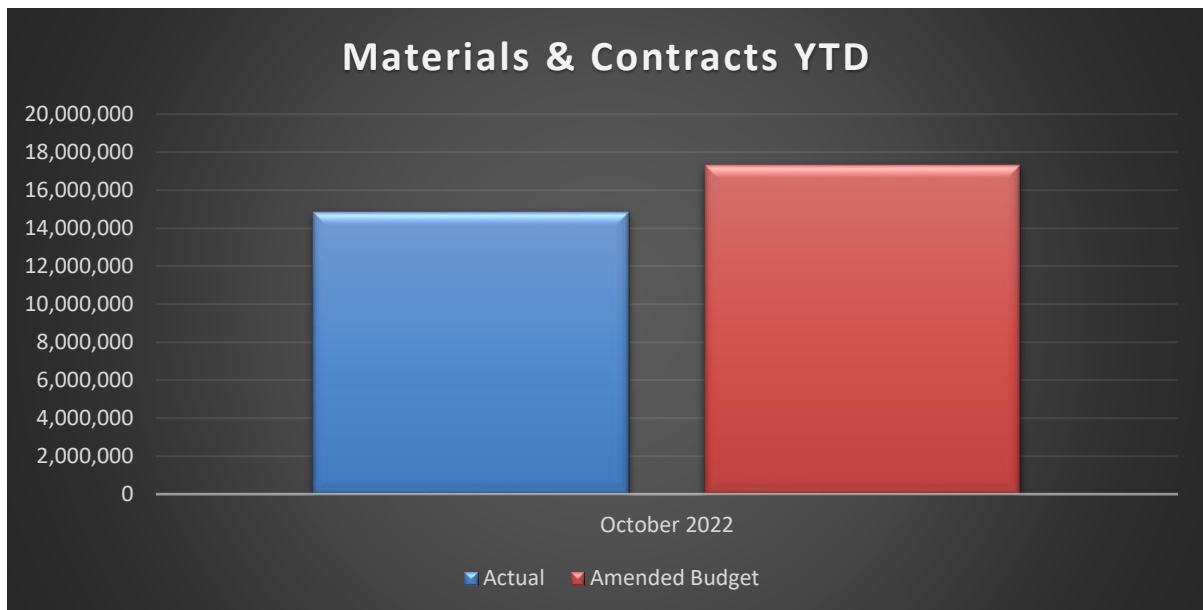
The key elements of the variance are summarised below:



The significant variances for October were:

**Materials and Contracts**

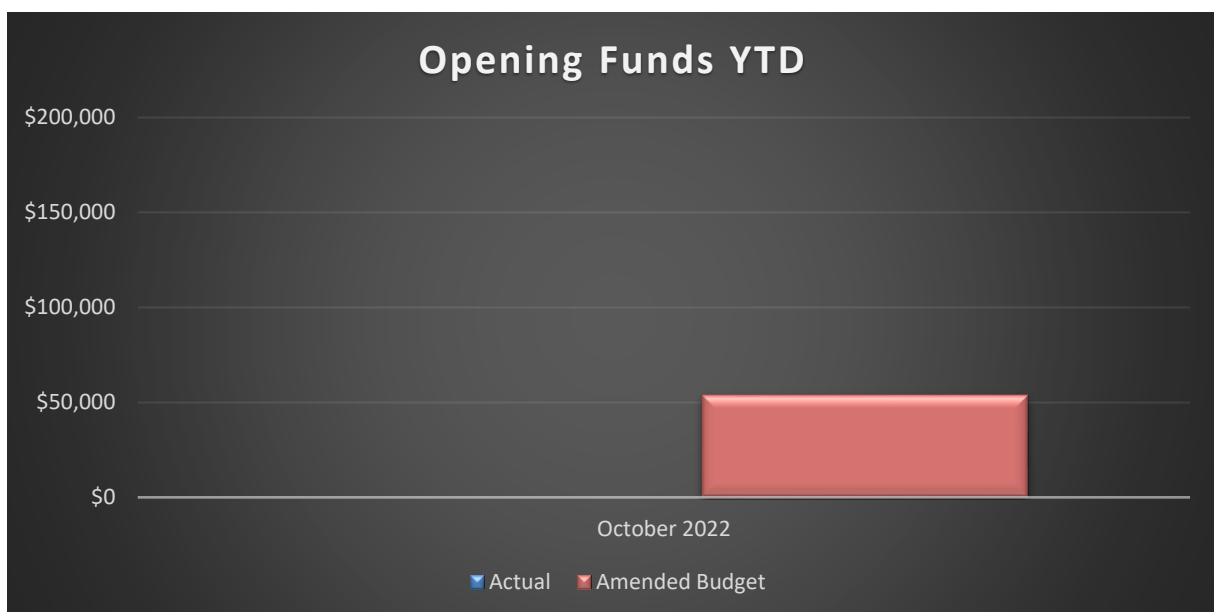
**\$2,445,912**



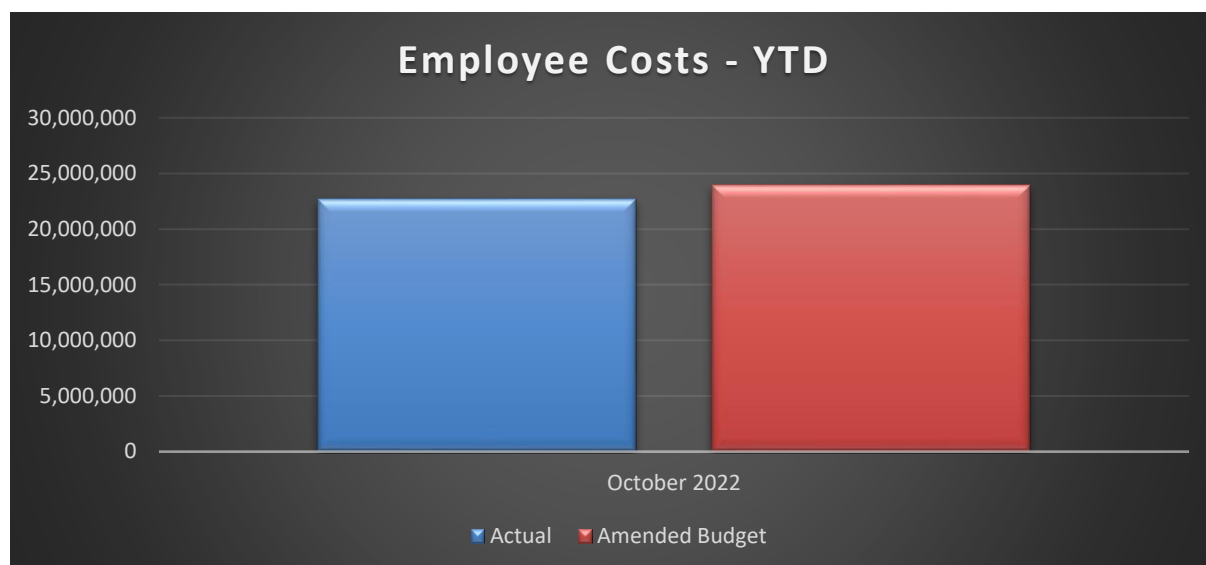
Materials and Contracts expenditure is \$2,445,912 below budget. This is spread across a number of different areas including External Service Expenses \$754,518, Waste Management Services \$424,520, Computing \$391,615, Professional Fees and Costs \$296,126 and Public Relations, Advertising and Promotions \$221,147.

**Opening Funds**

**(\$53,549)**



Opening Funds for October 2022 is \$53,549 below budget. The variation in the Closing Funds for the period ended 30 June 2022 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2021-22 have been audited.

**Employee Costs****\$1,247,449**

Employee Costs expenditure is \$1,247,449 below budget. Favourable variances predominantly arose from vacancies in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2022 forming Attachment 1 to Report CJ206-12/22.*

**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 October 2022 is appended as Attachment 1.

**Legislation / Strategic Community Plan / Policy implications****Legislation**

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

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

**10-Year Strategic Community Plan****Key theme**

Leadership.

**Outcome**

Responsible and financially-sustainable.

## 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

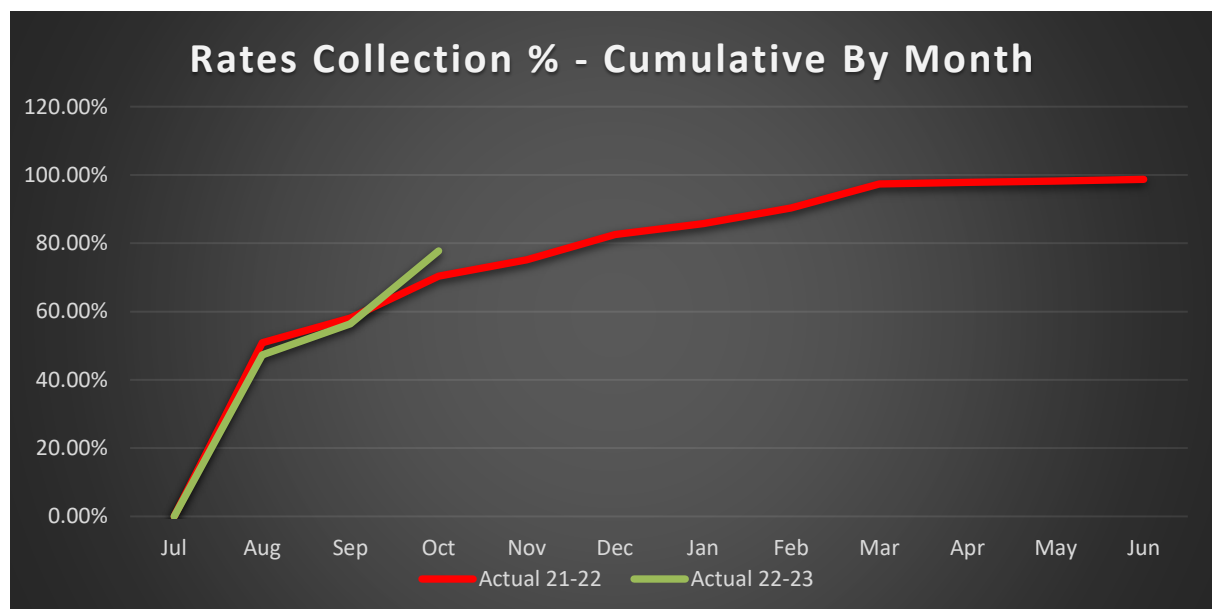
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## 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*.

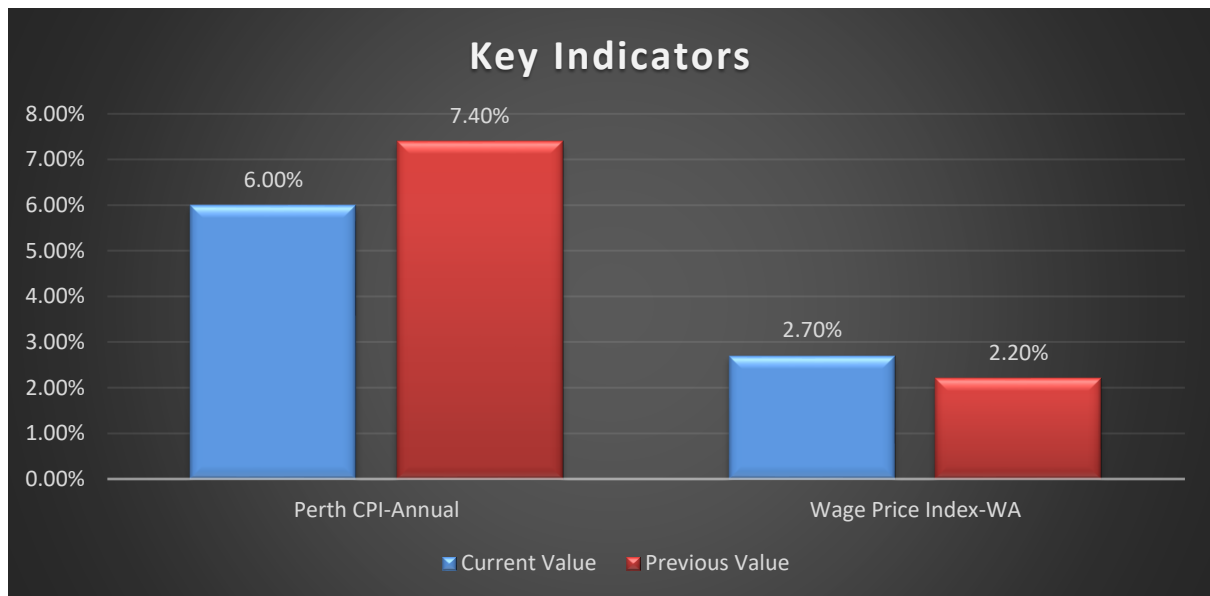
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is slightly higher than previous financial year at the end of October.

## Economic Indicators



During October, the Q3 CPI was released. Perth reported a 0.5% Quarter by Quarter decline which was driven by an 84.3% drop in electricity prices due to the new \$400 household electricity credit introduced by the Western Australian Government from July.

### COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the adopted *2022-23 Budget* (as amended) or has been authorised in advance by Council where applicable.

### VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Raftis, SECONDED Cr Kingston that Council NOTES the Financial Activity Statement for the period ended 31 October 2022 forming Attachment 1 to Report CJ206-12/22.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8agnBRF221206.pdf](#)

## **CJ207-12/22 TENDER 038/22 SUPPLY AND DELIVERY OF PVC PIPES, FITTINGS AND SPRINKLERS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110426, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Tender Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Western Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 17 September 2022 through state-wide public notice and published by Tenderlink for the supply and delivery of PVC pipes, fittings and sprinklers. Tenders closed on 5 October 2022. A submission was received from each of the following:

- Reece Australia Pty Ltd.
- Total Eden Pty Limited.
- Western Irrigation Pty Ltd.

The submission from Western Irrigation Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's specifications. Its submission outlined the qualifications and relative experience for its key personnel and the company's experience in completing equivalent scopes of works for the Cities of Stirling, Vincent and Wanneroo. It is also the incumbent supplier to the City. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Western Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers, as specified in Tender 038/22, for a period of three years, with two options to extend the term of the contract of one year each, at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for a contractor to supply and deliver PVC pipes, fittings and sprinklers in accordance with the specification.

The scope of work includes the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre. The goods shall be supplied inclusive of labour, packaging and transport. The goods will be ordered at the direction of the Superintendent and in accordance with the terms and conditions of the Contract.

The City currently has a single contract in place with Western Irrigation Pty Ltd which expires on 16 December 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 and delivery of PVC pipes, fittings and sprinklers was advertised through state-wide public notice and published by Tenderlink on 17 September 2022. The tender period was for two weeks, and tenders closed on 5 October 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Reece Australia Pty Ltd.
- Total Eden Pty Limited (Nutrien Water).
- Western Irrigation Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ207-12/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ207-12/22.

A confidential tender summary is provided in Attachment 3 to Report CJ207-12/22.

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Evaluation Method and Weighting**

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

The predetermined minimum acceptable pass score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in supplying similar goods	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

### Compliance Assessment

The following offers received were assessed as partially compliant but were included for further consideration on the basis that clarification could be sought should the tenderer qualify for stage two assessment:

- Reece Australia Pty Ltd did not provide details for vehicle insurance, and registration / licences were omitted. It is seeking departures to the City's terms and conditions of tendering and contract whereby it wishes to restrict its liability. It is also requesting price reviews every three months.
- Total Eden Pty Ltd (Nutrien Water) omitted details for its registration / licences and is seeking to vary the price at each 12-month anniversary date of contract award, to reflect supplier increases.

The offer from Western Irrigation Pty Ltd was deemed fully compliant.

Based upon the above findings, offers from Reece Australia Pty Ltd, Total Eden Pty Ltd (Nutrien Water) and Western Irrigation Pty Ltd all remained for further consideration.

### Qualitative Assessment

Reece Australia Pty Ltd scored 66.3% and was ranked third in the qualitative assessment. It demonstrated a good understanding of the required tasks. It provided basic information for three contracts it has with the Cities of Swan, Melville and Vincent. Brief details were submitted for the key staff nominated for the City's scope of works. It has the capacity to supply the goods to the City and has a branch located in Joondalup.

Total Eden Pty Limited scored 70.5% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has the capacity required to supply the goods to the City and provided high level information to demonstrate industry experience for its key personnel. Qualifications were omitted. It demonstrated substantial experience supplying similar goods to WA local governments citing two contracts it has with the Cities of Gosnells and Rockingham. It has an outlet located in Joondalup.

Western Irrigation Pty Ltd scored 82.8% and was ranked first in the qualitative assessment. The company demonstrated extensive experience supplying similar goods and services citing three local government contracts it has in WA, being the Cities of Stirling, Vincent and Wanneroo. It is also the City's incumbent supplier for PVC pipes, fittings and sprinklers. It demonstrated a thorough understanding and appreciation of the City's requirements.



It is well established with proven capacity to provide the goods and services to the City. Comprehensive information was provided for its key staff to demonstrate their industry experience and relevant qualifications. It is located within the City of Joondalup.

Given the minimum acceptable qualitative score of 50%, all three companies Western Irrigation Pty Ltd, Nutrien Water and Reece Australia Pty Ltd qualified to progress to the stage two assessment.

### Price Assessment

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

The estimated expenditure over a 12-month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates have been applied to actual historical usage data for all schedule of rate items. This provides a value of each tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will transpire, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first 12 months of the contract but are subject to a price variation in years two to five of the contract (subject to the City exercising the extension options) to a maximum of the CPI for the preceding year. For estimation purposes, a 4.5% CPI increase was applied to the rates tendered for years two to five.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Estimated Total Price</b>
Reece Australia Pty Ltd	\$346,665	\$362,265	\$378,566	<b>\$1,087,496</b>
Total Eden Pty Ltd (Nutrien Water)	\$378,445	\$395,474	\$413,271	<b>\$1,187,190</b>
Western Irrigation Pty Ltd	\$299,804	\$313,295	\$327,393	<b>\$940,492</b>

During 2021-22, the City incurred \$274,321 for the supply and delivery of PVC pies, fittings and sprinklers. It is anticipated that the City will incur an estimated expenditure of \$940,492 during the three-year contract term, on the proviso it requires similar quantities to 2021, and up to \$1,640,139 over five years, should the City exercise the two extension options.

The schedule of rates for 230 items offered under this Request (which were the only items purchased during 2021-22, and which were available from all three tenderers), have been compared with the rates under the City's current contract using actual historical data. The proposed new contract represents a 12.8% increase when compared to the City's existing contracted rates.

It is for noting that the City applied a 10% CPI increase across all scheduled items in February 2021 and a further rate increase (ranging from 10-25%) across selected items in March 2022, since the current contract commenced on 17 December 2019.

### Evaluation Summary

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

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Estimated Total Comparative Price</b>	<b>Price Rank</b>
Western Irrigation Pty Ltd	82.8%	1	\$940,492	1
Reece Australia Pty Ltd	66.3%	3	\$1,087,496	2
Total Eden Pty Ltd (Nutrien Water)	70.5%	2	\$1,187,190	3

Based on the evaluation result the panel concluded that the offer from the Western Irrigation Pty Ltd provides best value to the City and is therefore recommended.

### **Issues and options considered**

The City has a requirement for the supply and delivery of PVC pipes, fittings and sprinklers. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Out of the 1022 product items required under the proposed contract, Reece Australia Pty Ltd and Total Eden Pty Ltd (Nutrien Water) were unable to supply all items and submitted prices for 989 and 949 products respectively.

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

#### **Legislation**

A state-wide 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.

### **10-Year Strategic Community Plan**

#### **Key theme**

Place.

#### **Outcome**

Attractive streetscapes and good amenity – you have access to quality public open spaces and enjoy appealing streetscapes.

#### **Policy**

Not applicable.

### **Risk Management Considerations**

Should the contract not proceed, the risk to the City will be high. Without an appropriate contract in place, the park irrigation systems will not be repaired and maintained at an optimum level which will have an impact on turf and landscape surfaces.

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

## Financial / Budget Implications

### Current financial year impact

<b>Account no.</b>	Various capital and maintenance accounts.	
<b>Budget Item</b>	Supply and delivery of PVC pipes, fittings and sprinklers.	
<b>Budget amount</b>	\$ 200,000	(operational only)
<b>Amount spent to date</b>	\$ 64,543	
<b>Commitments</b>	\$ 1,284	
<b>Proposed cost</b>	\$ 24,138	(Existing Contract)
	\$ \$160,991	(New Contract)
<b>Balance</b>	(\$ 50,956)	

The balance does not represent an overspend at this time. The projected expenditure for this service is subject to change and is dependent on the quantity and type of requirements throughout the Contract period. Budgets were set based on price estimates. This will be revised in the mid-year budget review.

Budgeted costs associated with supply and delivery of PVC pipes, fittings and sprinklers for capital project works are unable to be determined with certainty, due to the varied nature of individual project requirements. Expenditure will depend on actual usage under the contract for capital projects.

All amounts quoted in this report are exclusive of GST.

### Regional Significance

Not applicable.

### Sustainability Implications

Efficient reticulation systems are an integral component of the management of the City's water resources. The City has 319 parks and public open spaces that require irrigation. Efficient reticulation systems reduce the City's consumption of water and enhance the quality of these areas used by the community.

### 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 Western Irrigation Pty Ltd represents best value to the City.

### VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Logan that Council ACCEPTS the tender submitted by Western Irrigation Pty Ltd for the supply and delivery of PVC pipes, fittings and sprinklers as specified in Tender 038/22, for a period of three years, with two options to extend the term of the contract by one year each, at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9a9nBRF221206.pdf](#)*

## **CJ208-12/22 TENDER 042/22 PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110427, 101515
<b>ATTACHMENTS</b>	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 appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 17 September 2022 through statewide public notice and published by Tenderlink for the provision of irrigation pump and bore maintenance services. Tenders closed on 5 October 2022. A submission was received from each of the following:

- Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps.
- Total Eden Pty Limited (Nutrien Water).

The submission from Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been in the pumps and irrigation industry for many years and has extensive experience providing similar services to local governments in WA including the Cities of Canning, Swan and Wanneroo. Hydroquip Pumps is well established with significant industry experience and proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 042/22 for a period of three years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement to engage a qualified and experienced contractor to provide pump and bore maintenance, irrigation and drainage pump services to the City's irrigated parks and streetscapes. The scope of works includes the removal, maintenance, installation of irrigation, drainage pumps and the redevelopment of existing bores. The services shall be inclusive of emergency repairs and scheduled maintenance.

The location of the works will be at various parks and streetscapes within the City. There are 211 irrigation pumps, eight drainage pumps, 14 aerators and 207 bores which may require repair work or modification over the contract period. The types of pumps to be serviced range from centrifugal, submersible, vertical multi-stage, Flygt and aerators.

The City does not guarantee any set volume of work for the contract period or work for any particular location. The Superintendent will require the contractor to provide its services for both scheduled maintenance and ad-hoc requirements.

The City has a contract in place with Hydroquip Pumps for irrigation pump and bore maintenance services which expires on 16 December 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 provision of irrigation pump and bore maintenance services was advertised through statewide public notice and published by Tenderlink on 17 September 2022. The tender period was for two weeks and tenders closed on 5 October 2022.

### **Tender Submission**

A submission was received from each of the following:

- Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps.
- Total Eden Pty Limited (Nutrien Water).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ208-12/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ208-12/22.

A confidential tender summary is provided in Attachment 3 to Report CJ208-12/22.

### **Evaluation Panel**

The evaluation panel comprised three members, being:

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

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

## Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. Due to the simple nature of the proposed services, the predetermined minimum acceptable qualitative score for this requirement was therefore set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Compliance Assessment

The offer from Hydroquip Pumps was assessed as fully compliant and remained for further consideration.

The offer from Nutrien Water was assessed as partially compliant. Nutrien Water made assumptions in its offer relating to maintenance of registrations, licences or qualification details indicating all licences will be provided on award of contract when it was specified copies of documentary evidence of electrical licence, diving and trade qualifications be submitted as part of the Offer. The submission was included for further assessment on the basis that clarifications could be sought from Nutrien Water, if shortlisted for further consideration.

## Qualitative Assessment

Nutrien Water scored 49.3% and was ranked second in the qualitative assessment. The company demonstrated the capacity and experience required to provide the services. Three examples of works were provided however period and dates of contracts or duration of works were not supplied. It did not submit other examples of works or services involving local governments. It did not fully demonstrate an understanding of the City's requirements. Its submission included a brief outline of the company's work flow management process, however, very little detail on how it proposed to complete the works.

Hydroquip Pumps scored 82.2% and was ranked first in the qualitative assessment. The company has been in the pumps and irrigation industry for many years and has extensive experience providing similar services to local governments in WA including the Cities of Canning, Swan and Wanneroo. It is the City's incumbent supplier. It demonstrated a thorough understanding and appreciation of the City's requirements. Hydroquip Pumps is well established with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 50%, Hydroquip Pumps qualified for stage two of the assessment.

## Price Assessment

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

The estimated expenditure over a 12-month period will vary based upon 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 tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will occur, and actual costs will be paid on the actual usage in the future.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three and also four to five (should the two optional one year extension terms be exercised) of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 4.5% CPI increase was applied to the rates in years two to five.

Tenderer	Year 1	Year 2	Year 3	Total
Hydroquip Pumps	\$719,584	\$751,965	\$785,804	\$2,257,353
Nutrien Water	\$886,782	\$926,688	\$968,388	\$2,781,858

During 2021-22, the City incurred \$700,305 for irrigation pump and bore maintenance services. The City is expected to incur in the order of \$2,257,353 over the three-year contract period and \$3,936,635 over five years should the City exercise both extension options.

The rates proposed by Hydroquip Pumps results in a 2.5% increase in cost when compared to the existing contract. The company has not applied for a price increase since commencement of contract in December 2019.

## Evaluation Summary

Tenderer	Weighted Percentage Score	Estimated Total Comparative Price
Hydroquip Pumps	82.2%	\$2,257,353

Based on the evaluation result the panel concluded that the tender from Hydroquip Pumps provides best value to the City and is therefore recommended.

## Issues and options considered

The City has a requirement for the provision of pump and bore maintenance, irrigation and drainage pump services to the City's irrigated parks and streetscapes. 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 state-wide 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.

## 10-Year Strategic Community Plan

### Key theme

Environment.

### Outcome

Responsible and efficient - you benefit from a responsible and efficient use of natural resources.



**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City would not be able to duly maintain its irrigation systems.

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**Current financial year impact

<b>Account no.</b>	Various capital and maintenance accounts.
<b>Budget Item</b>	Irrigation pump and bore maintenance services.
<b>Budget amount</b>	\$ 750,000
<b>Amount spent to date</b>	\$ 125,101
<b>Proposed cost</b>	\$ 387,468
<b>Balance</b>	\$ 237,431

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable

**Sustainability implications**

Irrigation pumps and associated bores are an integral component in the efficient management of the City's water resources. The City has approximately 211 irrigation pumps, eight drainage pumps, 14 aerators and 207 bores in its parks and streetscapes which may require repair work or modification over the contract period. The efficient supply of water from bores enhances the quality of these areas used by the community.

**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 Hydroquip Pumps represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Logan that Council ACCEPTS the tender submitted by Acemark Investments Pty Ltd as Trustee for the McFadden Family Trust trading as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 042/22 for a period of three years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach 10agnBRF22 1206.pdf](#)

## **CJ209-12/22 CITY OF JOONDALUP PUBLIC OPEN SPACE FRAMEWORK**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	109798, 101515
<b>ATTACHMENTS</b>	Attachment 1 Public Open Space Framework Attachment 2 Public Open Space Classifications
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the review of the *Revised Parks and Public Open Space Classification Framework* and adopt the City of Joondalup Public Open Space Framework.

### **EXECUTIVE SUMMARY**

The City of Joondalup manages a range of public open space located on property owned or managed by the City. Public open space plays an integral role in supporting health, recreation and leisure in the community, and is highly valued as contributing to suburban aesthetics, neighbourhood identity, cultural heritage and tourism. Public open space also plays an important role in supporting local ecological and biodiversity values, as well as contributing to good air and water quality.

The *Parks and Public Open Spaces Classification Framework* was first adopted by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers). In adopting the Framework, Council agreed to a 'guideline approach' in its implementation, meaning that it would become a guide for the types of assets that could exist within each category of park or public open space.

The Framework was reviewed in 2012 in response to the release of a related State Government classification framework and, since this time, the City has utilised the framework to inform decision-making around capital works programming.

At the Council meeting in April 2021, Council considered a report in relation to play equipment at Macauley Park in Duncraig. Council requested that a report be prepared on the Revised *Parks and Public Open Spaces Classification Framework* for Council's consideration. In line with this request, the City undertook a review of the revised framework to ensure it was still meeting its objectives.

As a result of this review, an updated Public Open Space Framework (Attachment 1 refers) was prepared. The Framework will guide the allocation of infrastructure assets across the different types of public open space within the City. The aim of the Framework is to achieve transparent and accountable decision-making, underpinned by the principles of equity and consistency.

*It is therefore recommended that Council ADOPTS the Public Open Space Framework provided as Attachment 1 to Report CJ209-12/22.*

## BACKGROUND

The City has an extensive number of parks and public open spaces which represent important community and environmental resources. In order to facilitate clear and consistent decision-making processes, it was considered appropriate that a formal system for classifying these resources be introduced.

### Parks and Public Open Spaces Classification Framework

The *Parks and Public Open Spaces Classification Framework* was first adopted by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers). In adopting the Framework, Council agreed to a 'guideline approach' in its implementation, meaning that it would become a guide for the types of assets that could exist within each category of park or public open space.

### Revised Parks and Public Open Space Classification Framework

Following Council's adoption, the City implemented the Framework from 2010 and commenced a review of the document in 2012, the review considered the following:

- Realigning and improving the classification structure based on the Department of Sport and Recreation's *Classification Framework for Public Open Space* (released in 2012).
- The inclusion of additional park assets within the Framework, due to an influx in requests from the community that were not accounted for in the original document.
- Distinguishing between supported and optional assets across classifications to provide greater clarity of the circumstances under which new assets should be considered for installation.

The result of this review was presented to Elected Members in March 2013 in the form of a *Revised Parks and Public Open Spaces Classification Framework*, together with an interactive spreadsheet, to illustrate the costs associated with implementing the new Framework. The review was not progressed at this time.

Since that time, the *Revised Parks and Public Open Spaces Classification Framework* has continued to be utilised as a management guideline to assist the City in the planning and provision of public open space assets. The Framework has informed the City's capital works program through the identification of the types of assets that were supported/optional or not supported for each classification of public open space. The Framework also provided for rationalisation and equity in the distribution of assets across the City.

At its meeting held on 20 April 2021 (CJ054-04/21 refers), when considering a report in relation to play equipment at Macaulay Park, Duncraig, Council resolved, in part the following:

"5 *REQUESTS the Chief Executive Officer to prepare a report on the City's Revised Parks and Public Open Space Classification Framework for Council's consideration in the 2021/22 financial year.*"

In preparing the above report, it was considered timely to undertake a full review of the Revised Framework.

## DETAILS

A review of the *Revised Parks and Public Open Spaces Classification Framework* has been undertaken which included reviewing alignment with the Department of Local Government, Sports and Cultural Industries *Classification Framework for Public Open Space* and assessing the City's portfolio of public open space and their containing assets.

The Public Open Space Framework is proposed to guide the allocation of infrastructure assets across the different types of public open space within the City. The aim of the Framework is to achieve transparent and accountable decision-making, underpinned by the principles of equity and consistency.

When public open space infrastructure assets are appropriately allocated, the City is able to maintain higher quality infrastructure that meets the requirements of its community. This is preferable to maintaining surplus assets that are under-utilised and renewed less frequently.

The objectives of the Framework are:

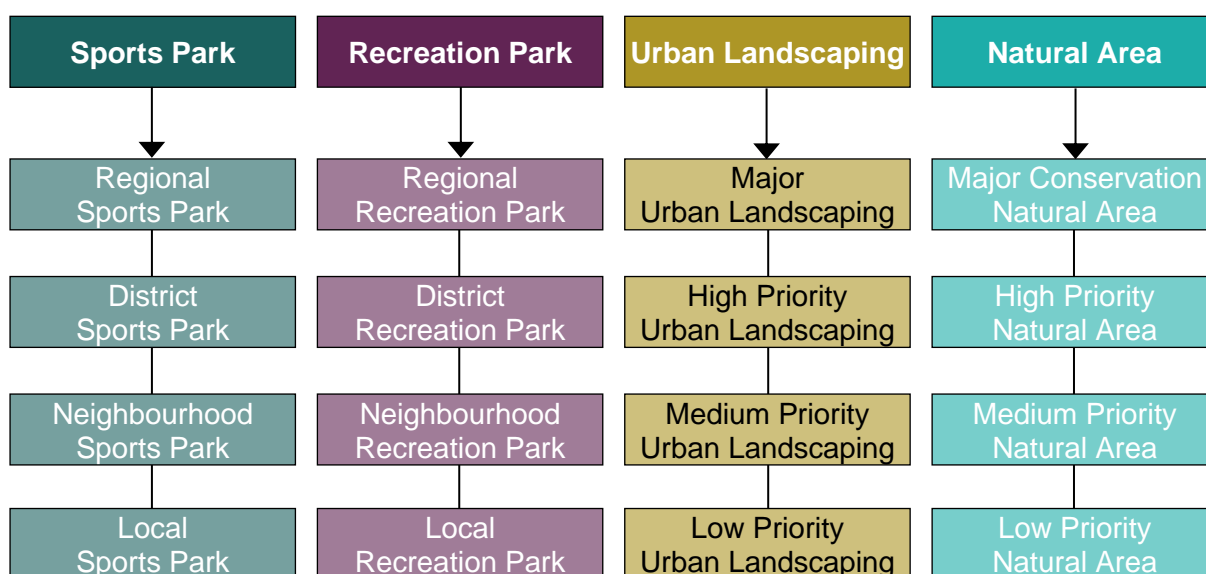
- To classify public open space according to primary function and manner of use.
- To identify appropriate infrastructure for each type of public open space.
- To inform levels of service and maintenance schedules for each type of public open space.

### Public Open Space Classification

In developing the Framework, it was acknowledged that the City has a broad range of public open spaces and each of these has a different primary function and usage type. This has an impact on the manner in which the public open space is maintained, and the type of infrastructure assets installed.

To simplify the task of managing these spaces located within the City's boundaries, similar spaces have been classified into groups to provide a logical and strategic approach. All public open spaces owned or managed by the City fall into one of the four classifications which are listed below. The assigned classification refers to the predominant use of the public open space, however, it must be noted that some public open spaces, such as Sports Parks will also have a secondary use, such as recreation.

For each classification type, the Framework includes 'recommended', 'optional' and 'not supported' infrastructure assets.



A list of the City's public open spaces by classification is provided as Attachment 2 to Report CJ209-12/22.

### Application of the Framework

The Framework will be applied in the following ways:

- Assessing appropriateness of new infrastructure within a public open space.
- Responding to community requests for new infrastructure.
- Rationalising existing infrastructure at end of life.
- Determining levels of service.
- Planning and scheduling maintenance.
- Responding to community needs and demographic changes.

### **Issues and options considered**

Council may choose to either:

- Option 1      Adopt the Public Open Space Framework provided as Attachment 1. This is the recommended option.
- Option 2      Adopt the Public Open Space Framework provided as Attachment 1, subject to minor amendments.
- Option 3      Do not adopt the Public Open Space Framework.

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

**Legislation**                      Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Attractive and leafy – you have access to quality public open spaces and enjoy appealing streetscapes.

**Policy**                              Not applicable.

### **Risk management considerations**

If adopted by Council, the Public Open Space Framework will guide the allocation of infrastructure assets across the different types of public open space within the City and will reduce the risk of inappropriate infrastructure being installed. Further, the application of the Framework will provide for rationalising infrastructure at the end of its useful life to ensure fit-for-purpose infrastructure is installed within City of Joondalup public open spaces.

### **Financial / budget implications**

There will be ongoing financial implications associated with the application of the Framework in regard to the provision of infrastructure within public open spaces. Allocation of public open space infrastructure will be subject to annual budget approval processes.

The application of the Framework will have financial benefits in regard to the rationalisation of infrastructure at end of useful life and through determining established levels of services and maintenance schedules.

### **Regional significance**

There are a number of regionally significant public open spaces within the City of Joondalup, these areas are located near natural places of interest or close to commercial activities. Regional public open spaces encourage long-stay usage and attract users from the whole of the City and surrounding local government areas.

## **Sustainability implications**

### Environmental

The Framework aims to guide the provision of appropriate infrastructure provision for various types of public open spaces within the City, including Natural Areas. Natural Areas are public open spaces predominantly used to protect local ecological and biodiversity values. Natural Areas are managed to enable some recreational access while protecting local ecological and biodiversity values. The Framework aims to avoid the installation of infrastructure that may cause adverse impacts on the values of natural areas.

### Social

Public open space plays an integral role in supporting health, recreation and leisure in the community, and is highly valued as contributing to suburban aesthetics, neighbourhood identity, cultural heritage and tourism. Public open space also plays an important role in supporting local ecological and biodiversity values, as well as contributing to good air and water quality.

### Economic

There are a number of regionally significant public open spaces within the City of Joondalup, these areas are located near natural places of interest or close to commercial activities. Regional public open spaces encourage long-stay usage and attract visitors to the City, which has economic benefits for local businesses.

## **Consultation**

Not applicable.

## **COMMENT**

The Framework will guide the allocation of infrastructure assets across the different types of public open space within the City. By ensuring public open space infrastructure assets are appropriately allocated, the City is able to maintain high quality infrastructure that meets the requirements of its community. This is preferable to maintaining surplus assets that are underutilised and renewed less frequently.

An additional benefit of applying the Framework is that infrastructure gaps will be more easily identifiable, which will facilitate the effective prioritisation of capital works programming. This will ensure public open space infrastructure management is planned, rather than reactive, to achieve a more cost-effective and sustainable approach to planning and maintenance.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Thompson, **SECONDED** Mayor Jacob Council **ADOPTS** the City of Joondalup Public Open Space Framework provided as Attachment 1 to Report CJ209-12/22.

**C147-12/22                    PROCEDURAL MOTION - THAT THE ITEM BE REFERRED BACK**

**MOVED Cr Poliwka, SECONDED Cr Kingston** that Report CJ209-12/22 - City of Joondalup Public Open Space Framework be REFERRED BACK to the Chief Executive Officer for enhancement.

**The Motion was Put and**

**LOST (4/7)**

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

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

**AMENDMENT MOVED Cr Kingston, SECONDED Cr Raftis** that the Motion be AMENDED to read as follows:

*“That Council ADOPTS the City of Joondalup Public Open Space Framework provided as Attachment 1 to Report CJ209-12/22, subject to the following changes:*

- 1.1 *Reclassification of Quarry Park, Edgewater from High Priority Natural Area to Local Recreation Park.”*

**The Amendment was Put and**

**LOST (4/7)**

**In favour of the Amendment:** Crs Kingston, Poliwka, Raftis and Thompson.

**Against the Amendment:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

**The Motion as MOVED Cr Thompson, SECONDED Mayor Jacob was Put and**

**CARRIED (6/5)**

**In favour of the Motion:** Mayor Jacob, Crs Hill, Jones, Logan, May and McLean.

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11agnBRF221206.pdf](#)*



**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Nico Claassen, Director Infrastructure Services.</b>
<b>Item No. / Subject</b>	CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The Director Infrastructure Services' wife is an employee of the Silver Chain Group.

**CJ210-12/22      CONFIDENTIAL - PROPOSED LEASE – SILVER CHAIN GROUP AT 11 MOOLANDA BOULEVARD, KINGSLEY**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	00067, 101515
<b>ATTACHMENTS</b>	Attachment 1      Site Plan of 11 Moolanda Boulevard, Kingsley  <i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 275 refers.

**Disclosures of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ211-12/22 - 2022-23 Budget Amendment Capital Works Additional Grant Funding - Coastal and Estuarine Risk Mitigation Program.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Albert Jacob is a member of the Marmion Angling and Aquatic Club (MAAC) which is a beneficiary of this investment.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ211-12/22 - 2022-23 Budget Amendment Capital Works Additional Grant Funding - Coastal and Estuarine Risk Mitigation Program.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Marmion Angling and Aquatic Club which would benefit from the proposed sea wall works.

## CJ211-12/22      2022-23 BUDGET AMENDMENT CAPITAL WORKS ADDITIONAL GRANT FUNDING - COASTAL AND ESTUARINE RISK MITIGATION PROGRAM

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	109072, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider acceptance of grant funding under the Coastal and Estuarine Risk Mitigation Program (CERMP).

**EXECUTIVE SUMMARY**

The City's coastline is highly valued by the City and its community for its natural assets. There are significant infrastructure assets along the coast such as roads, car parks, dual use paths, playgrounds, park infrastructure and buildings and coastal protection assets that are either owned or managed by the City. The City also manages a number of coastal protection assets such as groynes and seawalls. Increasing erosion and inundation negatively impacts natural and built assets and may alter the way these areas can be accessed and enjoyed by the community.

The City has been successful in applying for grant funding of \$943,697 from the Australian Government's CERMP towards the upgrade of the following coastal protection assets:

- Marmion Angling and Aquatic Club (MAAC) seawall, Marmion.
- Sorrento seawall, Sorrento.
- Sorrento Central Groyne, Sorrento.
- Sorrento Southern Groyne, Sorrento.
- Mullaloo Surf Club seawall.

The total project costs are valued at \$1,258,263 of which the City is required to co-fund the remaining 25%, which equates to an amount of \$314,566 in either cash or in-kind.

*It is therefore recommended that Council:*

- 1 *NOTES that the City has been successful in applying for grant funding from the Australian Government's Coastal and Estuarine Risk Mitigation Program (CERMP);*
- 2 *NOTES that the City will be required to provide a cash and/or in-kind contribution of 25% towards the total project cost;*
- 3 *BY AN ABSOLUTE MAJORITY ACCEPTS the offer of grant funding from the Australian Government under its Coastal and Estuarine Risk Mitigation Program (CERMP);*
- 4 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Budget by the addition of \$22,778 to the Capital Works Expenditure Budget for the coastal improvement projects as detailed in Report CJ211-12/22;*
- 5 *LISTS for consideration as part of the annual budget development process an amount of \$446,050 in the 2023-24 financial year and an amount of \$812,213 in the 2024-25 financial year for the coastal improvement projects as detailed in Report CJ211-12/22.*

## **BACKGROUND**

The City's coastline is highly valued by the City and its community for its natural assets. There are significant infrastructure assets along the coast such as roads, car parks, dual use paths, playgrounds, park infrastructure and buildings and coastal protection assets that are either owned or managed by the City. The City also manages a number of coastal protection assets such as groynes and seawalls. Increasing erosion and inundation negatively impacts natural and built assets and may alter the way these areas can be accessed and enjoyed by the community.

Specialist Coastal Engineers, M P Rogers and Associates, were engaged in 2017 and 2018 by the City to complete a condition inspection and assessment of coastal protection assets to identify future potential risks and mitigation activities to be undertaken to reduce the identified risks. These assessments assisted the City to identify and prioritise the works to be undertaken as part of the City's Coastal Risk Adaptation Program.

The Coastal Infrastructure Adaptation Plan (CIAP) 2018 – 2026 was endorsed by Council in May 2018 (CJ082-05/18 refers). The Plan guides coastal adaptation activities to ensure the City is adequately prepared to adapt to current and future coastal hazards and risk to City infrastructure and assets is minimised. The CIAP includes a management action to 'maintain, repair and refurbish the City's coastal protection infrastructure in accordance with existing and updated maintenance schedules and forward works program'.

The CIAP also includes a management action to 'develop a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)' which is currently being developed to ensure risk to the City's existing and future coastal infrastructure and assets are minimised and appropriate adaptation responses are identified. The City is planning to undertake community consultation on the draft CHRMAP in 2022-23.

The Federal Government's CERMP 2022-23 is a national program funded by the Emergency Response Fund that provides a total of \$50 million in funding to support priority projects that reduce the risks and impacts of disasters on coastal communities and economies.

The City submitted an Expression of Interest for funding in April 2022 and were then selected to progress to a full application. The Minister for Emergency Management, Senator the Hon Murray Watt formally announced the successful projects under the CERMP 2022-23 on 4 November 2022.

## DETAILS

The City has been successful in applying for grant funding of \$943,697 from the Australian Government's CERMP towards the upgrade of the following coastal protection assets:

- Marmion Angling and Aquatic Club (MAAC) seawall, Marmion.
- Sorrento seawall, Sorrento.
- Sorrento Central Groyne, Sorrento.
- Sorrento Southern Groyne, Sorrento.
- Mullaloo Surf Club seawall.

The total project costs are valued at \$1,258,263 of which the City is required to co-fund the remaining 25%, which equates to an amount of \$314,566 in either cash or in-kind.

Full details of the projects are provided below.

### Project 1 - Marmion Angling and Aquatic Club (MAAC) seawall, Marmion

The MAAC seawall is approximately 100 metres in length and was constructed in the 1970s using limestone armour and core. The State Government has identified the MAAC seawall as a coastal erosion hotspot. The MAAC seawall is located in close proximity to the MAAC and provides protection against erosion and significant storm events. Maintenance works are required to improve the condition of the seawall and protect the MAAC as a coastal asset with high community value.

The estimated cost to undertake the works required to upgrade the MAAC Seawall is \$263,450 inclusive of consultant, design, project management and capital works costs. The MP Rogers Coastal Protection Assets Condition Inspection Report 2017 recommends that maintenance of the MAAC Seawall is conducted as a high priority by 2022.

### Project 2 - Sorrento seawall, Sorrento

The Sorrento seawall is a limestone block retaining wall approximately 220 metres in length located adjacent to the Sorrento Surf Life Saving Club (SLSC). Maintenance works are recommended to improve the condition of the seawall. Significant storm events pose a risk to the seawall which is in close proximity to surrounding infrastructure and public areas. Damage to this coastal asset would increase repair and maintenance costs.

The estimated cost to undertake the works required to upgrade the Sorrento Seawall is \$182,600 inclusive of consultant, design, project management and capital works costs. The MP Rogers Coastal Protection Assets Condition Inspection Report 2017 recommends that maintenance of the Sorrento Seawall is conducted as a medium priority within the timeframe of 2023 - 2028.

### Projects 3 and 4 – Sorrento Central Groyne and Sorrento Southern Groyne, Sorrento

The groynes are rubble mound structures constructed in the early 1980s with the Sorrento Central Groyne being approximately 80 metres long and the Sorrento Southern Groyne being approximately 60 metres long. They consist of limestone armour trunks and granite armour heads and trap sand predominantly on each respective southern side. The adjacent beaches are popular for swimming and the groynes are also used for recreational fishing. Maintenance works are recommended to improve the condition of the groynes. There is potential for damage to occur to these coastal assets during a significant storm event, increasing repair and maintenance costs.

The estimated cost to undertake the works required to upgrade the Sorrento central groyne and Sorrento southern groyne is \$717,750 inclusive of consultant, design, project management and capital works costs. The MP Rogers Coastal Protection Assets Condition Inspection Report 2017 recommends that maintenance of the Sorrento Central Groyne and Sorrento Southern Groyne is conducted as a medium priority within the timeframe of 2023 - 2028.

### Project 5 - Mullaloo Surf Life Saving Club (SLSC) seawall, Mullaloo

The Mullaloo SLSC seawall is a limestone retaining wall approximately 130 metres in length that provides coastal protection to the Mullaloo SLSC. Based on historical aerial photographs it is estimated that the structure was constructed approximately 25 to 30 years ago. Maintenance works are required to ensure that the wall continues to provide protection to the club during significant storm events.

The estimated cost to undertake the works required to upgrade the Mullaloo SLSC Seawall is \$94,463 inclusive of consultant, design, project management and capital works costs. The MP Rogers Coastal Protection Assets Condition Inspection Report 2017 recommends that maintenance of the Mullaloo SLSC Seawall is conducted as a medium priority within the timeframe of 2023 - 2028.

### Resource implications

Presently, the City does not have the capability and resources available to deliver this project as per the requirements of the funding approval. An additional position is required to facilitate the highly technical requirements and project manage the works associated with the CERMP funding. This will ensure that the City can confidently accept the funding being offered by the Australian Government.

In addition, the position would also be responsible for several coastal projects that are currently being undertaken by other City Officers. This includes the City's Coastal Monitoring and Sand Bypassing programs which are partly funded by the State Government.

The cost of the resource is eligible to be used as part of the City's 25% in-kind contribution reducing the cash component that the City will be required to provide.

In addition, once the City's CHRMAP has been endorsed there is an expectation that identified projects will need to be undertaken by the City, with further opportunities for external funding to be sourced where possible.

### **Issues and options considered**

Council can either:

#### Option 1 – Not accept the grant offer

This is not recommended as these coastal protection assets have been identified as requiring significant works to be undertaken in the short and medium term.

### Option 2 - Accept the grant offer

Accepting the grant offered will provide much needed funding for the renewal and upgrade of the coastal infrastructure as identified in this report. As such, this is the recommended option.

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

**Legislation**                      *Planning and Development Act 2005.*

#### **10-Year Strategic Community Plan**

**Key theme**                      Environment.

**Outcome**                      Resilient and prepared – you understand and are prepared for the impacts of climate change and natural disasters.

**Policy**                              *State Planning Policy No. 2.6 – State Coastal Planning Policy.  
City of Joondalup Coastal Local Planning Policy.*

### **Risk management considerations**

The coastal protection assets pose a significant risk to the community due to their current condition. The assets are a liability to the City should the structures continue to remain as is or decline further. The structures are a safety concern, and the community could be at risk of serious or life threatening injuries if the structures were to deteriorate further.

Not accepting the grant funding offered would pose a significant financial risk to the City as the longer the assets remain in their present state, further deterioration will occur which will require the City to invest significantly more funds to ensure that they are fit for purpose.

Furthermore, where there is land-side facilities such as club rooms, any particular safety concerns or severe, damaging storms may result in the closure of these facilities and any amenity or activation they provide. Should this arise, significant cost would be incurred to provide immediate interim protection. Both of these eventualities occurred at Port Beach in the City of Fremantle during mid-2019 and remains a possibility along a number of metropolitan locations, including the project sites within the City.

Not improving the coastal protection assets will impact on the coastal environment which can potentially cause environmental damage to fragile ecosystem including fauna, flora and vegetation communities such as threatened and endangered species.

### **Financial / budget implications**

At this time, full replacement costs cannot be accurately determined as there is no point of reference for similar work if it were to be installed new, nor detailed understanding of what standards a new or upgraded structure should be constructed in accordance with. The funding application was therefore based on best available information and the budget will be refined as the project progresses through the design phases.

There is currently no budget allocation for the listed projects in the City's *Five Year Capital Works Program*. The grant offering of \$943,697 will require the City to co-fund \$314,566 to complete the proposed works based on preliminary cost estimates.

To facilitate the construction works the City would also require an additional resource to provide technical advice and oversee the projects.

## Expenditure

The likely expenditure by financial year is provided below:

<b>Financial Year</b>	<b>City Contribution</b>	<b>Funding Contribution*</b>	<b>Capital Project Expenditure</b>
2022-23	\$22,778	\$0	\$22,778
2023-24	\$157,283	\$288,767	\$446,050
2024-25	\$157,283	\$654,930	\$812,213
<b>Total</b>	<b>\$314,566</b>	<b>\$943,697</b>	<b>\$1,258,263</b>

*\*Agreement and payment schedule to be determined as part of funding agreement.*

All amounts quoted in this report are exclusive of GST.

## **Regional significance**

The City includes 17kms of coastline, stretching from Marmion in the south to Burns Beach in the north. The City's coastline is highly valued by the City and its community and contains significant natural assets, recreational opportunities and coastal infrastructure. The project will assist the City to protect and adapt to the impacts of sea level rise and coastal hazards so that these values and assets can continue to be accessed and enjoyed in the future.

## **Sustainability implications**

### Social

In 2018 the City conducted a survey of coastal usage. The survey results highlighted that the City's coastline is a highly valued part of the social makeup of the City's community which is highly used by a large proportion of our community and visitors alike.

### Environmental

Erosion along the City's coastline is likely to increase in the future with predicted sea level rise under a changing climate scenario. Increasing erosion, inundation and sea level rise has the potential to impact on the natural and built assets and social and community values of the City's coastline and may alter the way these areas can be accessed and enjoyed.

Through the Joondalup Coastal Hazard Assessment, over 9km of the City's coastline has been identified as vulnerable to severe storm erosion. The areas vulnerable to severe storm erosion are largely sandy beaches and coastal vegetation. In addition, six nodes have been identified as vulnerable to sea level rise in the 50-year and 100-year planning timeframes. Infrastructure vulnerable within these nodes over the 100-year planning timeframe includes car parks, public open space, buildings, road infrastructure and some private properties.

### Economic

There is an economic cost associated with the loss of assets if coastal assets are not maintained in the short to medium term. The economic costs of losing assets is significant, it is estimated that this cost in 40 years would be in the vicinity of \$5M. This does not take into account any structural damage to buildings or other assets along the coastline that could potentially be impacted if the situation was to arise where a coastal hazard was to impact these assets requiring works to be undertaken to rectify damage sustained.

Additionally, this does not consider the costs associated with the temporary closure of these buildings and the financial impact that this would have on the community groups that use these buildings to generate income for their organisations. The replacement value for equipment held at these buildings would also be significant if damage due to a coastal hazard impacting.

## Consultation

The City will coordinate the delivery of the projects by directly engaging with affected stakeholders which includes but is not limited to:

- Mullaloo Surf Life Saving Club.
- Sorrento Surf Life Saving Club.
- Marmion Angling and Aquatic Club.
- Friends of Sorrento Beach and Marmion Foreshore.
- Mullaloo Beach Community Group.
- Resident Associations.

The City maintains a Coastal Vulnerability stakeholder notification list for residents to be informed by email whenever new coastal vulnerability information is released and/or when opportunities to become involved in future planning for the City's coastline become available. Residents can sign-up to be added to the list on the City's website.

## COMMENT

The City recognises the value of the coastal environment in terms of community benefit, environmental significance and economic potential. The City of Joondalup's coastal environment is highly regarded on an international scale and has extensive benefits in terms of tourism opportunities. This supports the need for the project to be expedited to ensure that the coastal environment and the assets along the coast are protected as a priority.

## VOTING REQUIREMENTS

Absolute Majority.

*Cr Fishwick and Cr Raftis left the Chamber at 9.15pm.*

## MOVED Cr Thompson, SECONDED Mayor Jacob that Council:

- 1 **NOTES that the City has been successful in applying for grant funding from the Australian Government's Coastal and Estuarine Risk Mitigation Program (CERMP);**
- 2 **NOTES that the City will be required to provide a cash and/or in-kind contribution of 25% towards the total project cost;**
- 3 **BY AN ABSOLUTE MAJORITY ACCEPTS the offer of grant funding from the Australian Government under its Coastal and Estuarine Risk Mitigation Program (CERMP);**
- 4 **BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Budget by the addition of \$22,778 to the Capital Works Expenditure Budget for the coastal improvement projects as detailed in Report CJ211-12/22;**
- 5 **LISTS for consideration as part of the annual budget development process an amount of \$446,050 in the 2023-24 financial year and an amount of \$812,213 in the 2024-25 financial year for the coastal improvement projects as detailed in Report CJ211-12/22.**

**The Motion was Put and**

**CARRIED (9/0)**

**In favour of the Motion:** Mayor Jacob, Crs Hill, Jones, Kingston, Logan, May, McLean, Poliwka and Thompson.



## REPORTS – POLICY COMMITTEE - 31 OCTOBER 2022

### CJ212-12/22 VISUAL ART COMMISSIONING PROGRAM 2023-24: PROPOSED ARTISTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	14158, 101515
<b>ATTACHMENTS</b>	Attachment 1 Bruno Booth Attachment 2 Perdita Phillips
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to select one artist from the shortlist as the recipient of the Visual Art Commission for 2023-24.

#### EXECUTIVE SUMMARY

This report provides information relating to the forthcoming Visual Art Commission in 2023-24 where the recipient of the commission will be asked to respond to the social, urban or natural attributes of the City of Joondalup. The report contains details from the Expressions of Interest received from visual artists.

The Visual Art Commissioning program provides the City with a unique opportunity to acquire artworks that are significant to the region by a high-profile artist. Established in 2012, the Visual Art Commissioning program has commissioned seven artworks for the City's Art Collection.

In 2020, the schedule of the Visual Art Commissioning program was adjusted to a biennial program (CJ121-08/20 refers). The amount of \$20,000 is listed every two years in the draft budget to fund the Visual Art Commissioning program.

Of the Expressions of Interest received, two submissions have been shortlisted for the commission. Each submission is by an artist who is of high professional standing, have confirmed that they can deliver the artwork within the allocated budget and timeframe, and are well qualified to produce an artwork that will be a sound investment for the City. It is recommended that the Council endorse Bruno Booth or Perdita Phillips from the shortlisted submissions to undertake the commission.

## BACKGROUND

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual Visual Art Commissioning program designed to commission artists to develop an artwork, documenting and capturing the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's Art Collection.

The intent of this decision was to allow the Council to determine the overall content or theme of an artwork rather than the artwork acquired through the City's Invitation Art Prize, which is an independent, professionally judged competition.

At its meeting held on 28 June 2016 (CJ100-06/16 refers), Council endorsed the proposal to alternate between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency for international / interstate artists that takes place over two years. The process of commissioning an artwork by an interstate or international artist was comprised of two parts, a residency and commission, to allow for research to occur in the year preceding the commission.

A review of the Visual Art Commissioning program was provided to Council in August 2020. At its meeting held 18 August 2020 (CJ181-08/20 refers), Council approved changing the cycle of the Visual Art Commissioning program to become an artwork commission from a high profile Western Australian, interstate or international artist every second year (biennial) and listed for consideration an amount of \$20,000 every two years in the draft budget to fund the Visual Art Commissioning program.

The City's Art Collection is directed by the City's *Visual Art Policy*.

## DETAILS

### Visual Art Commission / Residency program

Since the City introduced a Visual Art Commissioning program in 2011 and the Artist Residency program in 2015, it has commissioned artworks by Western Australian, interstate and international artists as follows:

Artist	Artwork	Local / Interstate / International	Financial Year	Budget
Commissioning Program Commences				
Tony Windberg	<i>Meeting Points</i>	Western Australian	2012–13	\$15,000
Lindsay Harris	<i>Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going).</i>	Western Australian	2013–14	\$15,000
Residency Cycle Introduced to Commissioning Program				
Brandon Ballengée	N/A (residency year)	International	2015–16	\$15,000
Brandon Ballengée	<i>Emperor Gum Moth</i>	International	2016–17	\$54,800
Nien Schwarz	<i>Place of Glistening</i>	Western Australian	2017–18	\$15,000
Helen Pynor	N/A (residency year)	Interstate	2018–19	\$15,000
Helen Pynor	<i>Capacity 1,2 &amp; 3</i>	Interstate	2019–20	\$15,000
Paul Kaptein	<i>Mute Figure #11 (the tide to the stars and back again), 2021</i>	Western Australian	2020–21	\$15,000
Christopher Pease	<i>Doondalup</i>	Western Australian	2021-22	\$15,000

### Artist brief

The Visual Art Commissioning program aims to document and capture the landmarks and/or people who represent the City of Joondalup. It is expected that the commissioned artist will explore one or more of the themes identified below and engage with the Joondalup community / local area to deliver an artwork that relates to the City of Joondalup. Any locations or landmarks cited within the artwork must be within the boundaries of the City of Joondalup.

Three themes have been identified to assist artists to develop their artwork proposals, these themes are as follows:

- Social Environment: people, community and history.
- Urban Environment: the city, urban and suburban.
- Natural Environment: the local environment, including flora and fauna.

### Shortlisted artists

The City requested Expressions of Interest from visual artists between 20 June 2022 and 15 August 2022. The City received 43 responses.

In alphabetical order, the list of 43 artists who expressed interest include:

- Alan Meyburgh
- Anne-Marie Bloor
- Annette Peterson
- Ant Muia
- Bruno Booth
- Clare Cummings
- Coster Mkoki
- David George Ledger
- Elisa Markes-Young
- Elizabeth Edmonds
- Elmari Steyn
- Eric Hynynen
- Gregory Pryor
- Hiroshi Kobayashi
- Imogen Palmer
- Jeremy Blank
- John Mason
- Jose Bacarreza
- Kiandra Buchanan
- Kitman Yeung
- Lance Chadd
- Liam Dee
- Marian Giles
- Marsha Brawls
- Martine Perret
- Marwah Eid
- Melissa Cameron
- Michael Francas
- Monia Allegre
- Nada Murphy
- Naomi Antenucci
- Natalie Scholtz
- Paul Caporn-Bennett
- Paul Uhlmann
- Perdita Phillips
- Rachelle Dusting
- Rebecca Corps
- Regan Tamanui
- Ronald Nyisztor
- Sid Pattni
- Sioux Tempestt
- Terez Borbala Benko
- Warren Gundry

## Criteria

All Expressions of Interest contained information about the artist and a specific proposal for the commission which has been assessed against the following criteria:

- The artist's experience, skill, and professional standing.
- Likelihood that the work produced will be original, unique and of high quality.
- Likelihood that the proposed work will be engaging and represent Joondalup's identity and capture the social, urban, cultural or natural attributes of the City of Joondalup.
- The proposed artwork will complement the scope of the art collection or extend the art collection to reflect a diversity of views and interpretations.
- The current market value of the artist's work and that the work produced will represent a sound financial investment.
- The proposed artwork meets the aims of the Art Collection.

Based on the criteria, two artists have been shortlisted for consideration with honourable mentions to three other artists and these have been listed in alphabetical order.

Shortlisted:

- 1 Bruno Booth
- 2 Perdita Phillips.

Honourable mention:

- 3 Gregory Pryor
- 4 Paul Uhlmann
- 5 Terez Borbala Benko (Bori Benko).

The full submissions by the two shortlisted artists have been provided (Attachments 1 and 2 refers).

## Options considered (listed alphabetically)

### Artist 1 – Bruno Booth

Bruno Booth is a Fremantle/Walyalup based disabled artist interested in exploring ideas of representation, access and equality. Bruno described his disability as a constant background hum, like a social tinnitus. This lived experience is instrumental in informing his art practice and processes. Recently his work has used audience engagement to make experiential and engaging works that encourage viewers to reflect on what it means to be disabled.

For this commission, Bruno Booth has proposed to create a dynamic wall work inspired by conversations he has within the City of Joondalup about his disability. The selection panel noted the strong community engagement that accompanied his proposal and for his willingness to allow the interactions within the context of the City to shape the artwork. This provides an exciting prospect of having a work that is grounded in the social environment of Joondalup today and through acquisition, be a record that can be reflected upon for generations to come. The City would work closely with Booth to offer any assistance in organising and facilitating the community engagement. This may manifest in several ways but for example could be intermittent engagement sessions in the City's public facing building such as libraries.

The selection panel also noted that the proposed artistic outcome was ambitious, representing what would be a major example of Booth's practice and a major artwork of the City's Art Collection.

Bruno Booth's art practice has gone from strength to strength in recent years with the artist being awarded several significant state and national residencies and exhibitions. In 2023 Booth will have solo exhibitions at Perth's two leading art institutions: Perth Institute of Contemporary Arts and the Art Gallery of Western Australia. Booth's proposal represents an opportunity for the City to acquire an artwork by a leading disabled artist and to further extend the scope of artworks exploring disability, access and equality within the Art Collection. Booth is not currently represented in the Collection.

### Artist 2 – Perdita Phillips

Perdita Phillips is a mid-career Fremantle/Walyalup based artist interested in exploring the relationships between humans and non-human others such as rocks, plants, animals and places through a multi-disciplinary art practice. Since her initial career as an environmental scientist, Phillips has pursued ways of engaging and understanding how humans engage with the world around us and specifically with climate change and ecosystems.

For this commission, Perdita Phillips has proposed an artwork in the form of a 'cabinet of curiosity'. Noting that Joondalup does not currently have a museum or gallery, the artist intends to engage with Joondalup's rich and varied history, attempting to capture moments, stories and ephemera from its social, urban and natural environments. The artist envisages the finished artwork to be interactive, for example the viewer may be able to open a door, triggering an LED.

The selection panel was impressed with the level of research undertaken by Phillips to develop the proposal. This research is complimented by the strong community engagement aspects of the proposal. Phillips is looking to engage with a wide range of groups, communities and organisations from Indigenous people, community groups engaging with Yellagonga Regional Park, nature study groups, Joondalup's Local History Collection and more. The City would help Phillips initiate any contact with these groups or Collections where appropriate.

Perdita is a well-respected artist within Western Australia's artistic community having held over 20 solo exhibitions and been included in over 130 group exhibitions. Her practice engages with concepts relevant to our time while engaging in the local in an authentic and meaningful way. This commission would provide an artwork heavily rooted in the many facets of the City of Joondalup, in how we engage with local history and across different areas of the City of Joondalup; connecting the Art Collection with the Local History Collection.

Once the successful artist has been selected the commissioning process will follow. This includes contracting the selected artist who will be asked to produce a Detailed Concept Response which will be provided for comment prior to commencement of the artwork. The artwork will be completed by June 2024 and the project will be delivered within budget. The artwork will be accessioned into the City's Art Collection as per the *Art Collection Management Plan*.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community.

**Outcomes** Artistic and creative - you celebrate, support and participate in art and events in your local area.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally-enriched environment.

**Policy** *Visual Arts Policy.*

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

An allocation of \$20,000 for this commission has been made. It spans two financial years with \$5,000 allocated upon contract execution in 2022-23 and \$15,000 in 2023-24 upon delivery of the commissioned artwork. Noting the draft 2023-24 budget is yet to be determined by the Council.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The City's Art Collection, including its public art, plays an important role in shaping and developing the community's identity. The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region.

### **Sustainability implications**

#### Social

The commissioning of special purpose artworks has positive social sustainability implications. Artworks that reflect the City of Joondalup foster the place-identity of the community, enhancing social wellbeing through a sense of belonging.

#### Economic

One of the stated purposes of the Art Collection is to grow the value of the City's art and cultural assets. Procuring artworks from professional artists in the mid and later stages of their careers is the most secure investment choice.

### **Consultation**

Not applicable.

### **COMMENT**

The Visual Art Commissioning program provides a significant opportunity to acquire an artwork by a high-profile artist that represents a sound financial investment and specifically responds to the social, urban or natural attributes of the City of Joondalup.

Selection of either of the two artists would be a progressive step to the development of an artwork that would be a valued addition to the City's Art Collection. Both artists in the EOI respond to the requirements of the collection. Bruno Booth's work will result in a commissioned work by an artist living with a disability and fills a gap in representation in the collection. While Perdita Phillip's concept responds to the local history of Joondalup and would result in a work that considers Joondalup's heritage in a year where the City celebrates its 25 year anniversary.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The original recommendation as presented by City officers to the Committee is as follows:

*That Council SELECTS one artist to undertake the Visual Art Commission 2023-24 to the value of \$20,000.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council SELECTS Ms Perdita Phillips as the artist to undertake the Visual Art Commission 2023-24 to the value of \$20,000.*

**MOVED Cr Jones, SECONDED Cr Logan that Council SELECTS Ms Perdita Phillips as the artist to undertake the Visual Art Commission 2023-24 to the value of \$20,000.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach 12agnBRF22 1206.pdf](#)*

**CJ213-12/22 VISUAL ART POLICY – MINOR REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	14158, 101291, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Visual Arts Policy (marked up and clean)</i> Attachment 2 <i>Arts Development Scheme Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to adopt the revised *Visual Arts Policy*.

**EXECUTIVE SUMMARY**

The City has a prestigious contemporary art collection. The collection is directed by the City's *Visual Arts Policy* and the Art Collection Management Plan.

The *Visual Arts Policy* is due for a scheduled review, being last updated in 2016. The policy does not require major change and it is recommended there are four minor amendments made to the definition of "Contemporary Art", the focus of the Art Commission, accessioning approvals, and an inclusion for national and international partnerships.

*It is therefore recommended that Council:*

- 1 *ADOPTS changes to the Visual Arts Policy as included in Attachment 1 to Report CJ213-12/22;*
- 2 *NOTES the role of the City in performing arts is a supporting role through the provision of:*
  - 2.1 *Venue provision;*
  - 2.2 *Engagement for direct event delivery;*
  - 2.3 *Sponsoring events;*
  - 2.4 *Provision of grants and sponsorship;*
- 3 *AGREES not to amend the Visual Arts Policy to include reference to performing arts.*



## BACKGROUND

The City of Joondalup has had a *Visual Arts Policy* since June 1999; after the split of the former City of Wanneroo. The Policy has had six reviews since its adoption with the latest occurring in 2016 (CJ044-03/16 refers).

The objective of the policy is:

*To guide the delivery of a contemporary visual arts program that supports quality cultural opportunities for the local community, recognising the value of culture in our society as a driving force for change, innovation, vibrant communities, a strong sense of place, the economy and tourism.*

In addition, this report considers the recent request made at the 9 May 2022 Policy Committee meeting to include reference to Performing Arts as part of the policy.

### Joondalup 2032 and Cultural Plan 2021 – 2025

Supporting the *Joondalup 2032 Strategic Community Plan* is the *Cultural Plan 2021-2025*; adopted by Council on 15 June 2021 (CJ087-06/21 refers). The *Cultural Plan* provides strategic direction for the City of Joondalup activities for the period of 2021-2025, ensuring investment is directed towards the programming and infrastructure most valued by the community.

The City of Joondalup is dedicated to supporting local visual artists and initiatives to enable our local artistic community to thrive. The City's Visual Arts program is aligned to the *Joondalup 2032 Strategic Community Plan* with the following key theme goals relevant to Visual Art:

Community:

- Inclusive and connected: You enjoy local services and programs that cater for different ages, abilities and backgrounds.
- Artistic and Creative: You celebrate, support and participate in art and events in your local area.
- Cultural and diverse: You understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

### The Art Collection

The City of Joondalup Art Collection was first established following the separation of the City of Joondalup from the City of Wanneroo in 1997. The art collection was divided equally by value, with the City of Wanneroo retaining the historical collection, the regional landscapes, and the Indigenous collection; and the City of Joondalup acquiring the contemporary artworks.

The Art Collection currently holds 277 artworks in a diverse range of media including painting, sculpture, drawing, ceramic, print, photography, digital media and textiles.

With a focus on contemporary Western Australian art, the City aims to conserve, maintain and grow the collection to preserve, protect and promote the unique identity of the City of Joondalup and provide the community with access to high quality, contemporary visual art.

The art collection is on display throughout City buildings, including the Council Chambers, Libraries, Leisure Centre and Administration Building. Much of the collection is available to be viewed by the public via the City's website [www.joondalup.wa.gov.au/artcollection](http://www.joondalup.wa.gov.au/artcollection). A virtual tour of artworks currently on display in the [Joondalup Library](#) and [Local History/Reference Library](#) is also available online.

The Art Collection is a growing asset – works are collected by purchasing existing works (acquisitions), donations from artists and other collections (donation), or through appointing an artist to produce new work in response to an artwork brief (commissions).

### Value of Collection

A valuation of the collection is undertaken regularly by an external and qualified valuer.

In October 2020, the collection's total value was \$1,057,163. This valuation is based on research of each artist and the validation of values in the current market of each artwork in the collection. Essentially, valuations are an estimated cost of replacing artworks lost, stolen or irretrievably damaged by works of similar replacement value or the nearest equivalent. The collection is insured accordingly.

The collection also holds significant cultural value as it represents a unique cultural asset that records, interprets and celebrates the City of Joondalup as it has developed, reflecting our community's part in the fabric of Western Australian cultural identity.

### Acquisitions

The City has an annual budget of \$20,000 for acquisitions into the Art Collection. In 2022-23 \$15,000 has been allocated to facilitate a new artwork commission as part of the Visual Art Commission Program (see below).

The Invitation Art Prize (IAP) is the City's annual acquisitive art prize for professional Western Australian artists. Each year the winning artwork is acquired for the art collection. The winner is selected by an external panel of industry professionals. The Curator may also recommend artworks for purchase from the Invitation Art Prize exhibition or from the Community Art Exhibition.

Recommendations for acquisitions are made in accordance with strict selection criteria, as outlined in the Art Collection Management Plan. This includes artistic merit, investment potential and value as a cultural investment and historical reference point in the future, as well as the available budget.

### Commission Program

In April 2011 (CJ064-04/11 refers), Council resolved to establish an annual \$15,000 visual art commission program which would see the creation of new artworks by high profile Western Australian, Australian or international artists, that "depict iconic landmarks within the City of Joondalup" for the City's Art Collection. In August 2020, Council resolved to change the commission cycle to every second year (biennial) (CJ121-08/20 refers).

## DETAILS

### Review of Policy

As part of the regular review, the City considered the following items when assessing the *Visual Arts Policy*:

- Evaluate the workings of the current Policy.
- Complete industry bench-marking.
- Assess compliance with current industry trends, codes of practice, regulations and laws (if applicable).
- The City's overall strategic direction (contained in Joondalup 2032) in so far as this was relevant to the future of the City's art collection.
- The current direction and composition of the City's art collection.
- Definitions of the term 'contemporary art' and how this applied to the City's visual arts program.

Following the review, the City recommends four changes to the following items:

- Definitions: "Contemporary Art".
- Statement: Focus of the Art Collection Commission.
- Statement: Insertion of "partnerships".
- Statement: Change to approval requirements for acquisitions.

#### Definition of Contemporary Art

The current *Visual Arts Policy* provides the definition of "contemporary art" as:

*"an artwork that is conceptually resolved and is reflective of the artist's current practice. It is not based on style, subject matter, medium or artistic approach."*

This definition lacks specificity in connection to the City's programs and Art Collection. The revised definition aims to specify the application of the term towards the City's cultural programs and Art Collection and not the value, uniqueness and relevance of the City's approach to programming contemporary art.

The following revised definition is recommended:

*"contemporary art" is a movement that belongs to the present and relates to the time and place in which it is produced. Its artforms speak to our experiences of today. As an examination and reflection of present-day life, contemporary art may provide multi-faceted interpretations and diverse perspectives, while reflecting the culture in which it is made and offer social and cultural commentary.*

*Contemporary art is also defined by new methods and platforms for creating and experiencing art. Contemporary artists may respond to new conditions and contexts and produce innovative combinations of traditional and contemporary mediums. Contemporary art may offer a sign of something new, innovative or distinct from previous artforms or art-making practices and challenge us to understand and engage in our world.*

#### Commissioning program – Art Collection

The establishment of the commissioning program for the City's Art Collection was intended to provide the Policy Committee with the ability to commission an artwork to recognise a special milestone, event or Joondalup theme.

The current *Visual Arts Policy* refers to the focus of the art commission in Item 2. d. as:

*“Enhancing the City’s historical records through commissioning artworks that reflect and capture local flora, fauna and iconic landmarks of the City.”*

This definition is limiting in responding to the full breadth of the City’s attributes and may be restrictive to literal interpretations of the City’s plants, animals and landmarks. The revised definition allows for a broader interpretation of the City’s social, urban or environmental attributes. It captures a more accurate and inclusive representation of the City and increases the chance of acquiring high quality works for the Collection to ensure its increased financial value and relevance as a cultural asset.

The following revised definition is recommended:

*“Enhancing the City’s historical records through commissioning artworks that reflect and capture the social, urban, cultural or natural attributes of the City of Joondalup.”*

### Partnerships

The pursuit of national and international programming opportunities has been included in this revised policy. This reflects the City’s aspirations to be “a global City: bold, creative and prosperous” as outlined in Joondalup 2032, the 10-year Strategic Community Plan.

The intention is to recognise the benefit to the City in fostering national and international relationships, which will further the profile of the City’s Australian and global reputation and also contribute meaningfully to the life of this region. Partnership has been added to the amended Policy in Item 2. e.

### Change to approval requirements for acquisitions

Since 2018, the City has consulted with members of the Policy Committee on future acquisitions for the Art Collection. Generally, this has been via a memo to members of the Policy Committee recommending an acquisition by the City’s Curator with a summary of the proposed art work. From 2018-2022 the CEO has engaged with members of the Policy Committee regarding nineteen pieces of art work for acquisition to the collection. On average there was three responses received from Elected Members, with every recommendation to acquire being supported.

To assist with the procurement process it is suggested that the CEO engages members of the Policy Committee for acquisitions over the value of \$10,000. This change has been amended in Policy Item 3.3.

### The role of *Visual Arts Policy*

The *Visual Arts Policy* provides the framework for procurement and collection/acquisition. The Art Collection is a capital asset valued over \$1 million.

### Policy framework (visual and performing arts)

To ensure there is a focus at the strategic level, the terms of reference of the Policy Committee were recently amended to oversee the strategic direction of the City’s Art Awards, Visual Art Collection and Visual and Performing Arts Programs.

The *Visual Arts Policy* provides the framework for procurement and acquisition, whereas the performing arts tend to be more ephemeral or short-term engagements where the final outcome is never acquired or 'owned' by the City. Following benchmarking of seven Western Australian Local Governments it was found that no other Local Governments have a dedicated performing arts policy.

Instead, if a Local Government owns a dedicated performing arts facility the strategic direction is provided by a Charter or equivalent, outlining the service levels around audience development and art form type. A Charter would provide strategic direction around KPIs for audience growth, revenue targets and minimum programming requirements across art forms (First Nations work, theatre, traditional or contemporary dance, classical or contemporary music, comedy, spoken word).

The City does not own a dedicated performing arts and cultural facility and therefore does not have a strategic policy or charter for a facility of this nature. However, the City does have the *Arts Development Scheme Policy* which has the objective to support the development of new audiences in the Joondalup area through attraction of professional performing arts companies to the City of Joondalup for performances and workshops. This Policy was last reviewed in August 2021 (Attachment 2 refers).

#### Local Government's role in supporting performing arts activities

The way a Local Government can support and nurture the performing arts community, artists and organisations is through the following services:

1. Venues and facilities	Provision of dedicated professional Performing Arts and Cultural Facilities or community centres available for subsidised hire by local groups and artists.	<i>Facility Hire Subsidy Policy</i>
2. Direct event delivery	The City delivers an annual events program that provides Western Australian performing artists with opportunities to perform to audiences.	Events such as Joondalup Festival, Little Feet Festival, Sunday Serenades, Music in the Park and the like
3. Sponsoring events	The City's sponsorship program provides financial sponsorship to local events such as carols by candlelight, performing arts competitions, markets and the like.	Corporate Sponsorship Program
4. Grant funding	Provision of grants to local performing arts groups to purchase equipment, support new initiatives or projects.	<i>Community Funding Policy and Arts Development Scheme Policy</i>

## Issues and options considered

Council can either choose to:

- adopt changes to the Visual Arts Policy as included in Attachment 1 to Report CJ213-12/22  
or
- retain the policy in its current format.

It is recommended that option 1 is implemented as the current policy is effective and only minor amendments are required.

## Legislation / Strategic Community Plan / Policy implications

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

### 10-Year Strategic Community Plan

**Key theme** Community.

**Outcomes** Healthy and safe - you feel healthy and safe in your local community.

Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.

Active and social - you enjoy quality local activities and programs for sport, learning and recreation.

Artistic and creative - you celebrate, support and participate in art and events in your local area.

Cultural and diverse - you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

**Policy** *Visual Arts Policy.*

## Risk management considerations

The City's Art Collection and the wider visual art program are guided by the *Visual Arts Policy*, and it is critical to ensure the definitions in the Policy remain relevant and prescribe the strategy for future acquisitions, commissioning and public programming.

## Financial / budget implications

Not applicable.

## Regional significance

The City of Joondalup Art Collection and the associated visual art program, particularly the annual Invitation Art Prize has a direct impact on the wider community of Western Australia. The visual art program helps to position the City as a leader in innovation by investing in quality art and culture experiences for the community, creating a tourism opportunity and providing reasons for outsiders to visit and network professionally in the City of Joondalup.

The Art Collection is an asset for the community that provides generations to come with an insight to the life and development of the Joondalup region.

### **Sustainability implications**

The acquisition of artworks for the collection has positive social sustainability implications for the City. The collection acts as a catalyst for public discussion about current social, economic and environmental issues. The collection physically enhances public places and the public realm by creating points of interest, animating spaces and providing beauty, character and colour to the City. It also enhances the relevance for the local community of the City's cultural position and increases the value of the City's cultural resources.

### **Consultation**

Not applicable.

### **COMMENT**

It is recommended that these four changes are made to the *Visual Arts Policy*, to ensure the City's practices and programming towards visual art remain current and valued. The Art Collection Management Plan will be updated to support the changes made to the *Visual Arts Policy* once endorsed by Council.

Given the differences between visual and performing arts and the differing roles the City plays in supporting both sectors, it is not recommended that the Visuals Arts Policy be amended to include reference to performing arts.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ213-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The original recommendation as presented by City officers to the Committee is as follows:

That Council:

- 1 ADOPTS changes to the *Visual Arts Policy* as included in Attachment 1 to this Report;
- 2 NOTES the role of the City in performing arts is a supporting role through the provision of:
  - 2.1 Venue provision;
  - 2.2 Engagement for direct event delivery;
  - 2.3 Sponsoring events;
  - 2.4 Provision of grants and sponsorship;
- 3 AGREES not to amend the *Visual Arts Policy* to include reference to performing arts.

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- 1 *ADOPTS changes to the revised and renamed Visual Arts Collection Policy as included in Attachment 1 to this Report subject to the retaining the original definition for "contemporary art" being:*
  - 1.1 *"contemporary art" means an artwork that is conceptually resolved and is reflective of the artist's current practice. It is not based on style, subject matter, medium or artistic approach.*
- 2 *NOTES the role of the City in performing arts is a supporting role through the provision of:*
  - 2.1 *Venue provision;*
  - 2.2 *Engagement for direct event delivery;*
  - 2.3 *Sponsoring events;*
  - 2.4 *Provision of grants and sponsorship;*
- 3 *AGREES not to amend the Visual Arts Collection Policy to include reference to performing arts.*

**MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1 **ADOPTS changes to the revised and renamed *Visual Arts Collection Policy* as included in Attachment 1 to Report CJ213-12/22 subject to the retaining the original definition for "contemporary art" being:**
  - 1.2 **"contemporary art" means an artwork that is conceptually resolved and is reflective of the artist's current practice. It is not based on style, subject matter, medium or artistic approach;**
- 2 **NOTES the role of the City in performing arts is a supporting role through the provision of:**
  - 2.1 **Venue provision;**
  - 2.2 **Engagement for direct event delivery;**
  - 2.3 **Sponsoring events;**
  - 2.4 **Provision of grants and sponsorship;**
- 3 **AGREES not to amend the *Visual Arts Collection Policy* to include reference to performing arts.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13a9nBRF221206.pdf](#)*



**CJ214-12/22 CIRCUS POLICY – MINOR REVIEW**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101282, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Circus Policy</i> Attachment 2 Code of Practice for the Conduct of Circuses in Western Australia Attachment 3 RSPCA Policy C02 Performing Animals
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider a proposal to retain the *Circus Policy*.

**EXECUTIVE SUMMARY**

The City's *Circus Policy* (Attachment 1 refers) was adopted by Council at its meeting held on 12 June 2017 (CJ104-06/17 refers) to provide a statement in relation to the City's stance on circuses using exotic and domestic performing animals.

The policy was developed to be consistent with the *Code of Practice for the Conduct of Circuses in Western Australia 2003* (Attachment 2 refers) and the RSPCA's *Policy C02 Performing Animals* (Attachment 3 refers), both of which remain current.

While there are no circuses currently operating in Australia with exotic performing animals, retaining the policy enables the City to refuse a public event application from a circus or any other organisation that seeks to use exotic performing animals while operating on City owned or managed property. It also ensures that the City's position on performing animals remains consistent with the *Code of Practice for the Conduct of Circuses in Western* and the *RSPCA Policy C02 Performing Animals*

It is therefore recommended that Council AGREES to retain the existing *Circus Policy* (with minor amendments to correct the footnote references) as included in Attachment 1.

**BACKGROUND**

Travelling circuses have been operating in Australia since the 1860's and have used many different animals to perform for entertainment. In recent years the circus industry has seen a number of changes including a decline in the total number of operators, a reduction in the use of animals, and the emergence of circuses with human-only performers.

Coinciding with this industry change has been the development of welfare standards for circus animals and increased public awareness and support to prevent animals being exposed to inhumane or unnatural conditions for the purposes of human entertainment. As of 2017, over 30 Local Government Authorities across Australia prohibit the use of exotic performing animals by circuses.

There are currently no circuses operating in Australia that use exotic performing animals. In April 2021, the last remaining circus in Australia to use exotic performing animals announced it was unable to obtain insurance for its exotic animals and had permanently retired them.

### Policy development

At its meeting held on 26 April 2000 (CJ085-04/00 refers), Council made a decision that it would not endorse any policy regarding circuses, "... *due to the fact that Council has no wish to interfere with the right of residents in the City of Joondalup to attend performances if they so desire.*"

At its meeting held on 16 October 2007 (CJ207-10/07 refers), it was recommended that Council adopt a policy on circuses in the City given the ongoing demand for that type of entertainment.

At its meeting held on 15 April 2008 (CJ052-04/08 refers), Council adopted the *City Policy – Statement on Circuses*, which was amended to provide consistency with other policies. Further clarity to the content of the policy was approved at the Council meeting held on 15 May 2012, when it became the *Circuses Policy* (CJ093-05/12 refers).

Further research was conducted by the City in 2017 into relevant industry standards and found that the policy did not align with either the *Code of Practice for the Conduct of Circuses in Western Australia 2003* (Attachment 2 refers) or the Royal Society for the Prevention of Cruelty to Animals (RSPCA) *Policy C02 Performing Animals* (Attachment 3 refers). The policy was revised to clarify the stance of the City and provide consistency with other City policies. The revised wording also allowed discretion in approving or denying access to City owned or controlled land for circuses using domesticated animals. Subsequently, the current *Circus Policy* was adopted by Council at its meeting held on 12 June 2017 (CJ104-06/17 refers).

### Circus events in the City

Since the adoption of the current policy in 2017, the City has approved two public event applications for circus events on City managed land. Both events were run by The Great Moscow Circus, the first being in April 2018 at Belrose Park, Kallaroo, and the most recent in September and October 2022 at James Cook Park, Hillarys.

For the 2018 event, The Great Moscow Circus used domestic dogs and horses during its performances, in conjunction with human-based attractions such as trapeze artists and motorcycle stunts. The circus ceased the use of animals in its shows in 2019, and now features solely human-based entertainment. There are domestic dogs that travel with the circus as pets, but these dogs are not used during the performances.

## **DETAILS**

### Circus animal regulations

The Western Australian *Animal Welfare Act 2002* provides for the protection of animals by regulating the conduct of people in relation to animals, and prohibiting cruelty to, or inhumane / improper treatment of animals. As part of section 25 of the Act, the *Code of Practice for the Conduct of Circuses in Western Australia 2003* was developed to assist persons handling or using circus animals in Western Australia.

The code outlines a number of conditions around the use and keeping of circus animals, in addition to providing guidance around the suitability of animal species for performing purposes. The code does not explicitly prohibit the use of exotic performing animals, however acknowledges that these animals have unique needs that are unlikely to be met in a circus environment without qualified keepers and specific social and enrichment needs.

The RSPCA is an independent charity providing animal care and protection services in Australia. While the RSPCA do not have the authority to create legislation relating to animal welfare, it does have an inspectorate function that enables the organisation to investigate and prosecute animal cruelty complaints.

In order to reduce the incidence of animal cruelty, the RSPCA have a strong focus on advocating for the welfare of animals across a range of industries, environments and issues, including circuses. The RSPCA's *Policy C02 Performing Animals* outlines the organisations position to oppose the use of animals for performance or entertainment where pain, injury, suffering or distress is likely to be caused to the animal.

Similar to the *Code of Practice for the Conduct of Circuses in Western Australia 2003*, the RSPCA's *Policy C02 Performing Animals* acknowledges that the requirements of circus life are not compatible with the physiological, social and behavioural needs of most animals, and opposes the use of animals in circuses unless there is scientific evidence available to demonstrate otherwise. The policy also outlines the RSPCA's position in advocating for compulsory and enforced animal welfare standards for circus animals, in addition to registration and licencing requirements.

The City's *Local Government and Public Property Local Law 1999* and *Animals Local Law 2018* do not contain any provision that prohibits the use of animals for performance purposes.

#### Current policy

The current *Circus Policy* opposes the operation of circuses or organisations with performing exotic animals on any City owned or controlled land. It also requires that circuses or other organisations keep domestic performing animals in accordance with the *RSPCA Policy C02 Performing Animals*.

The policy does not apply to domestic pets participating in recreational activities (such as horse riding or dog agility), petting zoos or similar wildlife displays where animals are not used for performance purposes and are kept in humane conditions appropriate for the type of animal.

The policy is consistent with the *Code of Practice for the Conduct of Circuses in Western Australia 2003* and the *RSPCA Policy C02 Performing Animals*.

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

- Option 1      Retain the *Circus Policy* in its current form. This would ensure the City's position on performing animals is consistent with the *RSPCA Policy C02 Performing Animals* and the *Code of Practice for the Conduct of Circuses in Western Australia 2003*. This option is recommended.
- Option 2      Repeal the *Circus Policy*. This option will remove the City's ability to refuse a public event application on the basis that the event features exotic performing animals. This would be in conflict with the *RSPCA Policy C02 Performing Animals* and the *Code of Practice for the Conduct of Circuses in Western Australia 2003*. This option is not preferred.

**Legislation / Strategic Community Plan / Policy implications****Legislation**

*Animal Welfare Act 2002.*  
*Animals Local Law 2018.*  
*Local Government and Public Property Local Law 1999.*

**10-Year Strategic Community Plan****Key theme**

Leadership.

**Outcome**

Proactive and represented – you are confident that the City is advocating on your behalf for initiatives that benefit the community.

**Policy**

*Circus Policy.*  
*RSPCA Policy C02 Performing Animals.*  
*Code of Practice for the Conduct of Circuses in Western Australia 2003.*

**Risk management considerations**

Retaining the policy is unlikely to cause any additional risks to the City, as there are currently no circuses operating in Australia that use exotic animals in their performances.

Should the City repeal or amend the policy to allow performing exotic animals and an organisation applies to operate in the City with exotic animals as part of its offering, the City would have limited recourse to refuse the application if it met all other requirements placed on the event. This may present a reputational risk to the City in allowing exotic performing animals to be present on City land in conflict with the *RSPCA Policy C02 Performing Animals* and the *Code of Practice for the Conduct of Circuses in Western Australia 2003*.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**Social

Prohibiting the use of exotic animals for circus events held within the City aims to meet the City's social obligations to prevent cruelty to animals.

**Consultation**

Not applicable.

## COMMENT

Despite no circuses in Australia currently using exotic performing animals, there is still a risk that a circus or other organisation may reintroduce these animals into their performances.

Retaining the current policy will allow the City to continue to use discretion in decision-making in relation to circuses on City land, while also clarifying the stance of the City about exotic and domestic performing animals. As such, it is considered appropriate that the *Circus Policy* is retained by Council.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ214-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Jones, SECONDED Cr Logan that Council NOTES the outcomes of the review of the *Circus Policy* and AGREES to retain the *Circus Policy* in its current form provided as Attachment 1 to Report CJ214-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach 14agnBRF22 1206.pdf](#)

## **CJ215-12/22      REQUESTS FOR NEW OR CAPITAL UPGRADES TO EXISTING COMMUNITY BUILDINGS POLICY - MINOR REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101265, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft Revised Requests for New or Capital Upgrades to Existing Community Venues Policy – tracked changes Attachment 2      Draft Revised Requests for New or Capital Upgrades to Existing Community Venues Policy – clean version
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider and adopt the revised *Requests for New or Capital Upgrades to Existing Community Venues Policy*.

### **EXECUTIVE SUMMARY**

The *Requests for New or Capital Upgrades to Existing Community Buildings Policy* is due for review in 2022 as part of the annual policy review process.

The review found that the policy is effective and only minor amendments (changes that do not impact on the application of the policy) are required to reflect current practices and document / process names.

*It is therefore recommended that Council ADOPTS the revised Requests for New or Capital Upgrades to Existing Community Venues Policy as outlined in Attachment 2 of Report CJ215-12/22.*

### **BACKGROUND**

The *Requests for New or Capital Upgrades to Existing Community Buildings Policy* was originally adopted in 2005 as an outcome of a policy review process (the policy was then referred to as the *Community Facilities – Built Policy*).

In 2012, a major review of the policy was undertaken and proposed to be renamed the *Requests for New or Capital Upgrades to Existing Community Buildings Policy*. At its meeting held on 20 November 2012 (CJ260-11/12 refers), Council adopted the recommended changes to the policy and the new policy name.

The *Requests for New or Capital Upgrades to Existing Community Buildings Policy* is due for review in 2022 as part of the annual policy review process. This report presents the outcomes of the review and suggested changes to the policy for consideration.

## DETAILS

The objective of the *Requests for New or Capital Upgrades to Existing Community Buildings Policy* is to provide a coordinated approach to the assessment and approval of requests for new or capital upgrades to existing community venues.

A review completed in 2022, found that the policy is effective since the major review undertaken in 2012 and only minor amendments (changes that do not impact on the application of the policy) are required to reflect current practices and document / process names.

The recommended amendments to the policy are shown as tracked changes (Attachment 1 refers) and a clean version (Attachment 2 refers). A summary of the proposed amendments are as follows:

- Reference to the City's Club Funded Upgrade (CFU) process that organisations use to make an application to the City to self-fund an upgrade project.
- Removed reference to community-based organisations and referenced organisations generally, as requests received from commercial operators would follow the same process.
- Removed specific clause regarding leased premises, as these follow the same process as the rest of the policy.
- Standardised terminology used from facility to venues to align with other policies.
- Broadened references to standard specifications and asset hierarchies as the policy is relevant beyond buildings / facilities.
- Amendment to wording and document / process names to reflect current practices.

### Issues and options considered

Council can either choose to:

- ADOPT the proposed amendments to the *Requests for New or Capital Upgrades to Existing Community Venues Policy* as outlined in Attachment 2 to Report CJ215-12/22 or
- RETAIN the *Requests for New or Capital Upgrades to Existing Community Buildings Policy* in the current format.

It is recommended that option 1 is adopted as the current policy is effective and only minor amendments are required.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Government Act 1995.*  
    *Building Code of Australia.*  
    *Access to Premises Standards 2010.*

### 10-Year Strategic Community Plan

<b>Key theme</b>	Place.
<b>Outcome</b>	Functional and accessible - you have access to quality community facilities that are functional and adaptable.
<b>Policy</b>	<i>Requests for New or Capital Upgrades to Existing Community Buildings Policy.</i>

### Risk management considerations

The policy aims to minimise risk through a coordinated approach to the assessment and approval of requests for new or capital upgrades to existing community venues.

**Financial / budget implications**

In alignment with current asset management practices, it is the City's position that the development and upgrade of community venues should be undertaken in an affordable and sustainable manner, which requires a strategic and long-term approach to asset planning and management. The City aims to deliver this through defined levels of venue provision that is cost effective and provides value for money.

**Regional significance**

Not applicable.

**Sustainability implications**

The policy includes sustainability principles in the assessment process for proposals for new and capital upgrades to existing community venues. This includes the consideration of social, financial and environmental impacts prior to supporting applications for capital works projects.

**Consultation**

Not applicable.

**COMMENT**

The review of the *Requests for New or Capital Upgrades to Existing Community Buildings Policy* completed in 2022 found that the policy is effective and only minor amendments are required to reflect current practices and document / process names. It is recommended that the minor amendments are made to the policy to ensure the document remains current.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ215-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Jones, SECONDED Cr Logan that Council ADOPTS the revised *Requests for New or Capital Upgrades to Existing Community Venues Policy* as outlined in Attachment 2 of Report CJ215-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15agnBRF221206.pdf](#)*



## CJ216-12/22 CORPORATE CREDIT CARD POLICY

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101275
<b>ATTACHMENTS</b>	Attachment 1 Draft Corporate Credit Card Policy
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets

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### PURPOSE

For Council to consider the draft Corporate Credit Card Policy.

### EXECUTIVE SUMMARY

At its meeting on 1 August 2022, the Policy Committee considered a draft Corporate Credit Card policy on the management of all corporate credit cards.

The Committee referred the draft Policy back to the Chief Executive Officer to include an amendment requiring that all credit card statements be reported to the Audit and Risk Committee as confidential attachments.

In addition, an amendment to clause 4.1.17 of the draft Policy is also proposed to require that an overall credit card limit increase offered to the City, rather than applied by the card issuer without consultation with the City, requires approval of Council prior to acceptance.

The amended draft Policy is appended as Attachment 1.

### BACKGROUND

The City procures a range of goods and services that are required for the efficient conduct of the City's various operations and activities. The City has a *Purchasing Policy* and a number of purchasing protocols that govern the manner in which procurement is undertaken. Most suppliers of such goods and services are engaged through purchase orders and, following delivery to the City, invoices are issued which the City subsequently pays.

In several instances, the standard procurement provisions are not suitable for efficient procurement of certain goods or services, including (but not limited to):

- air travel
- use of taxi or ride-sharing services
- booking accommodation
- acquiring goods or services from overseas suppliers
- engaging and paying for online advertising
- goods/services from suppliers/vendors who do not accept purchase orders, for example supermarkets for items that are required for council event catering
- software or related programs or tools procured digitally.

The City currently has four corporate credit cards issued to specified employees to facilitate such procurement, as detailed in the earlier report to the Policy Committee on 1 August 2022. The *Use of Corporate Credit Cards* Protocol governs the use and management of corporate cards and includes parameters for the issue of such cards and requirements for cardholders.

At its meeting held on 9 May 2022, the Policy Committee requested a report on the development of a policy on the management of all corporate credit cards. A draft Corporate Credit Cards Policy was presented to the Policy Committee for consideration at its 1 August 2022 meeting, which the Committee referred back to amend. The required amendment has been incorporated and the updated draft Policy is included as Attachment 1.

A further amendment to the earlier draft Policy is also proposed to accommodate situations where the card issuer may offer an increased credit card limit to the City, as opposed to applying a new limit by default. Where this may occur, it is proposed that Council approve the increased limit prior to acceptance by the City.

## DETAILS

The Policy Committee meeting of 1 August 2022 considered a draft *Corporate Credit Cards* Policy and referred this back to the Chief Executive Officer to “*amend the Policy requiring all credit card statements be reported to the Audit and Risk Committee as a confidential attachment*”.

In addition, it is proposed to amend clause 4.1.7 to require Council approval before the City can accept an increase to overall corporate card credit limit by the card issuer where this is offered to the City for acceptance, as opposed to being applied by the card issuer without consulting the City.

The amended draft Policy is included as Attachment 1.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Government Act 1995.*  
   *Local Government (Financial Management) Regulations 1996.*

## 10-Year Strategic Community Plan

**Key Theme**                      Leadership.

**Outcome**                        Accountable and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

**Policy**                              Not applicable.

## Risk management considerations

Not applicable.

## Financial / budget implications

No material financial implications are expected.

## Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

No specific consultation was undertaken in respect of the development of the draft Corporate Credit Card Policy or the requested amendment.

**COMMENT**

The draft Corporate Credit Card Policy sets out the high-level framework and principles to guide the management of corporate credit cards at the City.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ216-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Jones, SECONDED Cr Logan that Council ADOPTS the *Corporate Credit Card Policy* as set out in Attachment 1 to Report CJ216-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach 16agnBRF22 1206.pdf](#)

## **CJ217-12/22 RECORDING AND LIVE-STREAMING OF COUNCIL MEETINGS POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	110327, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft Recording and Live Streaming of Council Meetings Policy
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider the proposed Recording and Live-Streaming of Council Meetings Policy provided as Attachment 1 to Report CJ217-12/22.

### **EXECUTIVE SUMMARY**

On 3 July 2022, the Minister for Housing; Lands; Homelessness and Local Government, the Hon John Carey BA MLA, announced the most significant local government reforms in Western Australia, including the requirement for all Band 1 and Band 2 local governments to record and live-stream their Council meetings.

In accordance with the Salaries and Allowances Tribunal *Determination No. of 2021 for Local Government Chief Executive Officers and Elected Members*, the City of Joondalup is classified as a Band 1 local government and will be required to implement live video streaming of its Council meetings once the reforms are legislated.

*It is therefore recommended that Council ADOPTS the Recording and Live-Streaming of Council Meetings Policy, provided as Attachment 1 to Report CJ217-12/22.*

### **BACKGROUND**

On 21 September 2021, Council received a petition from residents of the City of Joondalup requesting for live video streaming and recordings of all City of Joondalup Council and Annual General Meetings of Electors.

A report was presented to the Council meeting held on 15 February 2022 (CJ011-02/22 refers), for Council to consider the petition received requesting live video streaming and video recordings of all Council meetings and Annual General Meetings of Electors.

Currently, local governments are only required to make written minutes of their Council meetings available. While there is no legal requirement for live streaming of video and/or audio recordings of Council meetings, many local governments do so. The City of Joondalup currently live-streams audio of its Council meetings and electors meetings and makes audio-records available on the City's website following the meeting.

Under the proposed local government reforms, it will become mandatory for all Band 1 and Band 2 local governments to live stream Council meetings and post the recordings online. Below is a summary of the proposed requirements for live video streaming:

- all local governments will be required to record meetings
- Band 1 and Band 2 local governments will be required to live-stream meetings and make video recordings available as public archives
- Band 3 and Band 4 local governments will be required to record and make public audio recordings, at a minimum
- limited exceptions will be made available for meetings held outside the ordinary council chambers, where audio/video recordings are generally used
- all Council meeting recordings will need to be published at the same time as the meeting minutes
- recordings of all confidential items will also need to be submitted to the Department of Local Government for archiving.

Given that the proposed local government reforms will make it mandatory for local governments to live stream their Council meetings, it was recommended, and Council approved the development of a new policy to allow for the recording and live video streaming of Council meetings.

The Council has also allocated funding of \$40,000 in the 2022-23 budget for the implementation of live video streaming technology for Council meetings.

## DETAILS

Clause 5.16 of the *City of Joondalup Meeting Procedures Local Law 2013*, currently provides for the recording of proceedings as follows:

- (1) *A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the permission of the presiding member.*
- (2) *If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.*

In addition, the *Procedures for Strategy Sessions, Briefing Session, Council/Committee Meetings and Electronic meetings* provide further information on the recording of Briefing Session and Council Meetings (adopted by the Council at its September 2022 meeting):

*Proceedings of the Briefing Session shall be electronically recorded, and made available to the public on the City's website, except for matters of a confidential nature.*

While a timeline for the implementation of mandatory live video streaming/recording has not been announced, it is expected that the changes will occur in 2023 with Minister Carey advising that local governments should be starting to prepare for the changes now.

For this reason, a draft policy has been prepared for the Policy Committee's consideration (Attachment 1 refers). The following items will require Committee direction:

### Meetings to be recorded:

- Does the Committee want Briefing Sessions video recorded/live streamed, as well as Council meetings and meetings of electors?
- It is suggested that the recording of confidential items (in accordance with s5.23 of the *Local Government Act 1995* be excluded until further information is provided by the Minister in relation to legislative reforms which proposes this to occur.

Camera positioning:

- Shall cameras be positioned so that only images of Council members and relevant officers of the City appear on the video?
- Shall cameras be positioned so that images of members of the public who address the Council, through a public question, statement or deputation are captured on the video?
- Shall cameras be positioned so as to avoid capturing members of the public, whether they are addressing the Council or not?

Access to Public by Virtual Means:

- Should members of the public be permitted to participate in meetings conducted by virtual means? Noting that this would create a range of administrative resource implications in order to adequately manage the meeting.

**Issues and options considered**

Council can either:

- adopt the proposed *Recording and Live-Streaming of Council Meetings* Policy as presented in Attachment 1  
or
- propose changes to the proposed *Recording and Live-Streaming of Council Meetings* Policy.

**Legislation / Strategic Community Plan / Policy implications****Legislation**

*Local Government Act 1995.*

*9.57A Local government protected from liability for defamation: council proceedings on website.*

*(1) In this section –  
council proceedings means proceedings at a meeting of the council or a committee of the council matter has the meaning given in the Defamation Act 2005 section 4.*

*(2) A local government is not liable to an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording, or video recording, of council proceedings.*

*City of Joondalup Meeting Procedures Local Law 2013.*

**10-Year Strategic Community Plan****Key theme**

Leadership.

**Outcome**

Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

**Policy**

*Code of Conduct for Employees.  
Code of Conduct for Council Members, Committee Members and Candidates.*

## **Risk management considerations**

### 1. Defamation

In accordance with section 9.57A(2) of the *Local Government Act 1995*, the City is not liable for an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording or video recording of council proceedings.

Opinions expressed or statements made by persons during the course of a meeting and contained within a video and/or audio recording, are the opinions or statements of those individual persons and not necessarily the opinions or statements of the City.

Council officers and Elected Members are not liable in defamation for any statements made in good faith. Council officers, Elected Members and members of the public are not liable in defamation for any statement to which a defence is available under the *Defamation Act 2005*.

### 2. Technical disclaimer

There may be situations where, due to technical difficulties a live-stream of the Council meeting may not be available. While all reasonable efforts will be made to ensure that live-streaming and the City's website are functioning, the City takes no responsibility for and cannot be held liable for the live-streaming or the City's website being temporarily unavailable due to technical issues.

### 3. Privacy

A public notice will be displayed in the public gallery area to notify visitors of live streaming and recording of meetings. The Presiding Member will also be provided with a script to alert members of the gallery of the live-streaming and recording of the meeting at the commencement of the meeting.

The Committee will need to consider the camera positioning and the impacts this may have on concerns around privacy for members of the public and make a suitable recommendation to the Council.

## **Financial / budget implications**

There are no costs to the City associated with adopting the proposed *Recording and Live-Streaming of Council Meetings Policy*.

There will be capital costs associated with the purchase of equipment to allow for video recording/streaming.

### Current financial year impact

<b>Budget amount</b>	\$ 40,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 40,000
<b>Balance</b>	\$ 40,000

All amounts quoted in this report are exclusive of GST.

## **Regional significance**

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

### COMMENT

On 3 July 2022, the Minister for Housing; Lands; Homelessness and Local Government, Hon John Carey BA MLA, announced the final local government reform package. The reforms include the requirement for all Band 1 and Band 2 local governments to record and live-stream their Council meetings. In accordance with the Salaries and Allowances Tribunal *Determination No. of 2021 for Local Government Chief Executive Officers and Elected Members*, the City of Joondalup is classified as a Band 1 local government and will be required to implement live video streaming of its Council meetings once the reforms are legislated.

### VOTING REQUIREMENTS

Simple Majority.

### COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ217-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The original recommendation as presented by City officers to the Committee is as follows:

That Council ADOPTS the Recording and Live-Streaming of Council Meetings Policy, provided as Attachment 1 to this Report.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *ADOPTS the Recording and Live-Streaming of Council Meetings Policy, provided as Attachment 1 to this Report subject to the following amendments to the Policy:*
  - 1.1 Clause 3.4 is amended to reflect the Committee's preference regarding camera positioning to capture only Councillors and City employees;
  - 1.2 The Committee's preference is that Briefing Sessions are only audio recorded and audio live-streamed;
  - 1.3 Removal of the words 'and/or CEO' in Clause 3.6 Termination of live-streaming;
- 2 DOES NOT SUPPORT the public being permitted access to participation in meetings by virtual means.



**MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1 ADOPTS the Recording and Live-Streaming of Council Meetings Policy, provided as Attachment 1 to Report CJ217-12/22 subject to the following amendments to the Policy:**
  - 1.1 Clause 3.4 is amended to reflect the Committee's preference regarding camera positioning to capture only Councillors and City employees;**
  - 1.2 The Committee's preference is that Briefing Sessions are only audio recorded and audio live-streamed;**
  - 1.3 Removal of the words 'and/or CEO' in Clause 3.6 Termination of live-streaming;**
- 2 DOES NOT SUPPORT the public being permitted access to participation in meetings by virtual means.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17agnBRF221206.pdf](#)*

## **CJ218-12/22 MEETING PROCEDURES LOCAL LAW 2013 - REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05885, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>City of Joondalup Meeting Procedures Local Law 2013</i> (marked-up) Attachment 2 Schedule of Submissions Attachment 3 Local Government Reforms: Full Reform Proposals (including amended proposals)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to note the review of the *City of Joondalup Meeting Procedures Local Law 2013*, and the Local Government Reforms, in particular the standardisation of meeting procedures, and agree to make no changes to the *City of Joondalup Meeting Procedures Local Law 2013*.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 August 2022, Council resolved to refer the *Amendment Local Law 2021* back to the Policy Committee for further consideration so that each local law could be considered separately.

The Minister for Housing; Lands; Homelessness and Local Government, the Hon John Carey BA MLA, recently announced that local government reforms are proposed to be introduced in February 2023, including standardised meeting procedures during 2023.

*It is therefore recommended that Council:*

- 1 *NOTE the current review of the City of Joondalup Meeting Procedures Local Law 2013;*
- 2 *AGREE to make no changes to the City of Joondalup Meeting Procedures Local Law 2013, given the impending Local Government reforms, in particular the standardisation of meeting procedures.*

### **BACKGROUND**

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of its local laws, and resolved that amendments were required to the *City of Joondalup Meeting Procedures Local Law 2013*.

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to:

- “1     *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendment;*

  - 1.2     *AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:*

“10.6   *Retailer to remove abandoned trolley*

    - (2)     *A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”*
- 2     *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*

  - 2.1     *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

*Purpose:   The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.*

*Effect:   The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation;*
  - 2.2     *copies of the proposed local law may be inspected at or obtained from the City’s Administration office, public Libraries or the City’s website;*
  - 2.3     *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 3     *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
- 4     *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 5     *the results of the public consultation be presented to Council for consideration of any submissions received;*
- 6     *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;*
- 7     *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;*

8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022”*

A notice advising of Council’s intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the Act for a period of six weeks.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 7 April 2022 for consideration.

The time for making public submissions closed on Friday 20 May 2022.

At the Council meeting on 16 August 2022 (CJ124-08/22 refers), Council considered the public submissions received following the public advertising period and resolved:

*“That item CJ124-08/22 – Amendment Local Law 2021 – Adoption BE REFERRED BACK to the Policy Committee for further consideration so that each local law can be considered separately.”*

## DETAILS

In consultation with elected members, the *Amendment Local Law* (Part 4) contained the following clauses to amend certain provisions in the *Meeting Procedures Local Law* (marked up in Attachment 1 to Report CJ218-12/22):

- Clause 4.2 – this clause amends clause 1.4 in the *Meeting Procedures Local Law* by deleting the reference to the Rules of Conduct Regulations (that is the former *Local Government (Rules of Conduct) Regulations 2007*) and inserting reference to the new *Local Government (Model Code of Conduct) Regulations 2021*, which came into effect on 3 February 2021.
- Clause 4.3 – this clause amends clause 1.5 in the *Meeting Procedures Local Law* by inserting a new definition for the *Local Government (Model Code of Conduct) Regulations 2021* and deleting various other definitions used throughout the *Meeting Procedures Local Law* that no longer apply.
- Clause 4.4 – this clause amends clause 4.3 in the *Meeting Procedures Local Law* (relating to the order of business at a committee) by deleting the reference to petitions. It is current practice that Council receives petitions and not committees.

The ability for an elected member to request a report for future consideration at a committee is also suggested to be removed (clause 4.3(2)(m)). Any call for a report (or a request for a report), should be made, through a formal motion, that is carried by the required majority of members present at a Council or a committee meeting. Such motions can be raised through the current notice of motion provisions, or through an amendment to a presented recommendation, that is carried by the majority of members at the respective meeting. Such action will allow the Chief Executive Officer to provide background information in respect of any legal, financial or policy implications before it is considered and subsequently determined.

- Clause 4.5 – this clause amends clause 4.6 in the *Meeting Procedures Local Law* (relating to motions for which previous notice has been given) by including a new subclause that prevents a notice of motion being submitted that is similar to a notice of motion submitted in the previous three months, and subsequently defeated by the required majority vote. This suggestion places a time caveat on when Council can again deal with the same matter, that has already been dealt with by Council in the previous three months.

- Clause 4.6 – this clause amends clause 4.8 in the *Meeting Procedures Local Law* (relating to adoption by exception resolution) by deleting the reference to special majority voting as this no longer applies under the Act. The amendment also clarifies that an exception resolution can be used where an employee has declared a financial or proximity interest in an item, however, maintains that it cannot be used when the Mayor or a Councillor so declares. There is no legislative requirement for employees to leave meetings when such declarations are made.
- Clause 4.7 – this clause amends a typographical error in clause 5.7(5) in the *Meeting Procedures Local Law*.
- Clause 4.8 – this clause replaces clause 5.17(2) in the *Meeting Procedures Local Law* (relating to prevention of disturbances) to clarify a person must not use their mobile phone or other electronic device to cause an audible disturbance, which is the intent of the clause as opposed to preventing people from using such devices to read statements, or viewing such devices while in silent mode.
- Clause 4.9 – this clause amends clause 6.6 in the *Meeting Procedures Local Law* by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021* which deals with impartiality interests for elected members at meetings.
- Clause 4.10 – this clause replaces clause 9.12(1) in the *Meeting Procedures Local Law* (relating to amendments to motions) by inserting a new subclause that an amendment cannot be moved by a mover or seconder to a primary motion. The existing exceptions for amendments are maintained.
- Clause 4.11 – this clause amends clause 10.1 in the *Meeting Procedures Local Law* (relating to procedural motions) by correctly referencing the intent of the procedural motion that “the item be deferred”, not “the motion be deferred”. Motions can technically be deferred through the other listed procedural motion “that the debate be adjourned”.
- Clause 4.12 – this clause replaces clause 10.5 in the *Meeting Procedures Local Law* by correctly referencing the effect of the procedural motion of “that the item be deferred” as detailed above.
- Clause 4.13 – this clause amends clause 17.1 by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021*.

Should Council wish to proceed with making these changes to the *City of Joondalup Meeting Procedures Local Law 2013*, it is suggested that a new meeting procedures local law is drafted given the comments received from the Department of Local Government. See schedule of submissions at Attachment 2.

Council should note, however, that local government reforms, announced by the Minister for Housing; Lands; Homelessness and Local Government Hon. John Carey BA MLA, on 3 July 2022 call for the standardisation of meeting procedures for all local governments. See Local Government reforms package at Attachment 3. While a timeline for the implementation of this particular reforms has not been announced, it is expected that the regulation of changes to meeting procedures will occur in 2023.

Given the impending local government reforms for the standardisation of meeting procedures, it is suggested that Council do not make any changes to the current *City of Joondalup Meeting Procedures Local Law 2013*. The time taken to draft and prepare a new local law for Council’s consideration can take between 6-12 months, meaning the new standardised meeting procedures may well have been regulated in that time.

## Issues and options considered

Council can either:

- note the review of the *City of Joondalup Meeting Procedures Local Law 2013*, and resolve to make no changes, given the impending Local Government reforms, in particular the standardisation of meeting procedures  
or
- resolve to make changes to the *City of Joondalup Meeting Procedures Local Law 2013*.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Government Act 1995.*  
*City of Joondalup Meeting Procedures Local Law 2013.*

### 10-Year Strategic Community Plan

**Key theme**                      Leadership.

**Outcome**                      Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

**Policy**                              Not applicable.

## Risk management considerations

There is currently no timeline for the implementation of the Local Government reforms however, it is expected that the changes with regard to the standardisation of meeting procedures will occur in 2023. There is a risk that the implementation of these reforms will take longer than expected. In this case the *City of Joondalup Meeting Procedures Local Law 2013* will continue in force until the standardised meeting procedures are regulated. From a compliance perspective, the City of Joondalup has completed the 8-year review of its local laws and there is no issue in retaining the current *City of Joondalup Meeting Procedures Local Law 2013* until the new standardised meeting procedures are regulated.

Should Council wish to make changes to the *City of Joondalup Meeting Procedures Local Law 2013*, there is a risk that City Officers will start the process of making/amending a local law (which can take between 6-12 months), and the local government reforms will be regulated within that time, meaning the work undertaken will be wasted.

## Financial / budget implications

There are no costs to the City should Council wish to retain the *City of Joondalup Meeting Procedures Local Law 2013* with no changes.

Should Council wish to make changes to the *City of Joondalup Meeting Procedures Local Law 2013*, costs are expected to be approximately \$3,000 for advertising the proposed changes and publishing in the *Government Gazette*. Funds are available in the *2022-23 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

Should Council wish to make changes to the *City of Joondalup Meeting Procedures Local Law 2013*, public consultation will be required in accordance with section 3.12 of the *Local Government Act 1995*.

## COMMENT

On 3 July 2022, the Minister for Housing; Lands; Homelessness and Local Government Hon. John Carey BA MLA, announced the final local government reform package (including some amendments to the initial proposals). The reforms include the standardisation of meeting procedures across all local governments to provide greater clarity for ratepayers and applicants for decisions made by council. Regulations would also be introduced to include standard requirements for public question time and the procedures for meetings generally, to allow members of the public to have the same opportunities to address council and ask questions across all local governments.

The amended reforms also include minor changes to Electors' meetings to increase the number of electors required to call an Special Electors' Meeting to 300 (from 100) or five percent of the number of electors (whichever is less); to allow a Presiding Member to refuse to hold a second Electors' Special Meeting if the matter raised has already been considered at a Special Electors' meeting within the last 12 months; and the new meeting procedures regulations would also apply to Electors' meetings, including the Annual Electors' meeting.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ218-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

## MOVED Cr Jones, SECONDED Cr Logan that Council:

- 1 **NOTES** the current review of the *City of Joondalup Meeting Procedures Local Law 2013*;
- 2 **AGREES** to make no changes to the *City of Joondalup Meeting Procedures Local Law 2013*, given the impending Local Government reforms, in particular the standardisation of meeting procedures.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18agnBRF22 1206.pdf](#)

**CJ219-12/22 CITY OF JOONDALUP POLICY MANUAL**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	110327, 101515
<b>ATTACHMENTS</b>	Attachment 1 Existing (Council) Policies Organised Under New Categories Attachment 2 Introduction to the Policy Manual
<b>AUTHORITY / DISCRETION</b>	Review – Council reviews a decision made by officers.

**PURPOSE**

To provide an update to Council on the review of the City of Joondalup Policy Manual.

**EXECUTIVE SUMMARY**

This report provides a broad overview of the review of the City of Joondalup Policy Manual and the resulting administrative changes. These include:

- changing the existing policy types from “City Policy”, “Council Policy” and “Local Planning Policy” to just “Council Policy” and “Local Planning Policy”
- the further categorisation of Council Policies to facilitate navigation of the Policy Manual
- a new introduction to the Policy Manual
- minor updates to the Policy Template
- an annual Policy Review Schedule to be presented to the Policy Committee.

*It is therefore recommended that Council:*

- 1 *ENDORSES the proposed policy types of “Council Policy” and “Local Planning Policy”, combining the existing policy types of “City Policy” and “Council Policy” as “Council Policies”;*
- 2 *NOTES the new policy categories, and the existing (Council) Policies organised under the new categories provided as Attachment 1;*
- 3 *NOTES the new Introduction to the Policy Manual document provided as Attachment 2;*
- 4 *NOTES the additional information to be included in the Policy Template;*
- 5 *NOTES that an annual Policy Review Schedule will be presented at the first Policy Committee meeting each year.*



## BACKGROUND

The initiation, development, adoption and review of the City of Joondalup Policy Manual is one of the roles of Council, outlined in section 2.7 of the *Local Government Act 1995*.

As a fundamental element of corporate governance, local government policies are developed to provide guidance and direction on City activities. Regular reviews ensure that policies remain relevant and applicable.

The City of Joondalup Policy Manual was previously subject to a major review in 2018. It is currently undergoing another major review, with a policy review schedule already partially completed for 2022.

The layout of the electronic Policy Manual and supporting documentation has also been reviewed for relevance and accessibility of information.

## DETAILS

### Review of policy types

As part of the Policy Manual review, it was identified that the separate policy types of “City”, “Council” and “Planning” were causing confusion, with policies often being mislabelled, and members of the community unsure as to whether the Council was responsible for endorsing *all* of the policies. In addition, queries from the community have trended towards Local Planning Policies far more often than City and Council Policies, with feedback received that it is confusing and difficult to locate policies they are searching for on the City’s website.

Policies are currently defined as follows:

- **City Policies** — developed for administrative and operational purposes with an internal focus.
- **Council Policies** — strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations.
- **Planning Policies** — a subset of either City or Council Policies that are prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These allow Council to prepare local planning policies relating to planning and development in the Scheme area.

The original intention of these policy types was to differentiate between a strategic policy, an internal facing/operational policy and a local planning policy. Best practice is for policies to be high-level in nature, with the more administrative and operational details being addressed via internal protocols and processes and various levels of planning documents. For this reason, it is proposed that these be changed to only two broad policy types, with the following definitions:

- **Council Policies** — are policies that set the Council’s position in relation to identified matters of interest. Council Policies are adopted by the Council and align with the vision, goals and outcomes of the City’s 10-Year Strategic Community Plan. Council Policies are then further categorised into themes for ease of locating a specific policy within the manual (see below).
- **Local Planning Policies** — are policies that relate to planning and development within the Local Planning Scheme area. Local Planning Policies are developed under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **Policy categories (Council Policies)**

Policies are not currently displayed in thematic categories in the Policy Manual, they are shown on the City's website simply in an A–Z table. This can make it difficult to find a specific policy if unsure of the policy name.

A new list of thematic categories has been created for Council Policies to make it easier for community members, Elected Members and City officers to locate specific policies. These categories are intended to be flexible in nature, offering freedom to adapt to address the changing nature and relevance of policies over time. The initial categories are as follows:

- Arts and culture.
- Buildings and facilities.
- Community wellbeing.
- Elected Members and Council.
- Governance and management.
- Parks and public open spaces.
- Rates and finance.
- Roads, parking and transport infrastructure.

The City's existing policies have been categorised as per these categories in Attachment 1.

## **Introduction to the Policy Manual**

The City's electronic Policy Manual is located on the City's website, and currently contains an A–Z list of all policies. There is also a Frequently Asked Questions document that provides information on types of policies, how policies are developed, reviewed and implemented and the role of the Policy Committee.

The new Introduction to the Policy Manual document (Attachment 2 refers) is intended to replace this document. It has been rewritten in "plain English" and is intended to help facilitate understanding of the steps involved in the development and review of policies. This document will be submitted for branding prior to being uploaded to the City's website.

## **Additional information to be included in the Policy Template**

As part of the review, minor changes have been made to the current Policy Template to reflect the proposed changes to the policy types (such as "Council Policies" and "Local Planning Policies"). The template also includes the addition of former policy names, a last reviewed date, and a recordkeeping reference. These changes are largely administrative, but will assist the community, Elected Members and City officers to navigate the Policy Manual and review policy history.

## **Annual Policy Review Schedule**

As part of the review, it was determined that an annual Policy Review Schedule will be created to list all of the existing policies that are planned for review in the upcoming calendar year. This schedule will then be tabled at the first Policy Committee meeting for the calendar year (usually occurring in February). It is anticipated that this will assist Policy Committee members and community members in identifying the proposed review timeframes for each year. Note that the schedule may be subject to change as a result of any issues identified through the policy review process, or where the Policy Committee/Council have requested further changes or review.

## COMMENT

The following changes to the electronic Policy Manual on the City's website will be made progressively over the next months:

- Separating the existing policies into thematic categories to make it easier for users to locate specific policies.
- Replacement of the Frequently Asked Questions document with the new Introduction to the Policy Manual document.
- Transition of all current policies to the updated Policy Template.

In regard to the ordering of the categories, it is understood that a number of queries are received from the community relating to Local Planning Policies and how to locate these on the City's website. To ensure that these are easily accessible, they will be listed first, with all the other Council Policy categories to follow.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ219-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

## MOVED Cr Jones, SECONDED Cr Logan that Council

- 1 **ENDORSES** the proposed policy types of "Council Policy" and "Local Planning Policy", combining the existing policy types of "City Policy" and "Council Policy" as "Council Policies";
- 2 **NOTES** the new policy categories, and the existing (Council) Policies organised under the new categories provided as Attachment 1;
- 3 **NOTES** the new Introduction to the Policy Manual document provided as Attachment 2;
- 4 **NOTES** the additional information to be included in the Policy Template;
- 5 **NOTES** that an annual Policy Review Schedule will be presented at the first Policy Committee meeting each year.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19agnBRF221206.pdf](#)

**CJ220-12/22 MEMORIALS IN PUBLIC OPEN SPACES POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101273, 101515
<b>ATTACHMENTS</b>	Attachment 1 Memorials in Public Open Spaces Policy — draft revised (and renamed) policy Attachment 2 Memorials in Public Reserves Policy – current policy Attachment 3 Memorials in Public Reserves Policy – Marked up review copy
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to adopt the revised *Memorials in Public Reserves Policy* (renamed to *Memorials in Public Open Spaces Policy*).

**EXECUTIVE SUMMARY**

The *Memorials in Public Reserves Policy* provides guidance on the circumstances in which the City will support and manage the installation of memorials in public open spaces.

Since its introduction in 2009, this policy had a minor amendment in 2012 (CJ093-05/12 refers) and a major amendment in 2016 (CJ228-12/16 refers). As this policy was last reviewed in 2016, it is now due for review as part of the 2022 Policy Manual Review process.

A recent review of this policy, including its supporting documentation and internal processes, has identified the need to streamline the policy to align it with the City's preferred approach to policies and the correct policy template. It is proposed that the more detailed operational components of the policy be removed and incorporated into the supporting documentation instead. This will effectively align the policy to a more strategic level and make it easier for the reader to understand the key aspects of the assessment and application process for memorials in public open spaces.

*It is therefore recommended that Council ADOPTS the revised (and renamed) Memorials in Public Open Spaces Policy as detailed in Attachment 1.*

**BACKGROUND**

The *Memorials in Public Reserves Policy* provides guidance on the circumstances in which the City will support and manage the installation of memorials in public open spaces.

Since its introduction in 2009, the City has received 39 applications to install permanent memorials within public locations throughout the City in memory of loved ones who have passed. The *Memorials in Public Reserves Policy* requires a decision of Council to support "significant person" applications for permanent memorials, with four requests supported to date.

In August 2015, the City received an application to consider the installation of a permanent memorial plaque within a City-owned hut on Iluka Beach in memory of a young local person who had passed away in tragic circumstances. The application was not supported on the basis that it did not meet the intentions of the current policy at the time, which required persons to have made a significant contribution to the local Joondalup community. A 947-signature petition was subsequently presented to Council by the applicants (family and community supporters), requesting re-consideration of the application (C56-09/15 refers).

At its meeting held on 23 November 2015 (CJ200-11/15 refers), Council considered a report in response to the petition where support was provided for the temporary installation of a memorial plaque for a period up to 12 months and a request was made for the Policy Committee to conduct a review of the current *Memorials in Public Reserves Policy*.

The policy was subsequently revised and at its meeting held on 28 June 2016 (CJ101-06/16 refers), Council resolved to advertise the revised policy for public comment. The revised policy was advertised for 21 days with 35 valid responses received. Following this consultation period, Council adopted the revised policy at its meeting held on 13 December 2016 (CJ228-12/16 refers).

Since the adoption of the revised policy in December 2016, the City has received seven applications to install temporary memorials within public locations throughout the City.

## DETAILS

As part of the process of reviewing the current *Memorials in Public Reserves Policy*, a review of the supporting documentation and internal processes was also undertaken. In line with the City's approach to policies being written at a strategic level, rather than including operational details, the revised Policy has been redrafted, with the intention that the more detailed information will be captured in the supporting documentation instead.

While a new version of the *Memorials in Public Reserves Policy* (renamed to *Memorials in Public Open Spaces Policy*) has been drafted, the proposed changes are considered minor as they do not change the overall intent of the policy in any way. A summary of changes incorporated into the new draft version as are follows:

- 1 Change of the Policy name to align with updated terminology used by the City.
- 2 Change of responsible Directorate from Infrastructure Services to Governance and Strategy, as the focus of this Policy is more around eligibility and assessment criteria for the approval of memorial applications, rather than technical and operational aspects relating to the installations themselves.
- 3 Rewording of the 'Objective' to make it clear that the policy relates more to the eligibility and assessment of applications for memorials, rather than specific details about the actual installation.
- 4 Addition of 'Application' and 'Definitions' sections to the policy to set the scope of the policy and make the terminology clear for the reader.
- 5 Rewording of the policy 'Statement', including the removal of reference to encouraging applicants to install memorials in cemeteries as this is not the intent of the policy.
- 6 Removal of operational details from the Policy. These details will be incorporated into the *Memorials in Public Open Spaces Frequently Asked Questions* document and/or *Memorials in Public Open Spaces Applications Forms* (both temporary and permanent) where applicable. For example:
  - Removal of reference to specific design and technical specifications for types of memorials.
  - Removal of specific examples of eligibility criteria for memorial applications.
- 7 General wording and layout changes to plain English to provide greater clarity for the reader.
- 8 General formatting changes to align the policy with the correct policy template.

Attachment 1 and Attachment 3 provide the draft version of the revised *Memorials in Public Open Spaces Policy* and a change marked up version of the *Memorials in Public Reserves Policy* respectively for review. Attachment 2 provides the current *Memorials in Public Reserves Policy* for reference.

### Issues and options considered

Further matters for consideration in managing memorials in public areas include the potential loss of amenity in popular public locations throughout the City from the installation of permanent memorials, where deceased persons have had a personal connection or association with.

Due to the nature of and reasons behind applications for memorials, flexibility is required in the decision-making process to accommodate the range of scenarios that such a policy may be applied to.

#### Option 1

Council can adopt the revised (and renamed) *Memorials in Public Open Spaces Policy*.

#### Option 2

Council can adopt with amendments the revised (and renamed) *Memorials in Public Open Spaces Policy*.

#### Option 3

Council can choose to retain the current *Memorials in Public Reserves Policy*.

It is recommended that Council adopts the revised (and renamed) *Memorials in Public Open Spaces Policy* included as Attachment 1 (Option 1).

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

#### 10-Year Strategic Community Plan

**Key theme** Community.

**Outcome** Attractive and Leafy — you have access to quality public open spaces and enjoy appealing streetscapes.

**Policy** Not applicable.

### Risk management considerations

While the *Memorials in Public Reserves Policy* has provided useful guidance to the City in the management and requests for public memorials, it is important that the content of the policy and its associated processes are straightforward and appropriately reflect the policy's stated intentions. Without amendment, there is a risk that the current policy may contain more information than is required at a policy level, and lead to confusion over the application requirements.

### Financial / budget implications

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

In addition to the proposed new version of the *Memorials in Public Open Spaces Policy*, there are a number of intended changes that will be incorporated into supporting documentation for this policy. These changes seek to inform the community through improved and clear information to make it easier for both the applicant and the City to consider and process memorial requests. These changes to supporting documentation and processes will be implemented when and if the new version of the policy is approved.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ220-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council ADOPTS the revised (and renamed) Memorials in Public Open Spaces Policy provided as Attachment 1 to this Report.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council ADOPTS the revised (and renamed) Memorials in Public Open Spaces Policy provided as Attachment 1 to this Report subject to the following amendments to the Policy:*

1 That Part 2. Definitions "permanent memorial" be amended so that the word "e.g" be replaced with the word "i.e" to read as follows:

"permanent memorial" means a small, permanent monument (i.e engraved plaque, benchseat) to commemorate a person who made a significant contribution to the City of Joondalup community."

**MOVED** Cr Jones, **SECONDED** Cr Logan that Council **ADOPTS** the revised (and renamed) *Memorials in Public Open Spaces Policy* provided as Attachment 1 to Report CJ1220-12/22 subject to the following amendments to the Policy:

- 1 That Part 2. Definitions “permanent memorial” be amended so that the word “e.g” be replaced with the word “i.e” to read as follows:

*“permanent memorial” means a small, permanent monument (i.e engraved plaque, benchseat) to commemorate a person who made a significant contribution to the City of Joondalup community.”*

The Motion was Put and **CARRIED (10/0)** by Exception Resolution after consideration of C232-12/22, page 257 refers.

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20agnBRF22 1206.pdf](#)



**CJ221-12/22 MODEL LITIGANT FOR CIVIL LITIGATION POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101515
<b>ATTACHMENTS</b>	Attachment 1 NSW Model Litigant Policy for Civil Litigation Attachment 2 Draft Model Litigant for Civil Litigation Policy
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to adopt the Model Litigant for Civil Litigation Policy (Attachment 2 refers).

**EXECUTIVE SUMMARY**

At the Policy Committee held on 9 May 2022, it was requested that the Chief Executive Officer prepare a report on the drafting of a Model Litigant Policy for the City.

At the Council meeting held on 16 August 2022 (Item CJ145-08/22 refers) it was resolved *that Council SUPPORTS the development of a Model Litigant for Civil Litigation Policy.*

The City of Joondalup (and legal practitioners representing the City) have various obligations to act fairly reflecting values related to:

- protecting the reasonable expectations of those dealing with the City (such as public trust)
- ensuring that the powers possessed by the City, whether conferred by statute or by contract, are exercised 'for the public good'
- requiring the City to act as 'moral exemplar' leading by example.

The report details how model litigant rules are applied, also giving consideration to current legal practitioner standards. Should the Council consider that the adoption of a Model Litigant for Civil Litigation Policy would enhance the City's ethical standards as a government body in civil litigation matters then consideration is to be given to adoption of the draft Policy.

*It is therefore recommended that Council ADOPTS the Model Litigant for Civil Litigation Policy as shown in Attachment 2.*

**BACKGROUND**

At the Policy Committee meeting held on 9 May 2022 Cr Raftis requested that the Chief Executive Officer prepare a report on the drafting of a Model Litigant Policy for the City. Cr Raftis requested that the report consider matters contained within the New South Wales Model Litigant Policy for Civil Litigation (Attachment 2 refers).

At its meeting held on 16 August 2022 (CJ145-08/22 refers) Council resolved *that Council SUPPORTS the development of a Model Litigant for Civil Litigation Policy.*

A Policy has been developed using the New South Wales Model Litigant Policy for Civil Litigation as a template, as referred to by the Policy Committee and Council.

## **DETAILS**

### **Model Litigant Rules - Defined**

Model litigant rules (obligations) are guidelines for how a government ought to behave before, during, and after litigation with another government body, a private company, or an individual. The model litigant rules provide best practice for government agencies in civil litigation matters.

The obligation of a model litigant is generally considered to encompass a range of specific duties, including dealing with claims promptly, minimising delay in proceedings, acting consistently in the handling of claims and litigation, using alternative dispute resolution options, minimising costs in proceedings and not taking technical points unless the agencies' interests would be compromised.

In civil litigation, there can sometimes be a significant imbalance of power (whether perceived or actual) between government agencies and other parties to the proceedings. Government agencies may have access to substantial resources, powers to investigate, greater power to compel people to provide information, and/or greater experience and expertise in dealing with complex and contentious legal matters.

Behind each of the duties is an overarching duty to act honestly, fairly, with complete propriety and in accordance with the highest professional standards.

The rules are designed to tread a middle ground. On the one hand, they recognise that a government body is often better resourced than small companies or individuals, and is supposed to lead by example, protecting the public interest as opposed to its own private interest.

However, these rules are not designed to prevent a government body from acting firmly and properly to protect their interests, taking all legitimate steps to pursue or defend claims, or even from pursuing litigation in order to clarify a significant point of law even if the other party wishes to settle the dispute. It must be recognised that government bodies pursuing or defending claims are doing so on behalf of the public, and the public's rights ought not to be undermined in the face of genuine litigation.

### **Adoption of Model Litigant Policies**

In an effort to codify and confirm their commitment to their model litigant obligations, the Commonwealth Government and some state and territory governments have adopted written policies. The Commonwealth, Victoria, Queensland, New South Wales and the Australian Capital Territory all follow similar policies, while Western Australia, Tasmania and South Australia are subject to the principles of the common law (as such model litigant obligations are still likely to apply).

The policy proposed to be adopted is an amended version of the New South Wales Model Litigant Policy and is also similar to that adopted by the Town of Cambridge. The City of Rockingham recently considered whether to develop a similar Policy (as a result of a Notice of Motion), however, at its March 2022 meeting Council declined to progress.

The written policies of the Commonwealth and other States provide that the obligations apply before courts, tribunals, inquiries, in arbitration and other alternative dispute resolution processes.

The policy proposed is to apply to civil litigation only (as referred to in the reason for the proposal by Cr Raftis) and not apply to all prosecutions undertaken by the City including those related to parking, dog or building offences; or propagating Council's position at the State Administrative Tribunal.

For the purposes of this report, the proposed Policy applies to civil litigation only, as specifically referred to in the reasons by Cr Raftis to the Policy Committee for proposing a policy.

### **City's Involvement in Civil Litigation**

The City's involvement in civil litigation generally involves:

- Civil actions by the City to recover rates (which are conducted by the City's external solicitors); and
- Civil actions against the City (to which the City's insurer responds).

Proceedings to recover rates are only commenced when less formal efforts have been unsuccessful via a letter of demand not resulting in the debtor agreeing to pay off the debt over time. The City has a *Rates Hardship Policy* which is intended to ensure that the City offers fair, equitable, consistent, respectful and dignified support to ratepayers experiencing financial hardship.

When proceedings are commenced, the City engages external solicitors who endeavour to bring the matter to a swift conclusion without the need for a trial, but this is not always possible to achieve. It is rare for such proceedings to proceed to a formal trial.

When proceedings are commenced (or a claim is made) against the City (such as for personal injury, workers' compensation or property damage), the City's insurer (LGIS) will generally take over the conduct of the matter and will either manage the claim itself or engage solicitors from its panel to represent the City. If the City were to act contrary to LGIS' instructions, the City may lose cover under the relevant policy. It is therefore suggested that any policy would need to extend to action undertaken by the City's insurers as a matter of their own accord.

When external solicitors are engaged, they must act in accordance with legislative requirements and onerous professional standards which are enforced by the Legal Practice Board and ultimately, the Supreme Court of Western Australia. General Counsel has general oversight of court proceedings in which the City is involved and is subject to the same professional obligations set out below.

### The Professional Obligations

The primary legislation/rules governing these professional obligations comprises:

- *Legal Profession Uniform Law Application Act 2022*
- *WA Barristers' Rules 2017*
- *Supreme Court Act 1935*
- Supreme Court Rules.

The professional standards by which a legal practitioner's conduct will be judged include the following:

- Law Society of Western Australia's Ethical and Practical Guidelines [here](#).
- Western Australian Bar Association's Best Practice Paper - Confining the Issues in Dispute in Civil Litigation (Best Practice Paper) [here](#).
- Western Australian Bar Association's Best Practice Paper – Communication and Conferral (Best Practice Paper) [here](#).

The Law Society of Western Australia's Ethical and Practical Guidelines include the following:

- Practitioners are required to act with honesty and integrity, whether in litigious matters or commercial transactions. Practitioners must never misrepresent, mislead or deceive in any way: cl 1.
- The same ethical obligations apply in relation to mediation as apply in all other areas of practice. The paramount duty to the Court and to the administration of justice assumes great practical significance, since mediation is regarded as a primary means of achieving the objectives of case flow management: cl 10.2.
- The primary function of a practitioner in a mediation is to assist the client, not to engage in adversarial advocacy: cl 10.8.

The Western Australian Bar Association's Best Practice Paper *Confining the Issues in Dispute in Civil Litigation* includes the following:

- Lawyers owe ethical duties to their clients and general duties to the court to ensure that cases are conducted so as to avoid unnecessary expense and wastage of court time: cl 1.3.
- The ultimate narrowing of issues is a settlement. Lawyers should advise the acceptance of reasonable offers to settle: cl 3.1.
- Care should be taken when preparing pleadings to ensure that the disputed issues on the pleadings truly reflect the outstanding matters in issue in the proceedings: cl 3.4.
- Lawyers are required to engage in conferral by Order 59 Rule 9 of the SCR before making any interlocutory application: 4.7.

The Western Australian Bar Association's Best Practice Paper – *Communication and Conferral* includes the following:

- An adversarial system should not be unduly combative. Litigation is neither a game nor an opportunity for practitioners to demonstrate their knowledge of "The Art of War": cl 21.
- Practitioners should at all times communicate by reference to their role as professional advisers and officers of the court. This requires the exercise of professional judgment and the avoidance of communicating as a mere mouthpiece of the client. The practitioner's duty is to ensure that only matters necessary for the proper disposition of the claim are dealt with: cl 41

A search of the eCourts Portal provides that there are a number of decisions involving the City of Joondalup, including:

- Supreme Court – 17 decisions.
- State Administrative Tribunal – 169 decisions.
- Magistrates court – Nil.
- District Court – Nil.

### **Codes of Conduct**

If the Council considers it would be beneficial to adopt a *Model Litigant for Civil Litigation Policy*, it should be satisfied whether such a policy is warranted given legal professional standards and guidelines and that the City's obligations under its *Code of Conduct for Employees* which establishes the principles and standards of behaviour employees must observe when performing their duties, intended to promote accountable and ethical decision-making. The code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and other legislation that affect employees while performing their duties and the code does not override or affect those provisions or requirements.

The City's inhouse legal officer is obliged to act in accordance with the City's Code and to be aware of the extent of the model litigant obligations as ethical issues will frequently arise. Active consideration of the obligations will prevent breaches occurring.

The City's engagement of legal representation to act on its behalf would take into account the City's values, principles and standards observed when performing duties, not excluding their own professional ethical obligations and any laws related to performance of legal work.

### Issues and options considered

The Committee may either:

- 1 recommend to the Council to adopt the *Model Litigant for Civil Litigation Policy*, as presented in Attachment 2
- 2 recommend to the Council to adopt the *Model Litigant for Civil Litigation Policy*, as presented in Attachment 2 in an amended form
- 3 not progress development of a *Model Litigant for Civil Litigation Policy*  
or
- 4 recommend to the Council that it advocate to the Minister for Local Government and/or WA Local Government Association that a *Model Litigant for Civil Litigation Policy* be considered as part of the review of the *Local Government Act 1995* to enhance the ethical standards of local governments.

Given section 2.7 of the *Local Government Act 1995* provides that the role of Council is in part to determine the local government's policies, it is considered that the Policy Committee considers its preferred option.

As the Council has endorsed the development of a policy Option 1 is the preferred option.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Section 5.92 of the *Local Government Act 1992*.

#### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

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

**Policy** *City of Joondalup Rates Hardship Policy.*  
*City of Joondalup Payment of Rates and Charges Policy.*  
*City of Joondalup Code of Conduct for Employees.*

### Risk management considerations

There is no direct enforcement mechanism to ensure compliance with Model Litigant Guidelines. Negative consequences of non-compliance include judicial and public criticism.

### Financial / budget implications

Not applicable.

### Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

At the Commonwealth level, the Crown's model litigant rules are now grounded in the *Legal Services Directions*, enforced by the Attorney-General through a light-touch system of self-monitoring and reporting, and the common law through the court's procedural powers to impose costs and stay proceedings in which the government is a litigant, or in extreme cases where failure to meet the model litigant standards has resulted in a miscarriage of justice, overturn the outcome on appeal.

Western Australia has not adopted such rules and is subject to the principles of the common law (where model litigant obligations are still likely to apply).

The City of Joondalup (and legal practitioners representing the City) have various obligations to act fairly reflecting values related to:

- protecting the reasonable expectations of those dealing with the City (such as public trust)
- ensuring that the powers possessed by the City, whether conferred by statute or by contract, are exercised 'for the public good'
- requiring the City to act as 'moral exemplar' leading by example.

The adoption of a Model Litigant for Civil Litigation Policy may enhance the City's ethical standards as a government body in civil litigation matters, directed more to good governance and administration than mere conduct as a litigant in Court.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ221-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Jones, SECONDED Cr Logan that Council ADOPTS the Model Litigant for Civil Litigation Policy as shown in Attachment 2 to Report CJ221-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21aqnBRF221206.pdf](#)*

**CJ222-12/22      REVIEW OF PEST PLANT LOCAL LAW 2012**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102082, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>City of Joondalup Pest Plant Local Law 2012</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider the recommendations made in this report regarding the inclusion of fleabane as a pest plant in the City's *Pest Plant Local Law 2012*.

**EXECUTIVE SUMMARY**

At its meeting held on 20 November 2012 (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*, currently only one plant species is prescribed as a pest, *Tribulus terrestris*, commonly known as Caltrop.

Within the City, there are 285 identified weeds including 15 declared pest plants and five weeds of national significance. These weed species are often widespread and without control can alter natural areas and public open spaces reducing biodiversity and amenity.

In 2016, Council adopted the *Weed Management Plan 2016 - 2021* which details an integrated weed management approach to prevent, monitor, prioritise and control the introduction and spread of weeds in the City. A review of the Weed Management Plan is in progress and an updated draft plan will be presented to Council to seek endorsement for community consultation.

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council considered a report on the motions carried at the Annual General Meeting (AGM) held on 23 March 2021 and resolved in part, that:

*In relation to Motion No. 10 carried at the Annual General Meeting of Electors:*

*"11.5 SUPPORTS a review of the City's Pest Plant Local Law 2012 to include other species of weed, such as Fleabane;"*

Fleabane is a widespread weed within Western Australia and is of most concern in agricultural areas where it competes for the vital resource of soil water in both crop and fallow phases of production. Given how widespread fleabane is within the City, the challenges in managing the weed on City land, and the substantial resources that would be required if it were to be designated as a pest plant, the City considers it may not be appropriate to include fleabane as a prescribed pest plant within the City's *Pest Plant Local Law 2012*.

*It is therefore recommended that Council:*

- 1      NOTES that the City currently undertakes the control of known infestations of fleabane on land managed by the City;*
- 2      NOTES that the City continues to raise community awareness of Fleabane and other environmental weeds through the Environmental Education Program;*

- 3 *NOTES that the City continues to work with the WALGA Local Government Herbicide Use and Integrated Weed Management Working Group to raise broader awareness of weed management on private property;*
- 4 *NOTES the previous Council decision (CJ006-02/21 refers) that the City of Joondalup Pest Plant Local Law 2012 be retained in its current form;*
- 5 *DOES NOT SUPPORT an amendment to the City's Pest Plant Local Law 2012, to include Fleabane as a prescribed pest plant.*

## **BACKGROUND**

At its meeting held on 20 November 2012 (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*, as detailed in Attachment 1 to Report CJ222-12/22.

The purpose of the *City of Joondalup Pest Plant Local Law 2012* is to:

*Prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.*

The effect of the *City of Joondalup Pest Plant Local Law 2012* is to:

*Require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.*

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council considered whether to retain, repeal or amend the *City of Joondalup Pest Plant Local Law 2012* as part of its eight-year statutory local law review process. It was noted that no submissions were received in relation to the *City of Joondalup Pest Plant Local Law 2012*, and council resolved in part, that:

### *2.2 Local laws to be retained:*

#### *2.2.1 City of Joondalup Pest Plant Local Law 2012.*

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council considered a report on the motions carried at the AGM held on 23 March 2021 and resolved in part, that:

*In relation to Motion No. 10 carried at the Annual General Meeting of Electors:*

- 11.5 *SUPPORTS a review of the City's Pest Plant Local Law 2012 to include other species of weed, such as Fleabane.*

Fleabane germinates in spring and become major weeds in summer. Fleabane is a fast-growing tall plant that can grow to over a metre in height. The height of the plant makes it a highly visible weed in bushland, road verges and garden beds.

## **DETAILS**

There are two main species of Fleabane in Australia, Flaxleaf Fleabane (*Conyza bonariensis*) and Tall Fleabane (*Conyza albida*), both of which are emerging weeds in Western Australia.

Fleabane is rated as a low priority weed under the *Environmental Weed Strategy for WA 1999* and is not classified as a Weed of National Significance or declared pest in Western Australia. Fleabane is not listed as a priority weed in the City's *Weed Management Plan 2016 – 2021*.



Fleabane is a common broadleaf weed that is managed in the City's parks and urban landscaped areas. The City manages in excess of 500 hectares of natural areas and fleabane is found in many bushland reserves. The weed is controlled with herbicides prior to seeding and large plants are removed by hand.

Effective weed control within private land is an important element to weed management, however it is considered that raising awareness of the species that should be planted and the importance of managing weeds on private property would be more effective mechanisms compared to expanding the current local law. The City has drafted a new Weed Management Plan which will provide ongoing direction for an integrated approach to weed management. The delivery of a comprehensive community weed education program is included in the new Weed Management Plan.

The City's *Environment Plan* includes a key objective to enhance community participation in environmental education initiatives and encourage community appreciation and ownership of the natural environment. As part of the Plan, the City delivers a series of environmental activities throughout the year to encourage conservation and greater interaction with the natural environment with its ongoing Environmental Education Program. The City has also developed the 'Being WEEDwise Environmental Weeds' brochure which specifies Tall Fleabane as a weed to control within residential property.

The City shares weed management information and research as part of the Western Australian Local Government Association (WALGA) Local Government Herbicide Use and Integrated Weed Management Working Group with other local governments in WA. The Working Group is currently establishing an integrated weed management communications campaign including community education and awareness raising regarding weed management and the various methods used to control weeds.

Caltrop (*Tribulus terrestris*) is a pest plant under the City's *Pest Plant Local Law 2012*. The City maintains a Caltrop register to document confirmed locations of Caltrop on land managed by the City and public property. All Caltrop locations are inspected annually. The addition of further prescribed species such as Fleabane would require an increase in resources to liaise with property owners and monitor and record Fleabane locations within the City, due to its widespread distribution.

### **Issues and options considered**

With regard to the *Pest Plant Local Law 2012*, Council has the option to:

- note the review of the City's *Pest Plant Local Law 2012* does not recommend including Fleabane as a prescribed pest plant  
or
- amend the City's *Pest Plant Local Law 2012* to include Fleabane as a pest plant.

Option 1 is the recommended option as Fleabane is a low priority weed that is widespread within the City and substantial resources would be required for management if it were to be designated as a pest plant. The City will continue to conduct an integrated weed management approach including targeting fleabane and also implement community education initiatives to encourage weed management on private property.

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

**Legislation**                      *City of Joondalup Pest Plant Local Law 2012.*  
*Biosecurity and Agriculture Management Act 2007.*

### **10-Year Strategic Community Plan**

**Key theme**                        Environment.

**Outcome** Managed and protected - you value and enjoy the biodiversity in local bushland, wetland and coastal areas.

**Policy** *Sustainability Policy.*

### **Risk management considerations**

The inclusion of Fleabane as a pest plant in the City's *Pest Plant Local Law 2012* could increase community focus on the City's management of fleabane on land under its jurisdiction. The City may receive criticism if it attempts to enforce control of Fleabane on private land and has not effectively controlled the weed on City managed land.

### **Financial / budget implications**

The addition of Fleabane as a prescribed plant under the *City of Joondalup Pest Plant Local Law 2012* will have financial implications. Due to the widespread nature of the weed species additional resources will be required to record and monitor sightings within the City.

The delivery of community education campaigns to raise awareness of the need to control Fleabane and other environmental weeds on private property would be at a moderate cost and could be funded through existing operational budgets.

### **Regional significance**

There are a variety of regionally, nationally and internationally significant natural areas located within and adjacent to the City including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value. Weeds can pose a threat to natural areas by degrading vegetation communities.

The WALGA Local Government Herbicide Use and Integrated Weed Management Working Group includes representatives from 27 Local Governments in WA and enables the sharing of information and research to assist local governments to make informed decisions on integrated weed management approaches. A key objective of the Working Group is to build community support for weed control programs.

### **Sustainability implications**

The City implements an integrated weed management approach to protect biodiversity and maintain the amenity and aesthetics of the City's public open spaces. Weed control and management is undertaken to protect biodiversity, reduce bushfire risk, reduce damage to infrastructure and meet community expectations for the amenity and aesthetics of local areas.

### **Consultation**

Not applicable.

### **COMMENT**

Weeds are one of the major threats to Australia's natural environment and biodiversity and can change the natural diversity and balance of ecological communities. The City is committed to the ongoing management and conservation of the City's natural and urban environment. Integrated weed management, inclusive of utilising a suite of weed control techniques and timely interventions, is essential to the ongoing protection and enhancement of the City's natural environment.

In alignment with the adopted approach in the City's *Weed Management Plan 2016 – 2021* the City prioritises management of weeds that are identified as priority species, as per the list of State declared weed species and Federally listed Weeds of National Significance.

Given how widespread Fleabane is within the City, the challenges in managing the weed on City land, and the substantial resources that would be required if it were to be prescribed as a pest plant, the City considers it would not be appropriate to include Fleabane as a prescribed pest plant within the City's *Pest Plant Local Law 2012*.

The City will continue to raise awareness regarding the importance of weed control on private property through the Environmental Education Program and the WALGA Local Government Herbicide Use and Integrated Weed Management Working Group.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ222-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

## MOVED Cr Jones, SECONDED Cr Logan that Council:

- 1 **NOTES** that the City currently undertakes the control of known infestations of fleabane on land managed by the City;
- 2 **NOTES** that the City continues to raise community awareness of Fleabane and other environmental weeds through the Environmental Education Program;
- 3 **NOTES** that the City continues to work with the WALGA Local Government Herbicide Use and Integrated Weed Management Working Group to raise broader awareness of weed management on private property;
- 4 **NOTES** the previous Council decision (CJ006-02/21 refers) that the *City of Joondalup Pest Plant Local Law 2012* be retained in its current form;
- 5 **DOES NOT SUPPORT** an amendment to the City's *Pest Plant Local Law 2012*, to include Fleabane as a prescribed pest plant.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22aqnBRF22 1206.pdf](#)

## CJ223-12/22 REVIEW OF VARIOUS LOCAL PLANNING POLICIES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	105198, 101515, 89391, 106461, 102667, 100010, 05575
<b>ATTACHMENTS</b>	Attachment 1 <i>Coastal Local Planning Policy</i> – tracked changes Attachment 2 <i>Requests for Sale of Public Open Space Reserves Local Planning Policy</i> – tracked changes Attachment 3 <i>McLarty Avenue Local Planning Policy</i> – tracked changes Attachment 4 <i>Environmentally Sustainable Design Local Planning Policy</i> – tracked changes Attachment 5 <i>Notification of Approved Commercial Development Policy</i> Attachment 6 <i>Retaining Walls – Subdivision Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider a review of the operation of various existing local planning policies.

### EXECUTIVE SUMMARY

The City has a suite of local planning policies that provide guidance on a range of planning matters, including specifying development standards and guiding the exercise of discretion.

Local planning policies are prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). While there is no requirement under the LPS Regulations for local planning policies to be reviewed regularly, it is good practice to ensure that the City's local planning policy framework remains appropriate and relevant to changes in planning legislation.

The majority of the City's local planning policies were reviewed or implemented as part of the implementation of *Local Planning Scheme No. 3* (LPS3) in 2018, however there are a number of policies that were not directly impacted by changes to LPS3 and the operation of these policies have not been formally reviewed in over five years.

This report addresses the following local planning policies:

- *Coastal Local Planning Policy.*
- *Requests for Sale of Public Open Space Reserves Local Planning Policy.*
- *McLarty Avenue Local Planning Policy.*
- *Environmentally Sustainable Design Local Planning Policy.*
- *Notification of Approved Commercial Development Policy.*
- *Retaining Walls – Subdivision Policy.*

Following a review of the operation of these policies, it is recommended that amendments are made to the following policies, including format improvements and wording changes to improve consistency and clarity:

- *Coastal Local Planning Policy.*
- *McLarty Avenue Local Planning Policy.*
- *Requests for Sale of Public Open Space Reserves Local Planning Policy.*
- *Environmentally Sustainable Design Local Planning Policy.*

The proposed amendments are considered to be minor in nature and as such, consistent with the City's *Planning Consultation Local Planning Policy* and LPS Regulations, the policies are not required to be advertised for public comment.

It is recommended that the following policies be revoked as changes to the planning framework mean that the requirements of these policies are no longer considered relevant:

- *Retaining Walls – Subdivision Policy*
- *Notification of Approved Commercial Development Policy*

There is no requirement under the *Planning Consultation Local Planning Policy* or LPS Regulations for the revocation of local planning policies to be advertised for public comment.

*It is therefore recommended that Council proceed with the amendment and revocation of policies as outlined above.*

## **BACKGROUND**

Local planning policies are prepared in accordance with the provisions of the LPS Regulations. While there is no requirement for local planning policies to be reviewed, it is good practice to ensure that the policy framework remains relevant to changes in the planning legislation.

The majority of local planning policies were prepared or reviewed as part of the implementation of *Local Planning Scheme No. 3* in 2018, however there are a number of policies that were not directly impacted by changes to LPS3 and a review of the operation of these policies have not been formally undertaken in over five years. The policies that are the subject of this report were adopted between 1999 and 2017.

## **DETAILS**

### Coastal Local Planning Policy

The *Coastal Local Planning Policy* was adopted in 2017 in response to *State Planning Policy 2.6 State Coastal Planning* and as part of the City's coastal hazard planning.

The policy outlines requirements for planning proposals relating to the subdivision and development of land in areas that are subject to coastal risk, including the requirement for a notice on the certificate of title, and coastal hazard risk management and adaptation planning in certain situations. The policy is not intended to cover the City's processes and response to monitoring and managing coastal risk.

The policy is still considered relevant and it is recommended that the policy be retained, with a minor amendment to the format of the policy as outlined in Attachment 1.

### Requests for Sale of Public Open Space Reserves Local Planning Policy

The *Requests for Sale of Public Open Space Reserves Local Planning Policy* was adopted in 2006 in response to a number of requests from landowners to purchase adjoining portions of public open space, often to increase the size of their lot. The policy provides guidelines for the assessment of requests for sale of public open space. The policy and principles outlined in relation to the sale of public open space are still considered relevant, including outlining Council's position on the importance of public open space.

It is therefore considered that the policy should be retained. Minor amendments to the policy are recommended to reference the correct current planning documents and to align with the current policy template. It is also recommended that clause 4.1d. be reworded to remove the reference to the exercise of delegated authority as this is not appropriate within a local planning policy. The proposed amendments are outlined in Attachment 2.

### McLarty Avenue Local Planning Policy

The *McLarty Avenue Local Planning Policy* was adopted in 2017. The policy was prepared in conjunction with the Department of Communities to guide the development of the vacant 9.6ha land at Lot 9000 Joondalup Drive and Lot 999 Piccadilly Circle, Joondalup. These sites are owned by the State Government and have previously been identified for a high density mixed use precinct. There has been no indication on timing for development occurring on this site.

The policy complements the *Joondalup Activity Centre Plan* by providing greater detail to guide any development of the sites. While there is no detail on timing for development the site, the policy still provides an appropriate framework to guide future development.

It is therefore considered that the policy should be retained. Minor amendments are recommended to the policy to reference the current site details, correct legislative references and update the format to include a policy statement, as outlined in Attachment 3.

### Environmentally Sustainable Design Local Planning Policy

The *Environmentally Sustainable Design Local Planning Policy* and associated checklist was adopted in 2011 and responded to a Council resolution requesting the preparation of a policy to encourage construction of green star buildings.

The aim of the policy is to promote the incorporation of environmentally sustainable design (ESD) principles in the design of new and redeveloped residential, commercial and mixed-use buildings in the City (excluding single houses, grouped dwellings, internal fit-outs and minor additions). The policy requires applicants to complete a checklist as part of their application for development approval, outlining what ESD principles have been incorporated into the development. This checklist is subsequently assessed by the City and included in the documentation provided to the Joondalup Design Review Panel for consideration. Where there are opportunities to improve the design of developments, these are discussed with the applicant as part of the assessment process.

There is no state-wide guidance for implementing ESD requirements through the planning framework and different approaches have been taken by other local governments through local planning policies. The requirements of other local government policies include minimum standards for dwellings in dual density areas and a minimum green star rating for non-residential buildings.

The *National Construction Code - Building Code of Australia* (BCA) provides energy efficiency standards that are required to be met for developments. This is considered the appropriate mechanism for mandating ESD requirements as all building permit applications submitted to the City are required to demonstrate compliance. The energy efficiency requirements have been regularly reviewed and updated since their introduction in 2006. In 2019, more stringent energy efficiency requirements were released for commercial buildings. In August 2022, further energy efficiency measures for residential development were adopted, and it is intended these will begin to take effect in 2023.

Under the *Planning and Development Act 2005*, the requirements of the BCA prevail over any inconsistency with a local planning scheme, and a local government must have regard to the regulations made under the *Building Act 2011* when implementing its scheme.

In addition to the City's *Environmentally Sustainable Design Local Planning Policy*, other development standards are provided in State and City planning policies to improve the sustainability of buildings. These include the following:

- *State Planning Policy 7: The Design of the Built Environment* (SPP7) includes a sustainability design principle. This policy is a high level policy applying to all planning proposals. The design principles of SPP7 also form the basis for the Joondalup Design Review Panel to assess planning proposals.
- For commercial buildings, development controls in the City's policies require shading to windows, end of trip facilities and landscaping.
- For multiple dwellings, the *Residential Design Codes Volume 2* includes development standards to improve energy efficiency, influencing the siting and design of buildings.
- For single house and grouped dwellings, the *Residential Design Codes Volume 1* provides some environmentally sustainable design requirements, including the protection of solar access for residential buildings.
- The *Development in Housing Opportunity Areas Local Planning Policy* includes additional environmentally sustainable design requirements such as landscaping, solar passive design and natural ventilation.
- It is anticipated that the *Medium Density Code* will be released by the State Government and come into effect during 2023. This will require the City to review the *Development in Housing Opportunity Areas Local Planning Policy* and *Residential Development Local Planning Policy*. Part of this review will include considering opportunities to incorporate sustainable design elements for residential development.

Given these planning requirements and that work is being done to increase energy efficiency requirements through the BCA, it is considered that the requirements of the *Environmentally Sustainable Design Local Planning Policy* are sufficient for commercial and multiple dwellings developments.

It is considered that the policy is retained, with minor amendments to reference the correct legislative framework and align with the current policy template. It is also recommended to remove reference to development applications being prioritised where it includes the ESD checklist and uses a green rating tool, as this is not considered appropriate, as applications are required to follow a regulatory process which means that applications cannot be prioritised. These proposed amendments are outlined in Attachment 4.

#### Notification of Approved Commercial Development Policy

The *Notification of Approved Commercial Development Policy* (Attachment 5 refers) was adopted in 2009 and responded to a Council resolution requesting a policy to enable landowners adjacent to commercial areas to be informed of significant development when no other form of consultation is undertaken.

The policy requires that where development approval has been granted for a commercial development and no consultation has been undertaken as part of the development application process, the City is to send a letter notifying of the approval to properties on land zoned 'Residential' within 30 metres of the development site. The letter to residents is for information only, sent after a decision has been made, and is not a consultation process.

Since the policy came into effect, there have been a number of key changes to the planning framework that has impacted the effectiveness of this policy as follows:

- The LPS Regulations exempt a larger number of businesses from requiring development approval, especially where there is change of land use to a permitted ('P') use under the local planning scheme.
- The *Advertisements Local Planning Policy* exempts the need for development approval for signs that meet the requirements of the policy.
- The City is undertaking more consultation on development applications. The *Planning Consultation Local Planning Policy* which came into effect in 2019 provides greater clarity on when consultation will be undertaken. In relation to commercial developments, consultation is required for:
  - Commercial development where the cost is \$10 million or more.
  - Major commercial development less than \$10 million where discretion is required against applicable development standards.

Once an application is determined, submitters are notified of the outcome.

The result of the above means that more commercial developments do not require planning approval, and where approval is required, more consultation is being undertaken as part of the assessment process.

Given the changes to the planning framework and increase in consultation being undertaken as part of the development application process, the policy has more recently only been applicable to minor development. For example, in 2021, there were 27 applications where the policy was applicable, with these developments being for signage, change of use and/or minor additions (such as patio, outbuilding, awnings). The policy was not applicable to the other commercial development applications as consultation was undertaken as part of the assessment process or there were no properties zoned 'Residential' within 30 metres of the site.

It is considered that the original intent of the policy is no longer relevant and is resulting in information being provided to residents in an ad hoc manner on minor developments that may be occurring at a nearby commercial site, noting that it is likely that there could be other development occurring at these sites which did not require development approval.

It is therefore recommended that the policy be revoked.

#### Retaining Walls – Subdivision Policy

The *Retaining Walls – Subdivision Policy* (Attachment 6 refers) was adopted in 1999 and last reviewed in 2007 although this review did not relate to the operation of the policy. The policy was developed to outline the procedural process for the approval of subdivision retaining walls, primarily proposed through larger scale subdivisions (for example Burns Beach).

The policy is an outdated procedural policy and the procedure and purported delegated functions of the policy are no longer relevant and are not the City's current practice.

In addition, the principles regarding the development of retaining walls, including minimising the height of retaining walls, are now addressed through the current planning framework (such as Liveable Neighbourhoods and the Residential Design Codes) as well as building and engineering practices. Subdivision retaining walls that abut a site in different land ownership are assessed in accordance with the Residential Design Codes (for residential development) or relevant zoned-based local planning policy (for non-residential development).



It is recommended that the policy be revoked, as the purpose of a policy is not to outline procedural matters, and the current planning, building and engineering frameworks are appropriate to address the development of retaining walls.

### Issues and options considered

Council has the option to either:

- proceed with the review of the various policies as recommended
- proceed with the review of the various policies, with modifications or
- not proceed with the review of the various policies.

### Legislation / Strategic Community Plan / Policy implications

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

### 10-Year Strategic Community Plan

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              *Coastal Local Planning Policy.  
Requests for Sale of Public Open Space Reserves Local Planning  
Policy.  
McLarty Avenue Local Planning Policy.  
Environmentally Sustainable Design Local Planning Policy.  
Retaining Walls – Subdivision Policy.  
Notification of Approved Commercial Development Policy.*

### Risk management considerations

If the review of the policies is not progressed there will be no specific risk, however some policies will remain that are considered to be out of date or no longer fit for purpose. Not progressing with a review of these policies will also mean references to outdated planning documents and processes will be retained.

### Financial / budget implications

There will be no cost associated with the notice of final adoption or revocation of the policies as they can be implemented by placing a notice on the City's website.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

## Consultation

The consultation requirements for proposed amendments to, or revocation of, a local planning policy are stipulated in the LPS Regulations and the City's *Planning Consultation Local Planning Policy*.

The LPS Regulations require a major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is a minor amendment.

The *Planning Consultation Local Planning Policy* states minor amendments include correction of typographical or formatting errors, updates to legislation references and similar but does not include an amendment to development provisions or standards. The proposed amendments to the policies do not include modifications to development provisions or standards, mostly comprising updates to formatting and legislation references. The proposed amendment to the *Requests for Sale of Public Open Space Reserves Local Planning Policy* to remove reference to delegated authority and *Environmentally Sustainable Design Local Planning Policy* to remove the statement that development applications will be prioritised are considered minor as it is correcting a requirement that could not be applied through a local planning policy.

In regard to revocation, the LPS Regulations and *Planning Consultation Local Planning Policy* do not require these to be advertised for public comment.

Given the above, it is considered that consultation is not required. If Council resolves to proceed to advertise one or more of the policies, advertising would be carried out by way of:

- a notice published in the local newspaper
- letter sent to registered resident and ratepayer groups
- an email to the Community Engagement Network
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

## COMMENT

The policies the subject of this report have been reviewed and, with the exception of two policies recommended to be revoked, minor amendments are recommended, including format improvements and wording changes to reflect current legislative framework references and improve consistency and clarity.

It is recommended that the *Notification of Approval Commercial Development Policy* and *Retaining Walls – Subdivision Policy* are revoked as these policies are no longer considered relevant given changes to the planning framework that have occurred since their adoption.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ223-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council:*

- 1 *In accordance with clauses 3 and 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PROCEEDS with amendments to the following policies and NOTES the policies will come into effect when published on the City's website:*
  - 1.1 *Coastal Local Planning Policy, with amendments detailed in Attachment 1 to this Report;*
  - 1.2 *Requests for Sale of Public Open Space Reserves Local Planning Policy, with amendments detailed in Attachment 2 to this Report;*
  - 1.3 *McLarty Avenue Local Planning Policy, with amendments detailed in Attachment 3 to this Report;*
  - 1.4 *Environmentally Sustainable Design Local Planning Policy, with amendments detailed in Attachment 4 to this Report;*
- 2 *In accordance with Clause 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, REVOKES the Notification of Approved Commercial Development Local Planning Policy and Retaining Walls - Subdivision Policy and NOTES the revocation will come into effect when published on the City's website.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- 1 *In accordance with clauses 3 and 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PROCEEDS with amendments to the following policies and NOTES the policies will come into effect when published on the City's website:*
  - 1.1 *Coastal Local Planning Policy, with amendments detailed in Attachment 1 to this Report;*
  - 1.2 *Requests for Sale of Public Open Space Reserves Local Planning Policy, with amendments detailed in Attachment 2 to this Report;*
  - 1.3 *McLarty Avenue Local Planning Policy, with amendments detailed in Attachment 3 to this Report;*
  - 1.4 *Environmentally Sustainable Design Local Planning Policy, with amendments detailed in Attachment 4 to this Report subject to reference to the retention of mature trees or vegetation being added to 4.1 Design Principles;*
- 2 *In accordance with Clause 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, REVOKES the Notification of Approved Commercial Development Local Planning Policy and Retaining Walls - Subdivision Policy and NOTES the revocation will come into effect when published on the City's website.*

**MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1** In accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with amendments to the following policies and **NOTES** the policies will come into effect when published on the City's website:
  - 1.1** *Coastal Local Planning Policy*, with amendments detailed in Attachment 1 to Report CJ223-12/22;
  - 1.2** *Requests for Sale of Public Open Space Reserves Local Planning Policy*, with amendments detailed in Attachment 2 to Report CJ223-12/22;
  - 1.3** *McLarty Avenue Local Planning Policy*, with amendments detailed in Attachment 3 to Report CJ223-12/22;
  - 1.4** *Environmentally Sustainable Design Local Planning Policy*, with amendments detailed in Attachment 4 to Report CJ223-12/22 subject to reference to the retention of mature trees or vegetation being added to 4.1 Design Principles;
- 2** In accordance with Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REVOKES** the *Notification of Approved Commercial Development Local Planning Policy* and *Retaining Walls - Subdivision Policy* and **NOTES** the revocation will come into effect when published on the City's website.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23a9nBRF221206.pdf](#)*

## CJ224-12/22     **DRAFT REVISED PLANNING CONSULTATION LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	109500, 101515
<b>ATTACHMENTS</b>	Attachment 1     Current <i>Planning Consultation Local Planning Policy</i> Attachment 2     Draft <i>Planning Consultation Local Planning Policy</i> (as advertised) Attachment 3     Draft <i>Planning Consultation Local Planning Policy</i> (as modified) Attachment 4     Summary of submissions received
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider the draft revised *Planning Consultation Local Planning Policy* following public advertising.

### **EXECUTIVE SUMMARY**

On 15 February 2021, amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) came into effect as part of the State Government's reform of the planning system. The amendments include changes to the way consultation can be undertaken for some strategic proposals and development (planning) applications. As a result, some consultation processes can no longer be undertaken in accordance with the City's current *Planning Consultation Local Planning Policy* as the requirements of the LPS Regulations override the City's policy. A review of the policy has been undertaken to ensure consistency with the LPS Regulations.

Further amendments to the policy are also proposed for development applications where approval is not required under the local planning scheme.

At its meeting held on 17 May 2022 (CJ078-05/22 refers), Council resolved to proceed to advertise the draft revised *Planning Consultation Local Planning Policy* for a period of 21 days. Public consultation concluded on 7 July 2022, with 11 submissions received, being one submission of support, eight objections and two neutral submissions.

Following a review of the submissions made, further modifications are proposed to the policy, which are generally aimed at providing additional clarification, and maintaining an appropriate level of consultation for strategic proposals. It is therefore recommended that Council proceeds with the draft revised *Planning Consultation Local Planning Policy*, subject to modifications.

## BACKGROUND

As part of the Action Plan for Planning Reform, the State Government has implemented several initiatives to improve the planning system. On 15 February 2021, amendments to the LPS Regulations came into effect, which included modification to the way consultation is undertaken on some planning proposals. These amendments include the following:

- A new designation of complex development applications with a 28 day consultation period and defined minimum consultation catchment (200 metre radius).
- A 14 day consultation period for non-complex development applications.
- A 42 day consultation period for structure plans (previously 28 days).
- Provisions to exclude the Christmas and Easter holiday periods from the calculation of the required number of advertising days.
- Mandating a standard size and wording on advertising signs for development applications.
- The removal of any reference to displaying a notice at the local government office.
- A notice in the local newspaper is no longer mandatory however may be done if the local government considers it appropriate in the circumstances.
- A clause that specifically allows the local government to require the applicant to pay the advertising costs associated with a development application.
- Consultation periods are not able to be extended unless agreement is reached in writing between the applicant and local government.

The City's *Planning Consultation Local Planning Policy* was adopted by Council in March 2020 (CJ033-03/20 refers) to provide guidance on public consultation for a range of statutory planning proposals, particularly where a range of consultation options are available under the LPS Regulations. The requirements of the LPS Regulations that came into effect on 15 February 2021 override some provisions of the City's policy.

At its meeting held on 17 May 2022 (CJ078-05/22 refers), Council considered amendments to the *Planning Consultation Local Planning Policy* (Attachment 2 refers) and resolved to advertise proposed amendments to the policy for a period of 21 days.

## DETAILS

It is proposed to amend the *Planning Consultation Local Planning Policy* to align with the LPS Regulations and to provide clarity on consultation on development applications that do not require approval under the local planning scheme. The proposed amendments (as advertised) include the following (Attachment 2 refers):

- Wording for consultation over the Christmas and Easter holiday period updated to align with the wording in the LPS Regulations. This requires consultation that occurs over these holiday periods to exclude the days between Christmas and New Year and seven days from Good Friday, from the advertising period, effectively adding additional time to for comments to be made on consultations undertaken over these periods. It is noted that this is not dissimilar to the approach already being undertaken by the City.
- Structure plan consultation period increased from 28 days to 42 days.
- Notification on the City/Libraries noticeboard removed as a communication method, noting this is currently only being undertaken for strategic proposals.
- A notice in the local newspaper is only required for strategic proposals where appropriate.
- Designating some applications as complex applications (refer to Table 4 in Attachment 2), with greater consultation requirements for these applications in accordance with the LPS Regulations.

- Outlining that consultation will not be undertaken for development applications where the City or Council is not the decision maker (such as applications for public works).
- Incorporating consultation requirements for minor residential development outlined specified in the draft *Minor Development Local Planning Policy*.

The following outlines the key comments received during advertising, and any further modifications recommended, with a more detailed summary and the City's response provided in Attachment 4.

#### Consultation on development applications where the City is not the decision maker

Under the *Planning and Development Act 2005*, some types of development do not require an approval under the local planning scheme but do require approval under the Metropolitan Region Scheme (MRS). This is due to the type of development itself or the underlying zoning/reservation of the land that development is proposed on.

The following examples include:

- New (or additions to existing) public education facilities (primary schools and TAFE buildings).
- Housing being undertaken by or on behalf of the Department of Communities.

The draft amendments to the policy outline that for these applications no consultation will be undertaken by the City and it will be the responsibility of the decision maker (typically the Department of Planning Lands and Heritage or Department of Communities). In the City's recommendation to the decision maker, it would be outlined whether consultation should be undertaken, having regard to the consultation requirements of the policy.

A number of submissions raised concerns with this approach, with some submissions requesting that consultation should be undertaken by the City to ensure adequate community engagement and feedback is considered as part of the City's assessment and recommendation. Other submissions requested that the City should inform residents and always advise the responsible authority that consultation should be undertaken and a copy of submissions be provided to the City.

The City's role in these applications differs to a 'typical' development application:

- the local government is a referral agency rather than a responsible authority or decision-maker. Depending on the type of application, the decision-maker could be the Department of Communities, the Western Australian Planning Commission or a Development Assessment Panel
- the local government typically has 42 days (in some cases less) to provide comment on the proposal to the responsible authority. The responsible authority undertakes its own assessment and considers the local government's comment, along with comments from other referral agencies as part of this assessment
- there is no application fee paid to the local government and there is no ability for the local government to recoup costs associated with public consultation (if undertaken) for developments of this nature.

Should the City undertake consultation on these applications?

- it could create confusion in the community that the local government is the decision-maker and has a greater role in influencing the outcome than is actually the case
- it comes at a cost to resident and ratepayers. This cost includes the tangible expenses associated with consultation (such as printing, postage, signage) which cannot be recouped, as well as the opportunity cost whereby resources are diverted from other activities.

- the consultation is usually undertaken ahead of an assessment in order to meet timeframes which means there is limited information able to be passed onto residents as part of the consultation or as part of any discussion with residents
- in order to meet tight timeframes, reprioritising of workloads and resources is required meaning other fee paying applications are disadvantaged.

While acknowledging the comments raised throughout consultation, given that the City's role in these applications is that of a referral agency, it is not considered appropriate that community consultation on these proposals be the responsibility of the City. The responsible authority should undertake any consultation as part of its assessment and decision-making process.

It is also not considered appropriate to amend the policy to require that the responsible authority be advised that consultation be undertaken in every instance. Some development applications are for minor works only (such as a shed internal to a school site) and consultation would not ordinarily be required. The responsible authority providing a copy of submissions to the City is not considered necessary as a recommendation would have already been provided prior to any consultation being undertaken.

#### Clarification of references to City/Council

The draft revised policy includes references to 'City/Council' in determining whether consultation should be undertaken for some strategic proposals or when advising a responsible authority on consultation requirements where a decision on a development application is not undertaken by the City. Submissions received requested that clarification be provided on whether references to 'City' in other parts of the policy refers to Council, or City officers acting under delegated authority.

The decision on the extent of consultation that is to be undertaken is dependent on the type of planning proposal, however in all instances is guided by the LPS Regulations and *Planning Consultation Local Planning Policy*. For example, the extent of consultation for development applications determined is established by City officers in accordance with the LPS Regulations and policy. Consultation on strategic proposals, such as local planning policies and amendments to the City's planning scheme are outlined in reports to Council to consider. It is acknowledged that including the term 'City/Council' in some sections of the policy creates confusion and it is recommended that 'City/Council' be modified to 'City', being the appropriate term for referring to the City of Joondalup as a local government.

#### Identification of stakeholders

Currently the policy states a number of factors that need to be considered when identifying stakeholders for consultation activities. In relation to amenity, vehicle movements, streetscapes and landscaping are listed as examples of amenity considerations.

Submissions received requested that noise be added as a consideration, given that this is an increasing concern for residents.

It is recommended that the policy is updated to include noise as an additional amenity example.

#### Consultation outcomes

The policy outlines actions that may be undertaken following consultation to keep submitters informed on the progress of a planning proposal. This includes notification of Council or Development Assessment Panel meetings, initiation of State Administrative Tribunal applications, additional consultation and the final outcome/decision.



Submissions received requested that these should always be undertaken and therefore reference to 'may be' should be changed to 'shall'.

It is recommended that the policy is amended to replace 'may be' with 'will be'. to provide certainty and confirm that the City will undertake these steps as relevant to a planning application.

#### Consultation over Christmas and Easter period

The policy outlines that, where possible, planning consultation over the Christmas and Easter period is avoided, however, may be required to meet statutory timeframes. To align with the LPS Regulations, the wording of the draft revised policy was amended to state that the time between Christmas and New Years Day (inclusive) and seven days from Good Friday are excluded from the required duration of consultation.

Submissions requested that this be reworded to require seven days be added to the consultation period where consultation is during the Christmas or Easter period. This approach would not align with the LPS Regulations, which would only exclude the days that fall within the defined Christmas or Easter period (for example two days would be excluded for consultation commencing on New Years Eve). Given the provision of the LPS Regulations overrides a policy requirement, the modification requested could not be implemented. It is recommended that this section of the policy be amended to clarify that the requirements are in accordance with the LPS Regulations.

#### Consultation methods

##### *Consultation for non-residential development applications*

Other than consequential changes as a result of some application types becoming complex applications, the non-residential development applications in Table 2 of the policy have not been amended.

Submissions requested changes to the consultation methods for these applications, specifically:

- A notice on the City's website should be included for discretionary 'D' uses.
- On-site signage and local newspaper advert should always be required.

It is recommended that the policy be amended to include notice on the website where consultation is undertaken for discretionary 'D' uses. This is the only application type that does not require a website notice under the policy and is inconsistent with the standard approach that is now taken for consultation on development applications.

It is not considered necessary to require a sign on site or notice in the local newspaper in all circumstances. As per the current policy a sign on site is required for new commercial developments. The remaining development types in Table 2 are for smaller scale developments (such as satellite dishes, short-term accommodation and discretionary 'D' uses) and are considered to have a more localised impact, with owners and occupiers in the locality that are directly affected being contacted by the City via a letter. Information is also made publicly available through the City's website. A notice in the local newspaper is also not a listed consultation method for development applications, meaning the City could not recoup costs from the applicant, estimated to be approximately \$130 per application.

### *Consultation for strategic proposals*

The draft amendments to the policy advertised for public comment modify the requirement for a local newspaper advert from always being required, to only being undertaken where appropriate. This is a result of the LPS Regulations no longer mandating newspaper notices as a consultation method.

Submissions requested that the requirement for a local newspaper advert be reinstated, or where this is not possible, not advertising in the local newspaper should only be in exceptional circumstances.

Strategic proposals are more likely to have a broader impact across the City and it can be challenging to ensure that the community is aware of consultation being undertaken. Based on the feedback received during consultation it appears communicating via a local newspaper is still valued in some instances. Given the broader impact of strategic proposals, it is recommended that newspaper advertising be required as per the current policy.

A submission also requested that consultation methods for local planning policies be amended to include a sign on the site, and the notice to stakeholders be modified to include affected stakeholders in particular localities.

It is recommended that the consultation methods for local planning policies be amended to be made consistent with other strategic proposals, requiring a sign on site if relating to a specific site or a notice to stakeholders where appropriate. It is noted that local planning policies typically relate to broader areas of the City and not to a specific site which means there would not be any particular location or site where a sign could be erected, however it is noted that this could occur in exceptional circumstances.

### **Issues and options considered**

The options available to Council in considering the amendments to the *Planning Consultation Local Planning Policy* are:

- proceed with the draft revised *Planning Consultation Local Planning Policy* without modifications
- proceed with the draft revised *Planning Consultation Local Planning Policy* with modifications
- or
- not proceed with the draft revised *Planning Consultation Local Planning Policy*.

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

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

### **10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Engaged and informed – you are able to actively engage with the City and have input into decision-making.

**Policy**                              *Community Consultation Policy.  
Planning Consultation Local Planning Policy.*

### **Risk management considerations**

The LPS Regulations override the requirements of the City's *Planning Consultation Local Planning Policy*. Should the policy not be updated to align with the LPS Regulations there is a risk that community expectations for consultation will differ from what is permitted under the LPS Regulations.

Should the City not designate any development applications as complex applications, consultation can only be undertaken for 14 days. There is a risk that this may be insufficient for larger scale proposals, particularly those development applications that previously had a consultation period of 21 days under the City's policy.

### **Financial / budget implications**

There would be no cost associated with the notice of final adoption being placed on the City's website.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The draft revised *Planning Consultation Local Planning Policy* was advertised for a period of 21 days closing on 7 July 2022, by way of:

- a notice published in the local newspaper
- letter sent to registered resident and ratepayer groups
- an email to the Community Engagement Network
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

Eleven submissions were received, comprising one submission of support, eight objections and two neutral submissions. The summary of submissions and the City's comment is at Attachment 4.

### **COMMENT**

The draft revised *Planning Consultation Local Planning Policy* updates consultation requirements for planning proposals to align with statutory changes under the LPS Regulations and provides clarity on consultation on development applications that do not require approval under the local planning scheme.

As a result of the submissions received during community consultation, it is considered that a number of modifications to the draft policy would be appropriate to provide clarification and increase the effectiveness of consultation undertaken on planning proposals.

It is recommended that Council proceeds with the draft revised *Planning Consultation Local Planning Policy* with the modifications as discussed in this report.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ224-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

### **MOVED Cr Jones, SECONDED Cr Logan that Council:**

- 1** in accordance with clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the revised *Planning Consultation Local Planning Policy*, with modifications as detailed in Attachment 3 to Report CJ224-12/22;
- 2** **NOTES** that the revised *Planning Consultation Local Planning Policy* will come into effect when published on the City's website.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 24 refers*

To access this attachment on electronic document, click here: [Attach24agnBRF221206.pdf](#)

## **CJ225-12/22 DRAFT MINOR RESIDENTIAL DEVELOPMENT LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	110179, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft <i>Minor Residential Development Local Planning Policy</i> (as advertised) Attachment 2 Draft <i>Minor Residential Development Local Planning Policy</i> (as modified) Attachment 3 Summary of submissions received
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider the draft *Minor Residential Development Local Planning Policy* following public advertising.

### **EXECUTIVE SUMMARY**

On 15 February 2021, amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) came into effect as part of the State Government's reform of the planning system. The amendments include the exemption from the need to obtain development (planning) approval for several types of minor development, where specific conditions are met.

The introduction of these exemptions means that any development that does not comply with the conditions of the exemption will require approval through a development application. However, in some instances where development approval is required, there is no criteria to assess the proposal against. It is therefore proposed to develop a new policy for minor development which includes objectives to assess development applications against. The objectives are primarily focussed on protecting the amenity and streetscape of the area.

In addition, the amendments to the LPS Regulations have introduced inconsistencies with several of the City's existing local planning policies which cover minor development. This provides the opportunity to review these policies and consolidate the relevant provisions into the draft *Minor Residential Development Local Planning Policy*. In preparing this consolidated policy it is consequently recommended that the existing *Cubby Houses Policy*, *Use of Sea Containers Policy* and the *Satellite Dishes, Aerials and Radio Equipment Policy* be revoked.

The draft *Minor Residential Development Local Planning Policy* provides appropriate objectives for assessing minor residential development within the City that does not meet the exemptions outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

At its meeting held on 17 May 2022 (CJ080-05/22 refers), Council resolved to proceed to advertise the draft *Minor Residential Development Local Planning Policy* for a period of 21 days. Public advertising concluded on 7 July 2022, with eight submissions received being five submissions of support, one objection and two neutral responses providing comments.

Following a review of the submissions made, minor modifications are proposed to the 'application' section of the draft LPP to reword the statement and clarify that the policy relates to development on private property. It is therefore recommended that Council proceeds with the draft *Minor Residential Development Local Planning Policy*, subject to modifications, and in accordance with the LPS Regulations, revokes the following policies:

- *Cubby Houses Policy.*
- *Use of Sea Containers Policy.*
- *Satellite Dishes, Aerials and Antennas Policy.*

## **BACKGROUND**

As part of the Action Plan for Planning Reform, the State Government has implemented several initiatives to improve the planning system. On 15 February 2021, amendments to the LPS Regulations came into effect, which include the exemption from the need to obtain development approval for several types of minor development, where specific conditions are met. These minor development types are:

- cubby houses
- water tanks
- flagpoles
- solar panels.

The City currently has a number of individual policies that also address minor development, being:

- *Cubby Houses Policy*
- *Use of Sea Containers Policy*
- *Satellite Dishes, Aerials and Antennas Policy.*

The changes to the LPS Regulations to include exemptions for some types of minor development provides the opportunity to review the City's existing policies related to minor development with a view to consolidating those policies.

At its meeting held on 17 May 2022 (CJ080-05/22 refers), Council resolved to proceed to advertise the draft *Minor Residential Development Local Planning Policy* (Attachment 1 refers) for a period of 21 days.

## **DETAILS**

The LPS Regulations have introduced a standard approach for local government in relation to water tanks, flagpoles, solar panels and cubby houses in that no development application is required where the conditions of exemption are met, regardless of the specific zone in which the development is to occur.

The issue arises in the event that the conditions of exemption are not met, a development application is required, however in some instances, there is no other criteria to assess the application against. Where there are no specific assessment criteria, a development application would be assessed against the objectives of the relevant zone. The objectives for each zone within LPS3 are high level statements, and do not address the impacts that specific developments may raise.

While it is not essential that specific criteria or guidance be included in a policy in order to assess a development application for minor residential development, such criteria does ensure that there is a consistent approach to assessment, as well as providing information for an applicant on how an application will be assessed and what is considered appropriate.

Given the changes to the LPS Regulations and the City's existing policies related to minor development, it is considered appropriate to develop a new policy to address minor development. The purpose of developing a new minor development policy is to:

- include criteria to assess applications for minor residential development where the development does not meet the exemption conditions in the LPS Regulations
- consolidate several existing policies that address minor development into one policy, including the existing cubby house, satellite dishes/aerial, and sea container policies.

#### Draft Minor Residential Development Local Planning Policy

The draft *Minor Residential Development Local Planning Policy* has been prepared (Attachment 1 refers) to provide development objectives for the minor residential development that is included in the LPS Regulations (detailed in the table below) and to incorporate appropriate provisions from the City's existing policies that cover minor residential development.

It is intended that the policy will only address minor development associated with residential land uses. It does not cover minor development associated with any other types of land uses such as commercial or industrial. This type of development is dealt with in the individual zone polies, such as the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*. In addition, the draft policy only applies to the types of minor residential development specifically listed in the policy, it does not apply to all minor residential development. Other forms of minor residential development, not listed in the draft policy are still covered under clause 5.4.4 of the Residential Design Codes (R-Codes), which provides development standards, design principles and objectives associated with external fixtures to dwellings.

The development objectives of the draft policy focus on the potential amenity impacts of the proposed minor development on adjoining properties and streetscape. Consideration is also given to the need or desirability to consult adjoining owners on a proposed minor development.

#### Exemptions under the LPS Regulations

The following table outlines the development and conditions of exemption that are listed in the LPS Regulations, along with how the City will address any development that does not comply with the exemption conditions.

Development	Conditions	City's position
The installation of a water tank	(a) The water tank is not installed in the street setback area of a building. (b) The volume of the water tank is no more than 5000L (c) The height of the water tank is no more than – (i) For a tank fixed to a building – the height of the eaves of the building; or (ii) For a tank that is not fixed to a building and is more than 1 m from each boundary or the lot – 2.4m; or	Water tanks that do not comply with the exemption conditions will require a DA that will be assessed under the design principles of clause 5.4.4 of the R-Codes.

Development	Conditions	City's position
	(iii) For a tank that is not fixed to a building and is 1m or less from a boundary of the lot – 1.8m. (d) The works are not located in a heritage-protected place.	
The erection or installation of a cubbyhouse	(a) The cubbyhouse is not erected or installed in the street setback area of a building. (b) The floor of the cubbyhouse is no more than 1 m above the natural ground level. (c) The wall height of the cubbyhouse is no more than 2.4m above the natural ground level. (d) The building height of the cubbyhouse is no more than 3m above the natural ground level. (e) The area of the floor of the cubbyhouse is no more than 10m <sup>2</sup> (f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.	Cubby houses that do not comply with the exemption conditions will require a development application that will be assessed under the development objectives of the <i>Minor Residential Development Local Planning Policy</i> .
The erection or installation of a flagpole	(a) The height of the flagpole is no more than 6m above the natural ground level. (b) The flagpole is no more than 200mm in diameter. (c) The flagpole is not used for advertising. (d) There is no more than 1 flagpole on the lot. (e) The works are not located in a heritage-protected place.	Flag poles that do not comply with the exemption conditions will require a development application that will be assessed under the development objectives of the <i>Minor Residential Development Local Planning Policy</i> which refers to the design principles of clause 5.4.4 of the R-Codes
The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.	Solar panels that do not comply with the exemption conditions will require a development application that will be assessed under the design principles of clause 5.4.4 of the R-Codes.

Cubby houses and flag poles are proposed to be included in the draft policy, however, water tanks and solar panels are not included in the draft policy as they are specifically listed as external fixtures under clause 5.4.4 of the R-Codes and therefore already subject to specific provisions.

### Cubby Houses Policy

Council adopted the *Cubby Houses Policy* in February 2009 (CJ007-02/09 refers). The policy was developed in the absence of any provisions within the local planning scheme or R-Codes at the time, and in response to a number of complaints that were received, in particular with regard to privacy. The policy has worked well in establishing the City's expectations when building or erecting such a structure.

It is noted that the City's existing *Cubby House Policy* already includes conditions that allow a compliant cubby house to be exempt from the need for development approval.



The amendments to the LPS Regulations have included cubby houses in the list of exemptions, subject to meeting the conditions outlined in the table above. These conditions differ slightly to those within the *Cubby Houses Policy* as outlined below:

<b>Cubby House Policy criteria</b>	<b>LPS Regulations Conditions</b>
The structure does not have a floor level elevated more than 0.5 metres above natural ground level.	The floor of the cubbyhouse is no more than 1 m above the natural ground level.
The structure is not located within the primary street setback area.	The cubbyhouse is not erected or installed in the street setback area of a building.
The structure will not be used for habitable purposes.	N/A
There will be a limit of one cubby house per survey strata or green title lot	N/A
The structure will not exceed 2.1m in height above the natural ground level, with the exception of architectural features or a flagpole, which shall not exceed 2.5m above natural ground level.	The wall height of the cubby house is no more than 2.4m above the natural ground level. The building height of the cubby house is no more than 3m above the natural ground level.
The structure will not exceed 6 square metres in total floor area.	The area of the floor of the cubbyhouse is no more than 10m <sup>2</sup>
The structure will not be attached to a boundary fence or other buildings.  The structure will not abut more than one side or rear boundary.  The structure will not abut more than one side or rear boundary.	The cubbyhouse is not erected or installed within 1m of more than 1 boundary of the lot.
The structure will contain all stormwater run-off on-site.	N/A

The exemption conditions of the LPS Regulations regarding the development of a cubby house override the provisions of the *Cubby Houses Policy*, thereby making City's exemption conditions redundant. However, it is noted that the exemption conditions are similar to those of the *Cubby Houses Policy* in that they both allow small cubby houses near to one boundary only and not within the street setback area. The permitted height and floor level above natural ground level are slightly greater in the LPS Regulations, however, this is not considered to have a significant impact.

It is proposed to include development objectives in the draft *Minor Residential LPP* against which to assess proposals for cubby houses that do not comply with the exemption conditions of the LPS Regulations.

The following provisions from the current *Cubby Houses Policy* are proposed to be included in the policy:

- The degree to which the proposal impacts the amenity of adjoining properties and/or streetscape.
- The need to protect the privacy of adjoining properties by preventing views into adjoining active habitable spaces and outdoor living areas.

An additional development objective is proposed to be included that allows cubby houses to abut two boundaries (where all other development conditions are met), which allows the cubby house to be built in the corner of a property.

A submission received during consultation also suggested clarification was needed in regard to the reference to the 'street setback area' and whether this includes the verge. It is recommended that the policy be modified to reference the policy as applying to private property only to ensure clarity around this element (Attachment 2 refers).

A number of other comments were received in regard to the cubby house provisions, including the use of diagrams to demonstrate requirements, allowing a cubby house to be raised more than one metre above ground level, and whether noise is an amenity consideration. All comments are outlined and addressed in the summary of submissions (Attachment 3 refers), however, no further changes to the policy are considered necessary.

### Use of Sea Containers Policy

The *Use of Sea Containers Policy* was adopted by Council in 2015 (CJ146-08/15 refers) in response to the City having no specific guidelines or policies on their use. It was considered that the use of sea containers can have a negative visual impact on the surrounding area, particularly when used in residential areas.

The use of sea containers (permanent and temporary) in non-residential areas is no longer relevant for inclusion in the policy as the provisions have been incorporated into the individual zone policies that were developed when LPS3 was introduced (such as *Commercial, Mixed Use and Service Commercial Zone Development Local Planning Policy* and *Non-Residential Development in the Residential Zone Local Planning Policy*).

Therefore, only the use of sea containers associated with residential development is considered for inclusion in the draft *Minor Residential Development LPP*.

The *Use of Sea Containers Policy* allows the permanent use of sea containers associated with residential development where the sea container is:

- not visible from the street
- clad with materials and is a colour that matches, or is complementary to, the materials and colour of the existing buildings on the property.

The *Use of Sea Containers Policy* also allows for the temporary approval of sea containers in any zone, provided:

- it is only used in conjunction with building construction or subdivision work that has been approved for the site, up to a maximum of 12 months
- it is only used for the loading or unloading of goods that is occurring on the subject site and only up to a maximum of seven days
- is positioned so as not to obscure vehicle sightlines
- a formal request is received, and a letter is issued from the City approving the temporary nature and its period of use in accordance with the provisions of the scheme.

The *Use of Sea Containers Policy* has been working well since its adoption, however, there have only been seven applications for permanent sea containers, of which only two were in the 'Residential' zone.

A number of other comments were received during consultation in regard to the sea container provisions, including questioning the need for the policy and whether a fact sheet would suffice, and the provision of sightlines. All comments are outlined and addressed in the summary of submissions (Attachment 3 refers), however, no changes to the policy are considered necessary.

### Satellite Dishes, Aerials and Radio Equipment Policy

The *Satellite Dishes, Aerials and Radio Equipment Policy* was developed in 2006 in response to the lack of parameters around the maximum height and location of equipment within the 'Residential' zone. There was concern that without a policy, communication equipment could be installed which would potentially detrimentally impact on the visual amenity of adjoining owners and the locality.

In 2012 the provisions of the policy were revisited to ensure that the provisions allowed for the installation of dishes associated with providers such as Foxtel without needing a formal development approval.

As digital technology has evolved, the need for satellite dishes and antennas has significantly reduced. However, some technology providers are offering fixed wireless internet through roof mounted dishes. It is important to ensure provisions are retained to allow these providers to operate without the need for development approval and without detriment to adjoining properties.

The *Satellite Dishes, Aerials and Radio Equipment Policy* allows the following:

- A satellite dish to be located on the roof with a diameter of not greater than 0.9 metres.
- A combined satellite dish and support to be located at existing ground level and is 2.4m or less in any dimension (the dish is to be located so as not to be visible from any street or adjoining property).
- A radio antenna that is not greater than two metres in height if mounted on the roof and does not project more than two metres above the roof ridge if located at ground level and is not located between the street and the house.
- A domestic television antenna that is not greater than four metres in any dimension.
- A maximum of one satellite dish and one form of radio equipment per property exclusive of a domestic antenna.

The *Satellite Dishes, Aerials and Radio Equipment Policy* has been working well since its adoption, with 11 applications for satellite dishes and antennas in this time.

It is proposed to include reference to internet dishes with a maximum diameter of 400mm in the antenna/aerial section of the draft *Minor Residential Development Local Planning Policy* as this type of antenna equipment did not exist when the *Satellite Dishes, Aerials and Radio Equipment Policy* was originally drafted. This will provide clarity regarding the exemption conditions for this type of equipment.

A number of comments were received in regard to the satellite dishes, aerials and radio equipment provisions during consultation including whether the R-Codes deal with these structures, whether the provisions are feasible and/or excessive, and whether the dish diameter aligns with that offered in the marketplace. All comments are outlined and addressed in the summary of submissions (Attachment 3 refers), however, no changes to the policy are considered necessary.

#### Other comments

A number of general comments were received on the draft policy including that the policy is sensible, that the value of the policy is unclear, that the opportunity should be taken to ban play equipment on verges, that the policy should include a range of other minor development including carports, garden sheds and fences, and, in terms of flag poles, whether sporting team flags are advertising and whether there is government legislation that should be included in respect of flying the Australian flag.

All comments are outlined and addressed in the summary of submissions (Attachment 3 refers), however no additional changes to the policy are considered necessary.

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

Council has the option to either:

- proceed with the draft *Minor Residential Development Local Planning Policy*, without modifications
- proceed with the draft *Minor Residential Development Local Planning Policy*, with modifications
- or
- not proceed with the draft *Minor Residential Development Local Planning Policy*.

**Legislation / Strategic Community Plan / Policy implications**

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

**10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              *Cubby Houses Policy.*  
*Use of Sea Containers Policy.*  
*Satellite Dishes, Aerials and Radio Equipment Policy.*

**Risk management considerations**

There is a risk that if the policy is not progressed there will be no specific criteria or objectives against which to assess applications for development approval for development that does not comply with the conditions of exemption under the LPS Regulations.

**Financial / budget implications**

There would be no cost associated with the notice of final adoption being placed on the City's website.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The draft *Minor Development Local Planning Policy* was advertised for a period of 21 days closing on 7 July 2022, by way of:

- a notice published in the local newspaper
- letter sent to registered resident and ratepayer groups
- an email to the Community Engagement Network
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

Eight submissions were received, comprising five submissions of support, one objection and two neutral submissions. The summary of submissions and the City's comment is at Attachment 3 to Report CJ225-12/22.

## COMMENT

The draft *Minor Residential Development Local Planning Policy* provides objectives for assessing minor residential development that does not meet the exemptions as contained within the LPS Regulations. In addition, it seeks to incorporate provisions from existing City policies that cover other minor residential development and to revoke these, providing a simpler approach to the assessment of these on residential properties within the City. The objectives focus on protecting the amenity of both the streetscape and adjoining or nearby residential properties.

It is recommended that Council supports the draft *Minor Residential Development Local Planning Policy*, subject to modifications (Attachment 2 refers) and revokes the following local planning policies:

- *Cubby Houses Policy.*
- *Use of Sea Containers Policy.*
- *Satellite Dishes, Aerials and Antennas Policy.*

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ225-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

## MOVED Cr Jones, SECONDED Cr Logan that Council:

- 1 In accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Minor Development Local Planning Policy*, with modifications as detailed in Attachment 2 to Report CJ225-12/22;
- 2 NOTES that the *Minor Residential Development Local Planning Policy* will come into effect when published on the City's website;
- 3 In accordance with Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES the *Cubby Houses Policy*, *Use of Sea Containers Policy* and *Satellite Dishes, Aerials and Antennas Policy* and NOTES the revocation will come into effect when published on the City's website.

The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 25 refers*

To access this attachment on electronic document, click here: [Attach25aqnBRF221206.pdf](#)

**CJ226-12/22 DEVELOPER CONTACT POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	101515
<b>ATTACHMENTS</b>	Attachment 1 Town of Cambridge Policy No. 33 (Developer Contact with Staff) Attachment 2 Town of Cambridge Policy No. 39 (Elected Member Relationships with Developers Policy) Attachment 3 City of Vincent Policy No. 4.2.15 (Council Member Contact with Developers) Attachment 4 City of South Perth Policy P700 (Developers and Lobbyists)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider options on the development of a 'Developer Contact Policy' for City of Joondalup Elected Members and employees.

**EXECUTIVE SUMMARY**

At the Policy Committee held on 9 May 2022, Councillor Kingston requested a report be presented to the Policy Committee by October 2022 on options for developing a 'Developer Contact Policy' for Elected Members and Employees, with the intent of the policy to ensure that every instance of contact between an Elected Member or employee, with a developer, regarding a planning and development proposal, or a land transaction, must be disclosed and a record of contact be kept in accordance with the *State Records Act 2000*.

In responding to the request for a report the City has undertaken a review of the suite of suggested definitions and policy requirements provided with the request for a report; an analysis of approaches undertaken by other local governments; and has considered the City's existing governance framework in relation to recordkeeping and integrity.

The conclusions drawn from the work undertaken is that the City considers the intent of the proposed policy is already largely met by the City's existing framework.

*It is therefore recommended that Council:*

- 1 *NOTES the existing governance, recordkeeping and integrity requirements in place for City of Joondalup Elected Members and employees;*
- 2 *DOES NOT PROGRESS with the development of a Developer Contact Policy.*

Notwithstanding the officer recommendation, in the event Council does elect to progress with the development of Developer Contact Policy, guidance on a number of matters highlighted through the review of suggested definitions and policy requirements and approaches taken by other local governments would be beneficial as this will allow the City to prepare a policy that most closely aligns with Council's intent.

## BACKGROUND

At the Policy Committee held on 9 May 2022 Councillor Kingston requested a report be presented to the Policy Committee by October 2022 on options for developing a 'Developer Contact Policy' for Elected Members and employees.

Following the meeting, on 10 May 2022, Councillor Kingston provided further context for the request for a report stating that:

*"The intent of the requested policy is that every instance of contact between an Elected Member or Employee, with a **developer**, regarding a **planning and development proposal**, or a **land transaction**, must be disclosed and a **record of contact** be kept in accordance with the State Records Act 2000.*

*That the creation of the policy be informed by both other Local Government's policies on contact with developers and lobbyists, and, the following definitions:*

**developer** means an individual, body corporate or company engaged in a business that:

- a) involves the making of relevant planning applications in connection with the development of land, with the ultimate purpose of the sale, lease, or, use of the land for profit; and,
- b) includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer's interests or proposal.

**planning or development proposal** means and includes:

- a) a proposed Local Planning Policy or amendment to a Local Planning Policy under the City's Local Planning Scheme;
- b) a proposed amendment to the City's Local Planning Scheme;
- c) an application under the City's Local Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land and which is currently before or at the time of contact known to require determination by City, Council, or the Joint Development Assessment Panel.

**land transaction** means and includes an agreement, or several agreements for a common purpose, under which a local government is to —

- a) acquire or dispose of an interest in land; or
- b) develop land;

**acquire** has a meaning that accords with the meaning of **dispose**;

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not.

**record of contact** is a record with the content:

- a) Elected Member's, or, Employee's name;
- b) Developer's name;
- c) Date and time of contact;
- d) Type of contact (such as in person, telephone call, letter, email and the like);
- e) Property or properties within the City to which the contact related;
- f) Nature of the matters covered in the contact; and,
- g) Elected Member, or, Employee response."

Links to an article from the Journal of Urban Economics from 2016 and a news article from the Sydney Morning Herald from 2015 were provided as context for the request for a report.

A statement was also made in support of the request for a report that many other local governments across the State and nationally have adopted policies, with specific reference made (and links provided) to a policy the Town of Cambridge has for employees and a policy the City of Vincent has for Elected Members.

## DETAILS

### Supporting Articles

In support of the request to provide options for developing a 'Developer Contact Policy' for Elected Members and Employees links to two articles, one from 2015 and one from 2016 were provided:

- [Clean money in a dirty system: Relationship networks and land rezoning](#) (Journal of Urban Economics)
- [In the zone: Insider trading rife in land rezoning racket](#) (Sydney Morning Herald).

The articles focus on the rezoning of land in Queensland and New South Wales and the representations made to decision-makers through the rezoning process.

In Western Australia, the rezoning of land occurs via an amendment to a relevant planning scheme. In relation to an amendment to the local planning scheme to rezone land, the Minister for Planning (such as the State Government) is responsible for the final decision. Local government is involved in the process whereby the local government (and in the case of any scheme amendments proposed in the City of Joondalup, the Council) will consider a proposal to amend the scheme and elect to initiate the amendment or not. If Council choose not to initiate the amendment, it does not progress any further. If Council choose to initiate the amendment, a process is followed whereby Council make a recommendation on whether the amendment should proceed (sometimes after public consultation). The recommendation is then forwarded to the Western Australian Planning Commission to make a subsequent recommendation to the Minister for Planning.

As such, the level of influence a Western Australian local government has in the final decision in the rezoning process is somewhat limited. It is therefore considered that there is not a direct correlation between the examples referred to in the articles shared and the need for the City to develop a 'Developer Contact Policy'.

### Department of Local Government Guidelines

The Department of Local Government (DLG) has published a guide relating to [Elected Members' Relationship with Developers](#). The guide acknowledges that Elected Members may face pressures when dealing with development (planning) applications. The guideline states that in order to protect the openness and transparency of a council's decision-making, Elected Members need to understand the limitations on their decision-making in relation to development applications and should avoid situations where they become too close to a development proposal, an applicant or objectors.

The purpose of the guideline is to alert Elected Members to the risks associated with their role as a decision-maker on development applications and to provide guidance on those areas of risk. The purpose of the guideline is to also assist local governments to develop and adopt procedures for Elected Members that will help prevent unsubstantiated allegations and protect the integrity of the decision-making process.



The areas of risk that the guideline explores include:

- Elected Members meeting with applicants individually
- Elected Members meeting with applicants in the company of other Elected Members
- Elected Members attending meetings between employees and applicants
- Council as both the developer and consenting authority
- Being offered a gift or benefit.

The local government policies discussed below that relate to Elected Member contact with developers are broadly structured with regard to the areas outlined in the guideline.

### **Other Local Government policies**

In support of the request for a report a statement was also made that many other local governments have adopted policies, with specific reference made (and links provided) to a policy the Town of Cambridge has for employees and a policy the City of Vincent has for Elected Members.

A review of those policies, along with others identified by the City from Western Australian local governments has been undertaken and summarised below.

#### Town of Cambridge

##### *Policy No. 33 – Developer Contact with Staff*

Based on information contained in the policy, the policy was adopted by the Town of Cambridge Council in 2017 and was most recently reviewed and amended in November 2021.

The purpose of the policy is to provide guidelines to all Town of Cambridge staff for the management of contact with developers, and define the staff's duties, responsibilities and recording of such contact.

The policy includes several definitions to clarify what a 'developer' is considered to be as well as setting a threshold of what is considered to be 'prescribed contact' that needs to be recorded as per the policy.

The policy outlines the specific details that need to be captured as part of any 'prescribed contact' and that the record needs to be captured on a register.

The policy also outlines what Town of Cambridge planning staff can provide information on and what information they are unable to provide information on.

##### *Policy No. 39 – Elected Member Relationships with Developers Policy*

Based on information contained in the policy, the policy was adopted by the Town of Cambridge Council in 2017 and was most recently reviewed and amended in July 2020.

The purpose of this policy is to provide guidelines to Town of Cambridge Elected Members for the management of their meetings with developers, and define Elected Members' duties, responsibilities and recording of such meetings.

The policy notes that contact with developers is a normal and necessary function of the role of an Elected Member and that the implementation of a transparent decision-making process will reduce opportunities for allegation or perceptions of bias to be raised.

The policy includes several definitions to clarify what a 'developer' is considered to be and sets a threshold of what is considered to be 'prescribed contact' and 'exempt contact' under the policy. It is noted the definitions in this policy differ to those contained in the Town of Cambridge's *Policy No. 33 (Developer Contact with Staff)*.

The policy outlines the specific details to be captured as part of any 'prescribed contact' and rather than requiring the record to be captured in a register (like Policy No. 33), requires the Elected Member to declare any 'prescribed contact' at the time of a proposal being considered by a Committee and/or Council. The policy then requires the declaration to be recorded in the relevant minutes.

The policy also sets out a series of protocols for Elected Member relationships with developers including when Elected Members are meeting with applicants individually, in the company of other Elected Members or attending meetings between employees and applicants. The policy also provides guidance to Elected Members in relation to being offered a gift or benefit by a developer.

### City of Vincent

#### *Policy No. 4.2.15 – Council Member Contact with Developers*

Based on information contained in the policy, the policy was adopted by the City of Vincent Council in 2015 and was most recently reviewed and amended in October 2016.

The policy notes that contact with developers is a normal and necessary function of the role of an Elected Member and that the implementation of a transparent decision-making process will reduce opportunities for allegation or perceptions of bias to be raised.

The policy includes several definitions to clarify what a 'developer' is considered to be as well as setting a threshold of what is considered to be 'prescribed contact' and 'exempt contact' under the policy.

The policy outlines the details to be captured as part of any 'prescribed contact' and requires the Elected Member to advise the Chief Executive Officer of the details of any 'prescribed contact' within 10 days of the contact. The policy then requires the Chief Executive Officer to maintain a [publicly available register](#) of all Elected Member contact with developers and for this register to be updated on a fortnightly basis.

### City of South Perth

#### *Policy P700 – Developers and Lobbyists*

Based on information contained in the policy, the policy was adopted by the City of South Perth Council in March 2022.

The purpose of the policy is to provide guidance to Elected Members on disclosing their association with developers and lobbyists to ensure openness and transparency are maintained ensuring integrity in the Council's decision-making.

The policy includes several definitions to clarify what a 'developer' is considered to be, a separate definition for 'lobbyist' and sets a threshold of what is considered to be 'prescribed contact' and 'exempt contact' under the policy.

The policy outlines the details to be captured as part of any 'prescribed contact' and requires the Elected Member to advise the Chief Executive Officer of the details of any 'prescribed contact' within 10 days of the contact. The policy then requires the Chief Executive Officer to maintain a [publicly available register](#) of all Elected Member contact with developers and for this register to be updated on a quarterly basis.

The policy also sets out a series of protocols for Elected Members relationships with developers including when Elected Members are meeting with developers and lobbyists individually, in the company of other Elected Members or attending meetings between employees and developers and lobbyists. The policy also provides guidance to Elected Members in relation to being offered a gift or benefit by a developer.

### **Current City of Joondalup recordkeeping and code of conduct requirements**

As outlined in the Background section of this report, the intent of the requested policy is that every instance of contact between an Elected Member or employee, with a developer, regarding a planning and development proposal, or a land transaction, must be disclosed and a record of contact be kept in accordance with the *State Records Act 2000*.

The request for a report does not outline what the purpose of capturing every instance of contact between an Elected Member or employee with a developer (other than according with requirements of the *State Records Act 2000*), however when considering the DLG guideline and reviewing other local government policies the fundamental objectives are providing a policy to maintain integrity and ensure an open, unbiased and transparent decision-making process.

There are already a range of plans, procedures and protocols that apply to both Elected Members and employees of the City of Joondalup that ensure appropriate records are maintained and integrity is embedded into decision-making.

#### *State Records Act 2000*

The *State Records Act 2000* governs recordkeeping for all State and local government organisations in Western Australia.

Under the *State Records Act 2000* a record is defined as any record of information (in any form) created, received, or maintained by a government organisation or parliamentary department in the course of conducting its business activities.

Recordkeeping plans capture key information about process and systems used by government organisations to manage records of information.

#### *Local Government Act 1995*

In accordance with the *Local Government Act 1995*, the Chief Executive Officer is to ensure that records and documents of the local government are properly kept for the purposes of the *Local Government Act 1995* and any other written law.

The management of the City's records is underpinned by a recordkeeping plan (currently the *Recordkeeping Plan 2020*) and controlled by an electronic recordkeeping system, Content Manager.

Content Manager is an integrated Electronic Document and Record Management System (EDRMS) capable of managing the City's corporate information and using it supports the City in complying with legislative record keeping requirements as well as enabling employees to access and retrieve vital information.

#### *Recordkeeping Plan 2020*

Broadly, the purpose of the *Recordkeeping Plan 2020* is to meet the City's obligations under the *State Records Act 2000* and to set out the matters about which records are to be created by the City and how these records are kept.

The *Recordkeeping Plan 2020* is also supported by:

- *Records Management Policy*
- *Recordkeeping Responsibilities – All Employees Protocol*
- *Recordkeeping Responsibilities – Elected Members Protocol.*

#### *Records Management Policy*

The current *Records Management Policy* was endorsed by Council at its meeting dated 20 August 2019 (CJ112-08/19 refers).

The policy applies to all City Elected Members, employees and contractors. The policy confirms that a corporate record is any hard-copy, digital or online record that either:

- conveys information essential or relevant in decision-making processes
- conveys information upon which others will, or may, use to make decisions affecting the City's operations, rights and obligations under legislation
- commits the City to certain courses of action, the commitment of resources or provision of services
- conveys information about matters of public safety or public interest, or involves information upon which contractual undertakings are entered into
- is likely to be needed for future use or is of historical value.

The policy also provides that Elected Members, employees and contractors are responsible for maintaining complete, accurate and reliable evidence of all business transactions, and ensuring all corporate records are retained within the City's official recordkeeping systems at the point of creation, regardless of the format.

#### *Recordkeeping Responsibilities – All Employees Protocol*

The objective of this protocol is to introduce new and existing employees or Elected Members of the City to their responsibilities for proper recordkeeping. Its objectives are to also ensure that all employees and Elected Members are responsible for keeping accurate records and adhering to the City's recordkeeping procedures.

The protocol notes that an online induction on recordkeeping at the City and a hands-on training session for the usage of the City's electronic records management system (Content Manager) is a requirement for all employees and that such training must be completed within the first three months of an employee's commencement date.

The protocol also notes that Elected members are provided with the 'Guidelines for Recordkeeping Responsibilities for Elected Members' in their 'Welcome Pack' when first being appointed to Council.

#### *Recordkeeping Responsibilities – Elected Members Protocol*

The purpose of this protocol is to assist Elected Members in their recordkeeping responsibilities.

The protocol acknowledges that Elected Members have a different work environment to that of City employees and that Elected Members are made aware of their recordkeeping responsibilities, via the Elected Members Induction Program, which is currently carried out every two years following local government elections.

The protocol also provides guidance to Elected Members in how to appropriately maintain a variety of records including:

- inwards correspondence received via Australia Post, email and other correspondence
- responses to correspondence
- internal communications
- telephone/verbal conversations.

### Governance Framework 2021

Section 9.2.9 of the City's [Governance Framework 2021](#) relates to lobbying and meetings with external parties.

The framework includes details consistent with the DLG's 'Elected Members' Relationship with Developers' guideline, noting that lobbying is an acceptable and normal part of society and opportunities for stakeholders to communicate with Elected Members and employees occurs as part and parcel of our society's democratic and accessible system of government.

The framework provides guidance for Elected Members on what is considered to be appropriate actions when lobbied.

### Codes of Conduct

In accordance with the *Local Government Act 1995*, the City has adopted two codes of conduct:

- a [Code of Conduct for Elected Members, committee members and local government election candidates](#)
- a [Code of Conduct for Employees](#).

Each code has different provisions, but includes matters such as:

- values and general principles of behaviour
- requirements in relation to behaviour
- appropriate relationships with others and the broader community
- use of City resources and information
- conflicts of interest
- reporting breaches of the code and other statutory reporting mechanisms.

### **City of Joondalup Developer Contact Policy**

Prior to Council electing to progress or not progress with a 'Developer Contact Policy', there are a number of matters that require consideration. In the event Council elect to progress with a 'Developer Contact Policy', it would be beneficial if clarity or guidance is provided in relation to a number of these matters so that the City is able to draft a policy that aligns with Council's intent.

### Implementation / output of a Developer Contact Policy

As outlined above, the current governance, recordkeeping and integrity obligations for Elected Members and employees set out the way in which interactions with a range of stakeholders (including developers) is required to be captured and recorded.

Clarification on whether an alternate or additional way that contact is required to be stored under a 'Developer Contact Policy' would assist in understanding the implications of implementing the policy and what the outputs of the policy will be.

It is noted that a number of the other local government policies reviewed require a 'contact register' to be prepared and maintained (at varying frequencies).

As an example, a 'contact register' is an example of an alternate or additional way that contact would be stored if a City of Joondalup 'Developer Contact Policy' required such a register to be maintained.

### Contact register details

Of the policies reviewed, most policies that require a 'contact register' to be maintained only apply to Elected Members (and not employees) and therefore it is only interactions between Elected Members and developers that are captured. This sets a manageable scale of contact to maintain via a 'contact register' as typically most contact from a developer on a planning or development proposal occurs between the City's administration and the applicant.

It is noted that the Town of Cambridge's policy (Policy No. 33) requires a register of employee contact to be maintained, however the definition of what that policy considers 'prescribed contact' is much narrower (such as development which is inconsistent with the local planning strategy and/or an actual development with a value equal to or greater than \$2 million) than that suggested for a City of Joondalup 'Developer Contact Policy'. This narrower definition reduces the number of records that would need to be captured in a 'contact register' and would make a register more manageable to maintain.

If there is an intent for a 'contact register' to be an output of the City of Joondalup 'Developer Contact Policy', the suggested definition for what is a 'record of contact' is broad. This would make administering and maintaining a 'contact register' a significant undertaking and would most likely require additional resources.

It is also noted the frequency by which a 'contact register' is required to be updated will also have an impact on the amount of time and resourcing that is required for it to be maintained. The City of Vincent's policy (which relates to Elected Members only) requires a contact register to be updated fortnightly. The City of South Perth's policy (which also relates to Elected Members only) requires a contact register to be updated quarterly.

The availability of a 'contact register' also requires consideration. Contact registers required under other local government policies are publicly available, however some consideration should be given to interactions that, by virtue of other legislation, are confidential and therefore may not be able to be recorded. An example of such contact includes interactions that take place through a State Administrative Tribunal mediation process.

### Definitions

Along with the request to prepare a report on options for developing a Developer Contact Policy, a suite of definitions was provided to guide the creation of a policy. The definitions have been reviewed and there may be merit in considering some modification of those provided to better capture the intent of the policy and to also provide clarity for its implementation.

#### *Developer*

The suggested definition of 'developer' provided is:

**developer** means an individual, body corporate or company engaged in a business that:

- c) involves the making of relevant planning applications in connection with the development of land, with the ultimate purpose of the sale, lease, or, use of the land for profit; and,

- d) *includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a Developer and who is appointed to promote or advocate for the Developer's interests or proposal.*

In implementing the policy, while best endeavours would be used to clarify the 'ultimate purpose' of the person making contact (ie. potentially a 'developer'), Elected Members and employees would in some instances be relying on information from the person making contact as to what the ultimate purpose is to then confirm whether or not the contact falls within the parameters of the policy.

It is also noted that the definition as provided would capture contact with residents applying for typically smaller scale commercial activities. Examples include applications for home businesses as well as instances where a resident is seeking to subdivide and sell the back of their block, as both instances the purpose is to use the land (at least in part) for profit. Clarity is needed if the intent of the policy is to capture these types of interactions or whether refinements to the definition is needed to exclude this type of contact.

Clarity is also required on whether the definition of 'developer' is intended to capture not-for-profit organisations. The suggested definition indicates that a 'developer' is an organisation whose ultimate purpose is to use the land for profit. Not-for-profit organisations typically do not operate for the profit, personal gain or other benefit of particular people, however such organisations, in some instances, do generate a commercial return to access their services. Not-for-profit organisations do also undertake development and enter into land transactions that may result in engagement with Elected Members or employees and may also require Elected Members or employees to be part of decision-making processes.

#### Planning or development proposal

The suggested definition of 'planning or development proposal' provided is:

***planning or development proposal*** means and includes:

- d) *a proposed Local Planning Policy or amendment to a Local Planning Policy under the City's Local Planning Scheme;*
- e) *a proposed amendment to the City's Local Planning Scheme;*
- f) *an application under the City's Local Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land and which is currently before or at the time of contact known to require determination by City, Council, or the Joint Development Assessment Panel.*

In reviewing the suggested definition, it is noted that other planning instruments and types of development exist in the development process that may also be worthy of inclusion in the definition, such as:

- local development plans
- structure plans (including precinct structure plans)
- subdivision.

Further, it is also noted that other decision-makers exist in the development process that may also be worthy of inclusion in the definition, such as:

- Western Australian Planning Commission
- State Administrative Tribunal
- Department of Communities
- Department of Finance
- Department of Planning, Lands and Heritage.

If Council elect to progress with the preparation of a 'Developer Contact Policy', it would be beneficial if clarity is provided as to whether these additional planning instruments, types of development and decision-makers should be included in an expanded definition for 'planning or development proposal'.

#### Additional definition – Third party

Of the policies reviewed, the recurring core purpose is the need to provide open, transparent and unbiased decision-making. The policies seek to ensure integrity in the process by capturing the nature and frequency of interaction between proponents (for example a 'developer') of a proposal, Elected Members and employees.

It is however noted that through the preparation and processing of a 'planning or development proposal', while contact is made from a proponent, contact is also received from third parties. At times, the concerns raised by a third party relate to perceived negative commercial impacts that may be inflicted on the third party's interest if the proposal was to proceed.

To maintain balance, transparency and unbiased decision-making process, consideration should therefore be given to whether contact from third parties to a 'planning or development proposal' is also required to be captured under the policy. If so, an additional definition can be prepared and included in the policy, however it would be beneficial if guidance is provided as to whether the definition should limit the nature of any third party contact. For example, the definition could be prepared such that third party contact is only captured if the nature of the concern relates to a commercial element such as increased competition or impact on property/asset values, in the same way that the definition of 'developer' is geared toward someone that has an ultimate purpose of using the land for commercial gain.

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

There are two options available to Council:

- 1 progress with the development of a Developer Contact Policy  
or
- 2 do not progress with the development of a Developer Contact Policy.

#### Option 1 Progress with the development of a Developer Contact Policy

This option is not recommended.

While progressing with the development of a 'Developer Contact Policy' is not recommended, if Council do elect to progress, it is recommended that guidance on the following matters is provided in order to draft a policy that aligns with Council's intent:

- Whether any contact captured under the policy is to be recorded in the same way current records are captured or if a different / additional output is required (such as a 'contact register' or similar).
- If a 'contact register' is a required output of the policy:
  - Whether the register will capture Elected Member and employee contact (or one or the other).
  - Whether the definition of 'prescribed contact' requires refinement recognising the potential resourcing impacts that will arise if the policy is to be implemented as per the suggested definitions.
  - Whether the 'contact register' is to be made available to the public.
  - The frequency at which a 'contact register' is updated.
  - How confidential interactions, such as those that occur during a State Administrative Tribunal mediation process, should be recorded.



- Whether the provided definition of 'developer' is appropriate or whether refinement is needed to exclude some particular profitable uses of land (such as home businesses) and clarify whether it is intended to apply to not-for-profit organisations.
- Whether the provided definition of 'planning or development proposal' is appropriate or whether refinement is needed to capture additional planning instruments, types of development and decision-makers.
- Whether an additional definition to capture contact from third parties should also be included in the policy.

#### Option 2      Not progress with the development of a Developer Contact Policy

This option is recommended.

As outlined above, there are already a range of recordkeeping and code of conduct requirements that Elected Members and employees are bound by.

While the intent of the of the requested policy has been stated to ensure every instance of contact between a developer and an Elected Member or employee is captured, recorded and kept, it is not clear what additional contact a 'Developer Contact Policy' would capture beyond the existing obligations.

It is however noted that the information provided in support of the request for a report does provide specific guidance as to who the policy relates to, the nature of a proposal and the way in which contact is to be recorded. This is provided at a level of specificity greater than the current recordkeeping and code of conduct requirements, however it is considered that the guidance provided in the current requirements would capture the same contact and the same information.

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

**Legislation**                      *Local Government Act 1995.*  
    *State Records Act 2000.*

#### **10-Year Strategic Community Plan**

**Key theme**                        Leadership.

**Outcome**                        Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**Policy**                              *Records Management Policy.*

#### **Risk management considerations**

In the event Council elects not to progress with developing a 'Developer Contact Policy', while there are recordkeeping and code of conduct obligations in place to manage the appropriate recording of contact between proponents and Elected Members and/or employees, it is noted that the way this contact is captured and recorded may not reflect the specific format provided with the request for a report. There is therefore a risk that while there are structures already in place to ensure the type of contact referred to in the request for a policy is captured, the format of the recorded contact may not reflect that which is intended by the policy.

In the event Council elect to progress with developing a 'Developer Contact Policy' there is the likelihood that the intent and requirements of the policy are already addressed to a large extent by existing recordkeeping and code of conduct obligations. This creates a risk that an additional policy may overcomplicate existing governance frameworks and result in confusion and inefficiency for Elected Members and employees in undertaking their duties.

In the event Council elect to progress with developing a 'Developer Contact Policy' there is also a risk that service delivery will be reduced (if the preparation and implementation of the policy is required to come from existing resources) or that operational costs will increase in order to meet the increased level of service of implementing the policy.

### **Financial / budget implications**

There are currently no funds allocated in the *2022-23 Budget* to support the preparation and implementation of a 'Developer Contact Policy'.

The implementation of a 'Developer Contact Policy' will have financial implications. The extent of financial implications however cannot be accurately determined at this stage as guidance is required in relation to a number of policy aspects, such as clarification on definitions to confirm scope of the policy as well as clarification on the outputs of a policy (such as a 'contact register'), which have subsequent administrative (and therefore financial) impacts.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

In the event Council elect to progress with the development of a 'Developer Contact Policy' it is recommended that community consultation be undertaken prior to Council's final decision is made on whether or not to adopt the policy.

## **COMMENT**

At the Policy Committee held on 9 May 2022 a request was made to prepare a report on options for developing a 'Developer Contact Policy' for Elected Members and employees.

The stated intent of the policy is to ensure that every instance of contact between an Elected Member or employee, with a developer, regarding a planning and development proposal, or a land transaction, is disclosed and a record of contact be kept in accordance with the *State Records Act 2000*.

Along with the request for a report on options for preparing a 'Developer Contact Policy' a suite of suggested definitions and policy requirements were provided for consideration.

Analysis undertaken has identified that several other local governments have similar policies to guide the recording of interactions between proponents and Elected Members or employees. Each of the other local government policies reviewed differ in some of the specifics, such as who the policy applies to, the scope of contact required to be recorded under the policy and the way (and frequency) in how a register of the contact is to be made available. However, fundamentally the overarching objective of each of the policies is to maintain balance and transparency to facilitate an unbiased decision-making process.

Along with an analysis of other local government policies consideration has also been given to the City's existing governance framework for the recording of contact between stakeholders and Elected Members or employees.

As outlined in the report, the conclusions drawn from the analysis is that the intent of the proposed policy is already largely met by the City's existing framework and therefore it is recommended that Council does not progress with the development of a 'Developer Contact Policy'.

However, notwithstanding the officer recommendation, in the event Council does elect to progress with the development of 'Developer Contact Policy', guidance on a number of matters would be beneficial as this guidance will allow the City to prepare a policy that aligns with Council's intent.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ226-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

*Cr Poliwka left the Chamber at 9.16pm.*

*Cr Raftis entered the Chamber at 9.17pm.*

*Cr Fishwick entered the Chamber at 9.18pm.*

*Cr Logan left the Chamber at 9.18pm.*

*Cr Poliwka entered the Chamber at 9.18pm.*

*Cr Logan entered the Chamber at 9.22pm.*

## **MOVED Cr Thompson, SECONDED Cr McLean that Council:**

- 1 NOTES the existing governance, recordkeeping and integrity requirements in place for City of Joondalup Elected Members and employees;**
- 2 DOES NOT PROGRESS with the development of a Developer Contact Policy.**

**The Motion was Put and**

**CARRIED (6/5)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Logan, May and McLean.

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

*Appendix 26 refers*

*To access this attachment on electronic document, click here: [Attach26agnBRF221206.pdf](#)*

## CJ227-12/22 REVIEW OF ASSET MANAGEMENT POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101257, 101515
<b>ATTACHMENTS</b>	Attachment 1 Asset Management Policy – Revised (Tracked Changes) Attachment 2 Asset Management Policy – Revised (Clean Version)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the proposed amendments to the *Asset Management Policy*.

### EXECUTIVE SUMMARY

At its meeting held on 27 March 2007 (CJ048-03/07 refers), Council adopted its first *Asset Management Policy* as part of the City's participation in the WALGA-led *Western Australian Asset Management Improvement Program* (WAAMI Program).

At its meeting held on 20 November 2012, (CJ261-11/12 refers), Council reviewed the policy to align with the introduction of the Department of Local Government's *Integrated Planning and Reporting Framework* and strategic direction provided by the City's *Strategic Community Plan 2021-22*.

The policy has remained unchanged since 2012 and requires review to reflect the City's new *Strategic Community Plan 2022-32*, to improve its alignment with the international standard for asset management systems, ISO 55001: 2014 and inform the upcoming review of the City's *Asset Management Framework*.

*It is therefore recommended that Council adopts the revised Asset Management Policy as outlined in Attachment 2 to Report CJ227-12/22.*

### BACKGROUND

The *Asset Management Policy* was first introduced on 27 March 2007 (CJ048-03/07 refers) following the City's participation in the WALGA-led WAAMI Program. This program was introduced to assist local governments in developing their asset management capability through improved auditing, planning and management activities; enabling asset renewal funding gaps to be determined.

The first iteration of the *Asset Management Policy* established a vision for the City, namely, "to provide the desired level of service in the most cost-effective manner for present and future customers" and set out a number of key principles for service delivery that promoted an integrated and sustainable approach to asset management and the concept of minimising 'whole-of-life' costs for infrastructure assets.

In 2010, the Department of Local Government released its *Integrated Planning and Reporting Framework* to guide and strengthen the strategic planning and reporting capacity of local governments within Western Australia, with asset management identified as one of its key components. Supplementary guidelines were released in 2011 to assist local governments in developing a number of documents, including Asset Management Policies.

During this period the City also commenced a process to review its Policy Manual. Given the significance of asset management to strategic planning activities, a decision was made to postpone the review of the *Asset Management Policy* until the City's *Strategic Community Plan 2012-22* was adopted by Council, which occurred in October 2012 (CJ210-10/12 refers).

The *Asset Management Policy* was subsequently amended by Council in November 2012 (CJ261-11/12 refers) to:

- reflect the City's new standardised policy template
- outline the City's commitment to maintaining and managing assets in accordance with best practice standards and relevant external guidelines and frameworks
- reflect the City's new strategic objectives under the *Strategic Community Plan 2012-22* that promoted high quality facilities, integrated transport planning, financially sustainable decision-making, long-term funding capacity, high utilisation, demographic and design relevance, agreed service levels and the highest standard of liveability for the community.

Following the recent adoption of the City's *Strategic Community Plan 2022-32* by Council (CJ093-06/22), the *Asset Management Policy* has been reviewed for the first time since 2012, with suggested amendments proposed for the Policy Committee's consideration.

## DETAILS

The City's infrastructure asset portfolio is large, diverse and complex, with individual assets experiencing different lifespans and containing components that deteriorate at different rates. These assets also represent a significant level of investment over generations and contribute to a community's sense of safety and liveability.

The City's *Asset Management Policy* provides a commitment to managing infrastructure assets with a long-term view that is coordinated, affordable and reflective of the agreed needs of the community.

### *Strategic Community Plan 2022-32*

The new *Strategic Community Plan 2022-2032* outlines a series of outcomes that are relevant to the manner in which asset management activities are undertaken by the City. They include:

- *3-1 - Connected and convenient*  
You have access to a range of interconnected transport options
- *3-3 - Attractive and leafy*  
You have access to quality public open spaces and enjoy appealing streetscapes
- *3-4 - Functional and accessible*  
You have access to quality community facilities that are functional and adaptable.
- *5-4 - Responsible and financially-sustainable*  
You are provided with a range of City services which are delivered in a financially responsible manner.

Many of these outcomes are consistent with the previous *Strategic Community 2012-22*, particularly around the concepts of quality asset provision, integrated transport options and financial sustainability. Emphasis on achieving the highest standard of liveability, through direct asset provision by the City, is less relevant in the new plan.

As such the revised policy, as shown in Attachment 1, retains the concept of financial sustainability and incorporates a commitment to providing infrastructure assets that are functional, adaptable and of a quality standard, in alignment with these strategic outcomes.

### International Standards for Asset Management

In its commitment to best practice, the City is guided by international standards for asset management, including:

- ISO 55000 and 55001: 2014
- International Infrastructure Management Manual 2015 (IPWEA Australasia)
- International Infrastructure Financial Management Manual 2015 (IPWEA Australasia).

The ISO standards enables an organisation to achieve its objectives through the effective and efficient management of its assets, ensuring the system adopted by the organisation provides assurance that these objectives can be achieved consistently and sustainably over time. It is essentially the “what to do” to deliver sound asset management practices.

The IIMM and IIFMM guides are aligned to the ISO standards and provide the “how to” in applying the standards for infrastructure assets. They promote the concepts of lifecycle management and continuous improvement and define the various elements of a fully functional asset management system (such policy, levels of service, demand forecasting, asset registers, condition assessments, risk management, funding strategies and the like).

While not certified in the ISO standards, the City leverages all relevant international guidance material to support its approach to asset management.

The ISO standards define an AM Policy as “*the intention and directions of an organisation as formally expressed by its top management*”.

The IIMM defines an AM Policy as “*outlining the principles and requirements for undertaking asset management across the organisation in a structured and coordinated way, consistent with the organisation’s Strategic Plan.*”

The revised policy, as shown in Attachment 1, draws from these definitions and terminology to more effectively align with current international practice as follows:

- Changes to the policy objective to reflect the public purpose intent of asset provision by the City.
- Adjustments to the policy statement to refer to the agreed needs of the community, rather than references to liveability standards.
- Minor changes to wording throughout the policy to better align with the language used in ISO 55001: 2014.
- Updates and amendments to the list of related documentation.

### **Issues and options considered**

The Policy Committee can either choose to:

- 1 recommend that Council adopts the revised *Asset Management Policy* provided as Attachment 1 to Report CJ227-12/22
- 2 recommend to Council further modifications to the *Asset Management Policy*  
or
- 3 recommend that Council retains the *Asset Management Policy* in its current format.

It is recommended that Option 1 is implemented by the Policy Committee.

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

**Legislation** Not applicable.

### **10-Year Strategic Community Plan**

#### **Key theme**

**Outcome** Connected and convenient - you have access to a range of interconnected transport options.

Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.

Functional and accessible - you have access to quality community facilities that are functional and adaptable.

#### **Key theme**

**Outcome** Responsible and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

**Policy** *City of Joondalup Asset Management Policy.*

### **Risk management considerations**

This policy aims to minimise the risk associated with the management of infrastructure assets by committing the City to adopting a strategic and long-term approach to asset planning and management.

### **Financial / budget implications**

The *Asset Management Policy* guides organisational activities that will impact on the financial “whole of life” costs associated with the planning, acquisition, maintenance, renewal, replacement, rationalisation, and disposal of City infrastructure assets.

The policy directs the City to undertake these activities in an affordable and sustainable manner, which requires a strategic and long-term approach to asset planning and management. The City aims to deliver this through defined levels of service that are cost effective and reflective of risk management considerations.

### **Regional significance**

It is acknowledged that some of the City’s infrastructure will be provided on a regional scale however, the regional nature of an asset will not impact on the manner in which it is managed according to the *Asset Management Policy*.

### **Sustainability implications**

The *Asset Management Policy* is underpinned by general principles relating to sustainability, particularly regarding the financial costs of managing infrastructure which must be balanced against the public benefit of its provision.

## Consultation

Not applicable.

## COMMENT

The review of the *Asset Management Policy* is the first step in the review of all asset planning documents including the *Asset Management Strategy 2014-2024*. It is a high-level policy that provides context for the City's overall approach to asset management and covers overarching principles as they relate to all City asset classes.

Over the 2022-23 financial year, further work will be conducted in reviewing the current *Asset Management Strategy* and the associated framework for the development of levels of service documentation in alignment with the revised policy.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ227-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council ADOPTS the revised Asset Management Policy as outlined detailed in Attachment 2 to this Report.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council ADOPTS the revised Asset Management Policy as detailed in Attachment 2 to this Report subject to the following amendments to the Policy:*

1 AMEND paragraph 3 under section 1. Statement to read as follows:

*“Effective stakeholder engagement, appropriate governance structures and resource allocations will support the City’s coordinated and integrated approach to asset management. Decision-makers will act under the concept of stewardship, ensuring asset management practices benefit present and future generations.”*

2 ADD an additional part, being f. under section 2. Details to read as follows:

*“f. Ensuring that defined technical and community levels of service for each infrastructure asset are compiled and made available to Elected Members.”*



**MOVED** Cr Jones, **SECONDED** Cr Logan that Council **ADOPTS** the revised *Asset Management Policy* as detailed in Attachment 2 to Report CJ227-12/22 subject to the following amendments to the Policy:

**1** **AMEND** paragraph 3 under section 1. Statement to read as follows:

*“Effective stakeholder engagement, appropriate governance structures and resource allocations will support the City’s coordinated and integrated approach to asset management. Decision-makers will act under the concept of stewardship, ensuring asset management practices benefit present and future generations.”;*

**2** **ADD** an additional part, being f. under section 2. Details to read as follows:

*“f. Ensuring that defined technical and community levels of service for each infrastructure asset are compiled and made available to Elected Members.”*

The Motion was Put and **CARRIED (10/0)** by Exception Resolution after consideration of C232-12/22, page 257 refers.

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 27 refers*

To access this attachment on electronic document, click here: [Attach27agnBRF221206.pdf](#)

## **CJ228-12/22      STORMWATER MANAGEMENT POLICY – MINOR REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101283, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Current Stormwater Management Policy</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the review of the *Stormwater Management Policy*, as a result of the Policy Manual review process.

### **EXECUTIVE SUMMARY**

The *Stormwater Management Policy* (the Policy) sets out the key considerations for the management of stormwater resources, stormwater drainage and stormwater management planning.

Since the *Stormwater Management Policy* was first established and adopted by the City of Joondalup in 1999, the Policy has undergone several amendments, including name changes to the Policy, changes in scope and additions to the Policy objectives. The policy review conducted in 2015 (CJ226-12/15 refers), did not result in any significant changes however, the overall objective was modified to include the consideration of climate change impacts.

As part of the 2020 Policy Manual review, no amendments were identified for this Policy, as the City's stance on stormwater management remains relevant and consistent when benchmarked against other local government policies. The Policy was previously considered by the Policy Committee at its meeting held on 5 October 2020 where it was noted that no changes were required.

The Policy also continues to be implemented effectively by the City.

*It is therefore recommended that Council NOTES the outcomes of the review of the Stormwater Management Policy and AGREES to retain the Stormwater Management Policy in its current form provided as Attachment 1 to Report CJ228-12/22.*

### **BACKGROUND**

Originally adopted as the *Stormwater Drainage into Wetlands Policy*, prior to the split of the Cities of Wanneroo and Joondalup, the purpose of the Policy was to establish an in-principle position to oppose the discharge of piped or artificially channelled stormwater into specific lake and wetland areas and discourage the establishment of sumps within these locations. Two qualifications were also provided that permitted such stormwater discharges if there were no other reasonable discharge alternatives or if satisfactory pre-treatments could be applied.

At its meeting held 21 September 2004 (CJ214-09/04 refers), Council endorsed a complementary *Preventing of Stormwater Discharge into Natural Bushland Areas Policy* on the recommendation of the Conservation Advisory Committee, to incorporate bushland areas into the stormwater management process. During the 2005 Policy Manual review (CJ206-10/05 refers), policy duplication was acknowledged and resulted in the consolidation of the abovementioned policies to form the renamed *Stormwater Drainage Policy*.

As part of the 2012 Policy Manual review (CJ172-08/12 refers), the *Stormwater Drainage Policy* underwent significant amendments which included renaming the Policy to the *Stormwater Management Policy*, broaden the Policy's scope to incorporate stormwater management in general rather than focussing on drainage in isolation, reflected current State Government directions regarding water sensitive design principles; and facilitated the integration of these principles into planning and development activities within the City.

In 2015, the overall objective of the *Stormwater Management Policy* was modified to include the consideration of climate change impacts (CJ226-12/15 refers). This amendment brought the Policy in line with the City's *Climate Change Strategy 2014-2019*, strengthened the existing stormwater and climate change stance and projects, and also enabled the Policy to be more flexible should there be any future adjustments in best practice to stormwater management implementation.

In the 2020 Policy Manual review, no amendments were identified for this Policy, as the City's stance on stormwater management remains relevant and consistent when benchmarked against other local government policies. The Policy was previously considered by the Policy Committee at its meeting held on 5 October 2020 where it was noted that no changes were required.

The Policy also continues to be implemented effectively by the City.

## DETAILS

The Policy continues to be used effectively as part of the City's capital works projects to gradually improve outcomes for the City's drainage network. While it is expected that housing density increases over time will directly impact the drainage network, this should not require any changes to the wording used in the Policy.

As no changes have been identified in relation to the City's stance on stormwater management, the Policy has undergone a minor review to ensure relevance and currency by benchmarking against other local government policies relating to stormwater management.

### Local Government Comparison

An analysis of other local government stormwater policies was undertaken to inform the review of the City's *Stormwater Management Policy*. Of the 70 local governments benchmarked in the Greater Perth Metropolitan area and regional WA, ten local governments have policies relating to the management of stormwater. These policies are summarised in the table below:

Name of Local Government	Policy Name	Notes
City of Nedlands	Stormwater	<ul style="list-style-type: none"> <li>Policy aims to ensure stormwater is managed to protect environmental, social and economic values of the community</li> <li>Objective similar to the City of Joondalup.</li> </ul>

Name of Local Government	Policy Name	Notes
City of Mandurah	Water Sensitive Urban Design	<ul style="list-style-type: none"> <li>Policy acknowledges that urban development disrupts the natural water cycle and significantly impacts on the environment, both in terms of water quality and quantity.</li> <li>Applies to all activities, works, services and programs conducted by the administration, contractors, consultants and volunteers.</li> <li>Similar level of policy detail to City of Joondalup.</li> </ul>
City of Stirling	Stormwater Runoff Disposal	<ul style="list-style-type: none"> <li>Policy primarily applies to the disposal of stormwater runoff from the City's road network.</li> <li>Policy also applies to the disposal of runoff from other land under the care, control of management of the City, including car parks and public open spaces.</li> <li>Policy excludes the disposal of runoff from City buildings and private property.</li> </ul>
City of South Perth	Stormwater Drainage Requirements for Proposed Buildings	<ul style="list-style-type: none"> <li>Policy only affects certain internal business units, and the wider community who plan to purchase and/or renovate buildings in the City.</li> </ul>
Town of Victoria Park	Stormwater Runoff Containment	<ul style="list-style-type: none"> <li>Policy only provides guidance on connections from private property to the Town's stormwater drainage system.</li> </ul>
City of Vincent	Stormwater Drainage Connections	<ul style="list-style-type: none"> <li>Policy only provides basic guidance on the controlled disposal of stormwater from commercial and residential properties and whether a property needs to apply for connection to the City's stormwater drainage system.</li> </ul>
Shire of Collie	Stormwater Discharge from Building Sites	<ul style="list-style-type: none"> <li>Policy applies more specifically to all planning and building approvals that have a condition requiring stormwater management.</li> <li>Mainly used by applicants in developing proposals or when City officers provide advice on stormwater management matters.</li> <li>Contains significant level of detail; not consistent with wording in the City of Joondalup policies.</li> </ul>
City of Wanneroo	Urban Water Management	<ul style="list-style-type: none"> <li>All three policies mention stormwater management; however, policies incorporate other topic areas outside of stormwater management.</li> <li>Contains significant level of detail; not consistent with wording in the City of Joondalup policies.</li> </ul>
	Wetlands	
	Public Open Space	
City of Rockingham	Urban Water Management	<ul style="list-style-type: none"> <li>Policy applies to proposals that facilitate residential (on both rural and urban land), commercial and industrial zoning, subdivision or development.</li> <li>Consistent with responsibilities applied to the activities, works, services and programs conducted.</li> <li>Contains significant level of detail; not consistent with wording in the City of Joondalup policies.</li> </ul>

This benchmarking exercise confirms that other WA local governments also address the issue of stormwater management through their policy documents, but the scope and level of detail in these policies varies significantly. This research has not led to any recommended changes in the *Stormwater Management Policy*, as the Policy intends to maintain a high-level strategic focus to be consistent with the City's other policies.

**Issues and options considered**

Council can either:

- retain the *Stormwater Management Policy* in its current format, as shown in Attachment 1 to Report CJ228-12/22  
or
- suggest modifications to the *Stormwater Management Policy*.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation** Section 26 of the *Planning and Development Act 2005*.

**10-Year Strategic Community Plan**

**Key theme** Environment.

**Outcome** Resilient and prepared – you understand and are prepared for the impacts of climate change and natural disasters.

**Policy** *Stormwater Management Policy*.

**Risk management considerations**

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

**Financial / budget implications**

Not applicable.

**Regional significance**

Stormwater management in the City of Joondalup can impact and affect other surrounding local governments areas.

**Sustainability implications**

Appropriate management of stormwater is important for the continued protection and improvement of stormwater quality for the natural environment as well as management of stormwater volumes for control of storm events and flooding.

**Consultation**

Not applicable.

**COMMENT**

The *Stormwater Management Policy* continues to provide guidance on how stormwater is managed to protect environmental, social and economic values. The City continues to facilitate the integration of water sensitive design principles and consider climate change impacts into planning and development within the City of Joondalup.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ228-12/22 (as detailed below) was resolved by the Policy Committee at its meeting held on 31 October 2022.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Jones, SECONDED Cr Logan that Council NOTES the outcomes of the review of the *Stormwater Management Policy* and AGREES to retain the *Stormwater Management Policy* in its current form provided as Attachment 1 to Report CJ228-12/22.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 28 refers*

To access this attachment on electronic document, click here: [Attach28agnBRF221206.pdf](#)

## REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE - 28 NOVEMBER 2022

### CJ229-12/22 MULTI STOREY CAR PARK 104 MCLARTY AVENUE, JOONDALUP

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101515, 08498
<b>ATTACHMENTS</b>	<p>Attachment 1 Project Philosophy and Parameters 2022</p> <p>Attachment 2 Reid Promenade Car Park - Review and Learning Points</p> <p>Attachment 3 Concept Design 1 to 3 - Hames Sharley Report</p> <p>Attachment 4 Concept Design 4 - Hames Sharley Report</p> <p>Attachment 5 QS Costings</p> <p>Attachment 6 Design Critique and Environmental Issues List</p> <p>Attachment 7 Consultation - outcomes report</p> <p>Attachment 8 Consultation - response from City</p> <p>Attachment 9 Demand Modelling</p> <p>Attachment 10 Retail and Commercial Needs Analysis</p> <p>Attachment 11 Social and Economic Return on Investment</p> <p>Attachment 12 Financial Evaluation</p> <p>Attachment 13 Business Case</p>

*(Please note: The Attachments are only available electronically).*

<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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#### PURPOSE

For Council to consider the Business Case for the potential Multi Storey Car Park at 104 McLarty Avenue, Joondalup.

#### EXECUTIVE SUMMARY

The City undertook a preliminary feasibility study in 2020 and has now prepared concept designs and a business case for the construction of a multi storey car park at 104 McLarty Avenue. There has been a great deal of investigation and consultation into this project which has culminated in the attached business case and supporting attachments. While the City is keen to support economic development and encourage growth into the City, the case for construction is not compelling and not recommended at this time.

*It is therefore recommended that Council:*

- 1 *NOTES the business case for the proposed multi storey car park at 104 McLarty Avenue, Joondalup;*
- 2 *NOTES that having considered the business case, resolves not to proceed with construction at this time;*
- 3 *NOTES that \$300,000 is already included in the adopted 2022-23 Budget for detailed design and will be removed during the 2022-23 mid-year budget review;*
- 4 *NOTES that \$16.8 million is currently included in the 5-Year Capital Works Program and Strategic Financial Plan and will be removed as part of the 2023 updates;*
- 5 *NOTES that demand modelling will be reassessed in 2024 for a potential multi storey car park at 104 McLarty Avenue, Joondalup and continue to liaise with large stakeholders in the Joondalup central business district to evaluate potential trigger points.*

## **BACKGROUND**

The City undertook a preliminary feasibility review in 2020 which culminated in a report being presented to Council at its meeting held on 17 November 2020 (CJ175-11/20 refers), it was resolved that:

*“Council:*

- 1 *NOTES the feasibility for the City to construct a second multi-storey car park as detailed in Report CJ175-11/20;*
- 2 *REQUESTS the Chief Executive Officer prepare concept plans for a second multi-storey car park, which considers and addresses the incorporation of commercial uses within the site and elements that future proof the overall development.”*

This report and associated business case addresses item 2 above.

### Vision

The City is committed to the activation of the Joondalup central business district (CBD) and the provision of adequate parking to attract employers, employees and visitors is crucial to the activation. The overall vision for the project is to:

Support economic development to the Joondalup CBD by ensuring that there is sufficient parking available for workers, commuters and visitors.

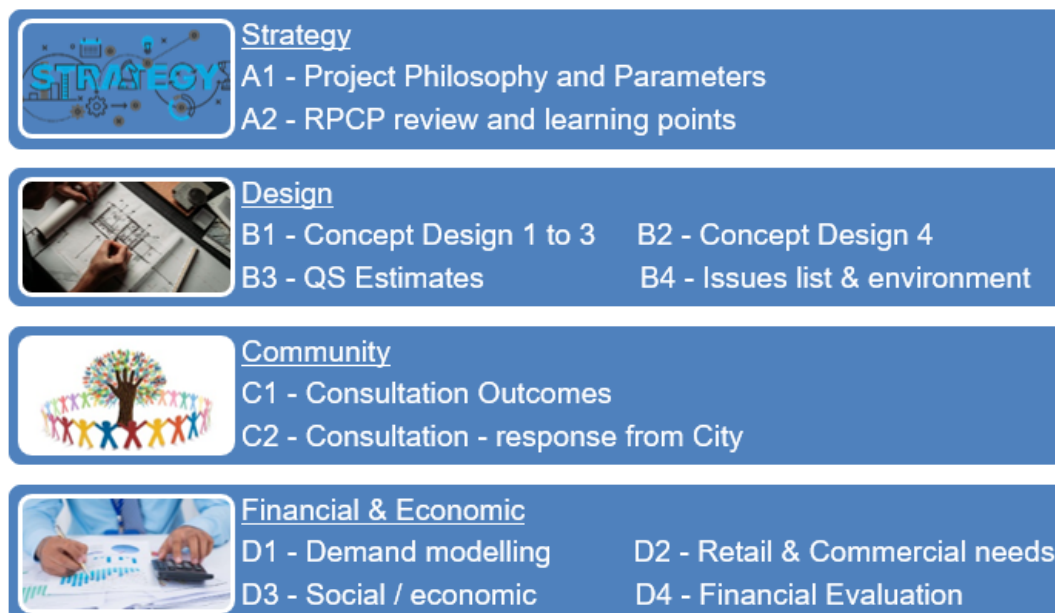
## **DETAILS**

The City has used its Project Management Framework to prepare a detailed and robust business case for the project. This has been governed as follows:





The business case, provided as Attachment 13, can be reviewed as a stand-alone document without referring to the other attachments. This report does not intend to repeat all of the items within the business case. An extensive amount of research and consultation has been undertaken and is summarised below



## Issues and Scenarios considered


### Scenarios

Four concept designs were prepared, with commercial and retail considerations. The project also evaluated the potential impacts of future-proofing the concept so that it could be converted to commercial in future, if the demand for parking reduced.

### Outcomes of Business Case

The business case includes a detailed financial evaluation (Attachment 12 refers) and a multi-criteria assessment based on the project objectives. The assessment of the project is that there is not a compelling case at this point in time, to construct a Multi Storey Car Park. The business case has highlighted several positives and negatives for the project as summarised below.

OUTCOME	POSITIVE	NEGATIVE
CONSULTATION	Large Stakeholders Supportive	Low response, mixed support
DEMAND MODELLING	Major displacement factor (e.g. Lendlease / Boas Place)	Not compelling
COMMERCIAL DEMAND	Demand is there	Risk of vacancies
FINANCIAL	Operating benefits appear good for most options	No payback or longer than 50 years
FUNDING	Parking surpluses CAN pay for the facility	If project doesn't proceed, reserves build up
RISK APPETITE	City CAN afford this (except residential)	This would be a significant risk



**Conclusion - NOT compelling**  
Do not fully commit at this stage

### Options

Council's options are as follows:

- note the business case and do not proceed with the project
- note that further research is undertaken  
or
- proceed to detailed design

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Section 5.56(1) of the *Local Government Act 1995* provides that:

*"A local government is to plan for the future of the district."*

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome:** Responsible and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

**Policy** *Strategic Financial Plan – Guiding Principles.*

### Risk management considerations

The Multi Criteria Assessment within the business case has included an appropriate element for the risk appetite of Council. In addition, there is a risk evaluation within the business case.

### Financial / budget implications

The 2022-23 *Budget* includes an amount of \$300,000 for detailed design which is proposed to be reallocated at mid-year budget review. The *5-Year Capital Works Program* and *Strategic Financial Plan* (SFP) include \$16.8 million in future years for the construction of the facility. If Council resolve not to proceed to construction this amount will be removed prior to consideration of the next update of the SFP.

## **Regional significance**

The population of the north-west Perth Metropolitan region has, and will continue, to grow greatly in the years ahead. This will place an increasing demand for services in Joondalup (for example health, education, retail) and has been factored into the demand modelling within the business case.

## **Sustainability implications**

The concept designs prepared by Hames Sharley (Attachment 3 and 4 refers) have given rise to some issues raised both internally and externally. These have been listed in Attachment 6 to Report CJ229-12/22, with comments by the City and potential actions if the City were to proceed. The City's environmental team has been involved in the review.

## **Consultation**

The City has used its consultation protocol to undertake community consultation. The outcomes of this are listed firstly in Attachment 7, and then the project team has prepared a supplementary document, being Attachment 8, which lists some of the key issues raised, a City response and potential action.

## **COMMENT**

### What are the trigger points to make the case positive?

The business case does not currently provide a compelling case to proceed with the multi storey car park. The City needs to understand what could change the demand modelling profile and make the case positive. There are several reference points in the Business Case and financial evaluation to indicate this, firstly, section 7.4 of the Business Case shows the demand modelling if Boas Place were developed. Secondly, the financial evaluation includes scenario analysis (11.3 of the Business Case refers) and shows the impact on the overall financial evaluation for this alternative scenario (scenario 3) and concludes that all options except scenario 3b would provide a positive financial outcome.

The potential trigger points to make the case positive are as follows:

- Boas Place development – the loss of at least 300 car bays (staff car park and public car park).
- Lakeside expansion in the northern entertainment precinct. If Lendlease proceeded with this, without providing their own on-site parking this could provide a trigger, if the demand was for 300 car bays.
- Lakeside reduction of existing car bays.
- Joondalup Health Campus – additional expansion which increases demand for parking that is not provided on site and is not provided by Reid Promenade Car Park.

### Summary comments

This project is only considered paused at this moment in time. The City is committed to the activation of the Joondalup CBD and the provision of adequate parking to support this is essential. The City will therefore continue to reassess the demand modelling and liaise with large stakeholders to evaluate the impact of any trigger points.

### Capacity to deliver project

If Council did resolve to proceed with this project, it is important to consider the overall pipeline of major projects and the capacity of the City to implement the project within the next few years, these are as follows:

- Total pipeline – there are currently 32 major projects that are at different stages in the process (evaluation, planning or implementation).
- On track – 17 projects are either not on track for desired timeline or at risk.
- Resource – 11 projects do not currently have an allocated project manager.

Taking into account the above, if the City were to proceed with the construction of a Multi Storey Car Park there would be a risk in its capacity to plan and implement.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ229-12/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 28 November 2022.

The committee recommendation is the same as recommended by City officers.

## **MOVED Cr Logan, SECONDED Cr May that Council:**

- 1 **NOTES the business case for the proposed multi storey car park at 104 McLarty Avenue, Joondalup;**
- 2 **NOTES that having considered the business case, resolves not to proceed with construction at this time;**
- 3 **NOTES that \$300,000 is already included in the adopted 2022-23 Budget for detailed design and will be removed during the 2022-23 mid-year budget review;**
- 4 **NOTES that \$16.8 million is currently included in the 5-Year Capital Works Program and Strategic Financial Plan and will be removed as part of the 2023 updates;**
- 5 **NOTES that demand modelling will be reassessed in 2024 for a potential multi storey car park at 104 McLarty Avenue, Joondalup and continue to liaise with large stakeholders in the Joondalup central business district to evaluate potential trigger points.**

**The Motion was Put and**

**CARRIED (11/0)**

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

To access this attachment on electronic document, click here: [MultiStoreyCarParkBRF221206.pdf](#)

## **CJ230-12/22      HEATHRIDGE PARK MASTERPLAN PROJECT - CONCEPT DESIGN REVIEW**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	04361, 101515
<b>ATTACHMENTS</b>	Attachment 1      Heathridge Park Aerial Map Attachment 2      Heathridge Park masterplan Concept Designs Attachment 3      Proposed concept design amendments
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the proposed updates to be made to the Heathridge Park masterplan concept designs.

### **EXECUTIVE SUMMARY**

Heathridge Park located on Sail Terrace, Heathridge is approximately 9.6 hectares and is classified as a district sports park in the City's *Parks and Public Open Space Classification Framework*. The park comprises the following infrastructure:

- One active sports playing field.
- Heathridge Community Centre.
- Heathridge Park Clubroom.
- Guy Daniel Clubroom / Heathridge Child Health Centre.
- Ten outdoor tennis courts.
- Various sporting and park infrastructure including car parks, floodlighting, a play space and cricket nets.

There are 16 sporting and recreation clubs with a total of 2,552 registered members that currently use the facilities at Heathridge Park. There is a further 19 community groups that hire Heathridge Community Centre and six community groups that hire Guy Daniel Clubroom.

The redevelopment of Heathridge Park has been considered by the City for several years. The current infrastructure has limited functionality and does not meet the needs of the existing or potential future user groups. This includes specific deficiencies associated with the change rooms, storage, meeting room spaces, accessibility, and sporting field orientation.

In 2020, a needs and feasibility study was undertaken and confirmed the City's observations about inadequacies with the ageing infrastructure at Heathridge Park. As part of the study, concept designs indicating redevelopment options for Heathridge Park were developed along with associated preliminary capital and operational cost analysis.

User groups of Heathridge Park and the local community were invited to provide feedback on the concept design in November and December 2020. Council considered the results of community consultation at its meeting held on 16 March 2021 (CJ039-03/21 refers) and requested a review of the concept designs be undertaken.

A review of the previous concept design and community consultation results has been completed. Recent usage and bookings data has also been analysed, and key stakeholders including the sporting clubs have been engaged. The previous concept design has also been compared to the City's standard provision for community and sporting facilities.

An alternate option for the site has also been proposed to provide new / upgraded amenities for the sporting clubs and community groups who use Heathridge Park Clubroom, Guy Daniel Clubroom and Heathridge Community Centre. The alternate option could also include improved public amenities at the site.

This report presents the proposed updates to be made to the concept design options.

*It is therefore recommended that Council:*

- 1 *APPROVES the proposed updates to be made to the concept design options for the Heathridge Park masterplan project as detailed in Report CJ230-12/22;*
- 2 *REQUESTS that a further report be made to the Major Projects and Finance Committee with revised concept designs and capital cost estimates at a future meeting.*

## BACKGROUND

<b>Suburb/Location</b>	Heathridge Park – 16 Sail Terrace Heathridge WA 6027.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>LPS</b> Public Open Space.
	<b>MRS</b> Urban.
<b>Site area</b>	96,025.96m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Heathridge Park located on Sail Terrace, Heathridge (Attachment 1 refers) is approximately 9.6 hectares and is classified as a district sports park in the City's *Parks and Public Open Space Classification Framework*. The park comprises the following infrastructure:

- One active sports playing field.
- Heathridge Community Centre.
- Heathridge Park Clubroom.
- Guy Daniel Clubroom / Heathridge Child Health Centre.
- Ten outdoor tennis courts.
- Various sporting and park infrastructure including car parks, floodlighting, a play space and cricket nets.

A drainage site owned in freehold by the City is also located within the park.

There are 16 sporting and recreation clubs with a total of 2,552 registered members that currently use the facilities at Heathridge Park, these include the following:

- Ocean Ridge Junior Cricket Club – 128 members.
- Ocean Ridge Senior Cricket Club – 77 members.
- Ocean Ridge Junior Football Club – 802 members.
- Ocean Ridge Amateur Football Club – 160 members.
- Ocean Ridge Tennis Club – 150 members.

- Duncraig Tennis Club – 23 members.
- Dynamic Flame Badminton Club – 18 members.
- Ocean Ridge Seniors Social Badminton Club – 54 members.
- Sorrento Sandgropers Badminton Club – 44 members.
- Wallabies Badminton Club – 39 members.
- Eagles Junior Basketball Club – 100 members.
- Joondalup Lakers Basketball Club – 300 members.
- Padbury Pumas Junior Basketball Club – 350 members.
- Perth Dragon Floorball Club – 33 members.
- West Coast Calisthenics – 194 members.
- Beldon Scout Group – 80 members.

There are a further 19 community groups that hire Heathridge Community Centre and six community groups that hire Guy Daniel Clubroom.

The redevelopment of Heathridge Park has been considered by the City for several years. The current infrastructure has limited functionality and does not meet the needs of the existing or potential future user groups. This includes specific deficiencies associated with the change rooms, storage, function room spaces, accessibility and oval orientation.

In 2020, a needs and feasibility study was developed and confirmed the City's observations about inadequacies with the ageing infrastructure at Heathridge Park. The study noted that the outdated design and fragmented locations of the existing buildings results in servicing and operational issues, and that the redevelopment of Heathridge Park would assist with meeting the needs of existing and future user groups. As part of the study, concept designs showing redevelopment options for Heathridge Park were developed (Attachment 2 refers) along with associated preliminary capital and operational cost analysis. Council considered the needs and feasibility study and concept designs at its meeting held on 15 September 2020 (CJ138-09/20 refers) and endorsed the draft concept design for the purpose of community consultation.

The two redevelopment options for Heathridge Park were developed in response to a request from the junior football club for additional sports playing fields. The concept designs for both options are the same however, option one included a second junior sports playing field (which also required new sports floodlighting and relocation of the drainage site). Option two did not include the second junior sports playing field and retained the existing sports floodlighting and drainage site.

The key features of the previous concept design (option one) included the following:

- New multi-purpose community sporting facility with a single indoor multi-sport court.
- Enhanced / reconfigured car parking facilities.
- Reduced number of tennis courts from 10 to six.
- Realignment of the senior sports playing field and development of a second junior sports playing field with associated floodlighting infrastructure.
- Outdoor half-court basketball pad.
- Relocated cricket nets with associated lighting infrastructure.
- Nature play area.
- BBQ / picnic areas.
- Optional informal amphitheatre / seating event space.
- Footpath / exercise loop.
- Re-vegetated areas to account for tree loss in other areas.

User groups of Heathridge Park and the local community were invited to provide feedback on the concept design (option one) in November and December 2020. The community consultation results indicated that 58% of respondents either supported or strongly supported the concept design, 8% were neutral and 27% of respondents either opposed or strongly opposed (the remaining 7% of respondents did not provide a response to this question).

Comments provided by respondents during consultation included general support for the proposed redevelopment, however there was strong opposition against the proposal to reduce the number of tennis courts from 10 courts to six, particularly from respondents associated with the tennis clubs at Heathridge Park. Other key matters raised by respondents included insufficient car parking (both existing and proposed); the preference for a two-storey building and more storage; general opposition to the concept design; and support for the proposed second sports playing field to be larger.

Council considered the results of community consultation at its meeting held on 16 March 2021 (CJ039-03/21 refers) and requested a review of the concept designs be undertaken including the following considerations:

- Retention of existing tennis infrastructure.
- Scope and location of the proposed multipurpose facility.
- Additional car parking provision.

## **DETAILS**

A review of the previous concept design and community consultation results has been completed. Recent usage and bookings data has also been analysed, and key stakeholders including the sporting clubs who use Heathridge Park Clubroom and the Ocean Ridge Tennis Club have been engaged. The previous concept designs have also been compared to the City's standard provision for community and sporting facilities.

The proposed amendments to be made to the concept designs (options one and two) are outlined in Attachment 3. A summary of these changes include the following:

- Provision of additional car parking.
- Additional rooms to be added to the new building.
- Sports playing field not to be expanded. Sports floodlighting and drainage site to be retained in existing locations.
- Retention / redevelopment of eight tennis courts.
- Relocation of the basketball pad to an alternate location.
- Retention of the existing cricket nets with new lighting.
- Design of informal amphitheatre / event space to be scaled back.

Where possible, concept design option one and two could be designed to be constructed in a phased approach.

### **Alternate concept design option (proposed option three)**

An alternate option for the site is proposed to provide new / upgraded amenities for the sporting clubs and community groups who use Heathridge Park Clubroom, Guy Daniel Clubroom and Heathridge Community Centre. The alternate option could also include improved public amenities at the site. This option could deliver a number of the outcomes of the current masterplan, but at a likely reduced capital cost.



The existing infrastructure has limited functionality and does not meet the needs of the current or potential future user groups, particularly with the growth in female and integrated / all abilities sports. This includes specific deficiencies associated with the change rooms, storage, function room spaces, accessibility and playing field orientation.

The proposed option three could include the following:

- Retention of the existing sports playing field and associated infrastructure, cricket nets and tennis courts (no playing field expansion).
- Redevelopment of the Heathridge Park Clubroom with a new community sporting facility.
- Refurbishment of the existing Guy Daniel Clubroom.
- Refurbishment of the existing Heathridge Community Centre.
- Enhanced / reconfigured car parking facilities.
- Outdoor half-court basketball pad.
- Nature play area.
- BBQ / picnic areas.
- Footpath / exercise loop.
- Re-vegetated areas to account for tree loss in other areas.

It is anticipated that option three would have a lower capital cost than the current masterplan and could be constructed in a phased approach.

The City has not engaged with the community or key stakeholders of the facilities at Heathridge Park on the proposed option three, so there is a risk that it may not be supported. The previous community consultation results did indicate that only 58% of respondents either supported, or strongly supported, the concept design for option one.

If supported, it is proposed to update the concept designs for option one and two and develop a new concept design for option three. These updated / new concept designs can then be costed for further consideration.

### **Issues and options considered**

It is considered that Council has two options, to either agree or not to agree to make the proposed amendments to the concept design options.

If Council agrees to update the concept designs, a further report will be prepared with the updated concept designs and cost estimates and presented to Elected Members at a future meeting.

### **Tennis courts**

The Tennis West Strategic Facilities Plan (TWSFP) recommends a player to court ratio of 30:1 for floodlit tennis courts and 20:1 for unlit tennis courts. The needs and feasibility study identified that the number of courts currently provided at Heathridge Park (10) was an over-provision, based on the number of members of the existing clubs. At the time of the study, the Ocean Ridge Tennis Club (ORTC) had a membership of 90 and the Duncraig Tennis Club (DTC) had a membership of 25. Six floodlit hard courts would therefore provide for a membership of 180, and if they were unlit would provide for a membership base of 120. The tennis courts proposed in the concept design would be floodlit.

Recent data from the ORTC has shown an increase in membership, with the club now reporting a membership of 150. The DTC membership has remained steady at 23.

The ORTC did not previously support the reduction in the number of tennis courts and continue to request at least 10 tennis courts be provided at Heathridge Park.

As part of the updated concept designs (options one and two), it is proposed to include eight tennis courts. This is an increase from the six courts proposed in the previous concept design (is a decrease from the existing 10 courts). While the number of courts is an over-provision based on player to court ratios, Tennis West have advised that eight or more courts (district centres) are required for clubs to host inter-club competitions. The ORTC have expressed the desire to continue to have the ability to hold competitions at this facility, as this provides opportunity for player development and fundraising opportunities for the club.

The proposed option three concept design includes retention of the existing 10 tennis courts.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme** Place.

**Outcome** Functional and accessible – You have access to quality community facilities that are functional and adaptable.

**Policy** *Requests for New or Capital Upgrades to Existing Community Venues Policy.*  
*Public Art Policy.*  
*Asset Management Policy.*  
*Community Consultation Policy.*

### **Risk management considerations**

The City needs to ensure that the design of any new facilities at Heathridge Park meet the needs of user groups, the community and the City. An update to the concept design was requested by Council at its meeting held on 16 March 2021 (CJ039-03/21 refers), based on the results of community consultation. If the concept design is not updated, the City will not be able to meet this request.

If the project does not progress, the user groups and community members that use Heathridge Park will continue to operate within the existing limited facilities. Based on the classification of the park (district park); heavy utilisation of the sports playing field, the indoor sports court and some of the meeting room spaces; and inadequate existing facilities; a redevelopment is required to better service the user groups and local wider community's needs.

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs and may differ if further detailed designs are undertaken for the project.

### **Financial / budget implications**

The financial analysis for the project were included in the report considered by Council at its meeting held on 15 September 2020 (CJ138-09/20 refers).

In July 2020, the estimated construction cost for option one was approximately \$15.6 million and option two was approximately \$14.6 million (Attachment 2 refers). Option one was a higher cost estimate due to the inclusion of a second junior sports playing field, new sports floodlighting and relocation of the drainage site. These indicative estimates will be updated with the revised concept designs. It is anticipated that option three would have a lower capital cost than option one and two.

Prior to the 2021 election, the State Government made a commitment of \$2.5 million towards the redevelopment of Heathridge Park. At this stage, no City funding has been allocated for the project.

The updates to the concept design and cost estimates will be completed by external consultants with funds available in the existing 2022-23 operational budget.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget. The City will seek to retain the existing mature trees on site in the updated concept designs, however where this is not possible, new trees will be planted on a replacement ratio of 6:1.

#### Social

The City conducted one round of engagement in late 2020 with user groups and the local wider community to ensure that the proposed redevelopment represented the communities' diverse needs. Key stakeholders have also been engaged with as part of the recent concept design review process.

The proposed redevelopment at Heathridge Park will consider access and inclusion principles and aim to enhance the amenity of the public space. One of the main challenges with the site is the contour / level changes which may create issues with access from the existing car parks to the new facility, and compliance with access and inclusion requirements. To address this, vehicle ramps and / or accessible pedestrian pathways will be proposed to link the existing car parks to the proposed new facility and playing field.

#### Economic

One of the main principles of the City's *masterplan framework* is the development of 'shared' and 'multipurpose' facilities to avoid duplication, and to reduce the ongoing maintenance and future capital expenditure requirements. Concept design option one and two proposes a single multipurpose facility. Option three would see the site retaining three separate buildings.

### **Consultation**

Previous engagement for the project was conducted in accordance with the City's approved *Community Consultation Policy and Protocol*. Results of the initial community engagement for this project were considered by Council at its meeting held on 16 March 2021 (CJ039-03/21 refers).

## COMMENT

The proposed amendments to the concept design options for the Heathridge Park masterplan project have been identified from a review of the previous community consultation results; the previous concept design; the City's standard provision for community and sporting facilities; and recent usage and bookings data. If approved, the City will update the concept designs for option one and two and develop a new concept design for option three. These updated / new concept designs will then be costed and presented to a future Major Projects and Finance Committee meeting. The progression of the project into further design and construction stages will be considered as part of this future report.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ230-12/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 28 November 2022.

The committee recommendation is the same as recommended by City officers.

*Cr McLean left the Chamber at 9.41pm.*

*The Governance Officer left the Chamber at 9.42pm.*

*Cr McLean entered the Chamber at 9.43pm.*

*The Governance Officer entered the Chamber at 9.49pm.*

## MOVED Cr Logan, SECONDED Cr Jones that Council:

- 1 APPROVES the proposed updates to be made to the concept design options for the Heathridge Park masterplan project as detailed in Report CJ230-12/22;**
- 2 REQUESTS that a further report be made to the Major Projects and Finance Committee with revised concept designs and capital cost estimates at a future meeting.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 29 refers*

*To access this attachment on electronic document, click here: [Attach29aqrBRF221206.pdf](#)*

## **CJ231-12/22      VISIONING THE JOONDALUP CENTRAL BUSINESS DISTRICT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101414, 101515
<b>ATTACHMENTS</b>	Attachment 1      Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters endorsed 2010
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to consider and endorse the Vision for the Central Business District Project Cluster.

### **EXECUTIVE SUMMARY**

In July this year the Major Projects and Finance Committee noted the approach of coordinating the pipeline of major projects through the creation of functional clusters. Amongst the five clusters identified in the presentation, the Central Business District (CBD) cluster was presented as an example for exploration as it holds the potential for short to medium term activation and forms the focus of this report.

The CBD cluster consists of the following projects which are included in the City's Capital Works Program listed under Major City Projects:

- Second Multi storey car park.
- Boas Place Development.
- Joondalup Administration Building Redevelopment.
- Joondalup Performing Arts and Cultural Facility.
- Joondalup City Centre Place Activation.
- Edgewater Quarry.

These projects are interrelated as they are located within the CBD and as such may impact each other during development. The synergy between these projects, their individual and collective contribution to the CBD and the wider Joondalup community should be optimised under a common vision.

In drafting the vision statement in the recommendation, previous visions, development philosophies, planning solutions and input from consultants and interested parties has been considered. A set of actions have been developed to form part of a strategy to achieve the vision.

*It is therefore recommended that Council:*

1 *ENDORSES the Vision for the CBD cluster as outlined below:*

*“The Joondalup City Centre is an iconic and recognisable business address known for its exciting innovation, technology, education and health industries. The outlook is dominated by quality, well-designed, sustainable buildings that complement the natural surroundings. The Joondalup City Centre offers abundant and varied employment opportunities for a locally-based workforce. Residents, workers and visitors enjoy high-amenity community spaces that have a vibrant, lively atmosphere. Places are integrated and interconnected and there is overall sense of flow.”;*

2 *NOTES the actions to achieve this vision requires the City of Joondalup to:*

- 2.1 Promote the City Centre as a desirable location for long-term capital investment;*
- 2.2 Encourage and support development projects that generate ongoing employment opportunities in the City Centre;*
- 2.3 Progress the development of cultural and artistic venues and spaces in the City Centre;*
- 2.4 Deliver distinctive, high amenity public open spaces in the City Centre.*

## **BACKGROUND**

In the strategic plan for the *Perth Metro, Directions 2031*, the State Government expands on its vision for the City of Joondalup:

*“Transitioning Joondalup town centre to a primary activity centre that will be the major employment centre of the northwest sub-region is a significant undertaking and one that is unlikely to be completed by 2031. However, governments, planners, developers, and investors must begin making decisions with the end goal in mind if Joondalup is to evolve from a population driven consumer goods and services centre, to a more intense and diverse centre that attracts knowledge based and producer service businesses. (emphasis added).*

*The expected increase in commercial floor space is likely to come from two sources – redevelopment of brownfield commercial areas and greenfield sites. The existing low-density developments within the city centre, which were developed according to the needs at the time, have significant latent potential for higher density mixed use development.”*

In response to the State Government’s vision for Joondalup the City proactively attempted to accommodate decentralisation of commercial office space from the Perth City Centre. A philosophy and parameters was written for this purpose which provided a vision and set of objectives to guide the future Joondalup City Centre Commercial Office Development on Boas Place. This project became known as the Boas Place Project.

Since the endorsement of the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters at the Council Meeting held on 25 May 2010 (CJ083-05/10 refers), further negotiations and investigations have guided the City’s actions and objectives in pursuing the opportunity of developing the Joondalup City Centre. (Attachment 1 refers).

At its meeting held on 20 July 2010 (CJ121-07/10 refers), Council amended its Position Statements for the Joondalup City Centre Commercial Office Development to align with the Project Philosophy and Parameters adopted in May 2010 as follows:

*“Development of a high rise commercial office space within the CBD on Council owned land is supported under the following conditions:*

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

In September 2014 the City submitted a response to the State Government’s request for Expressions of Interest for Joondalup Office Accommodation. The City was advised that it was not the preferred respondent. The site selected for the State Government offices was the corner of Davidson Terrace and Shenton Avenue. Construction on this building was completed in 2018 and officers from the Department of Water together with Environmental Protection Authority Services relocated to Joondalup.

Due to the City being unsuccessful and following the cessation of negotiations with the then development partner, Council agreed to the preparation of an Order of Magnitude Business Case (OMBC) for the project.

The main purpose of preparing an OMBC for the Boas Place site is to provide Council with the appropriate information to enable an informed decision on the future of the site and the impact on the City’s financial position. The OMBC will also enable the City to provide potential developers/interested parties with sufficient information on the benefits of collaborating with the City to develop Boas Place.

Despite the City being unsuccessful in its bid to accommodate the relocation of State Government offices it should be noted that its efforts did create an awareness of what the City has to offer and in the following five years the following components proposed in the endorsed Boas Place Concept Plan became a reality:

- State Government office accommodation.
- Hotel development.
- High rise residential apartment block.
- Multi storey carpark.

The fact that these components within the Boas Place Concept Plan materialised confirms the accuracy of the City’s then development vision, realistic expectations of market conditions and how the City can accommodate it, while the Boas Place site remained untouched during the completion of these developments.

In view of the above and as suggested through the OMBC it is appropriate to revision the City Centre while considering the City’s overall vision as well as the *10-Year Strategic Community Plan’s* key themes and outcomes.

The *Corporate Business Plan 2022-2026* shares the vision that Joondalup is a vibrant place where people want to live, work and play, and where people can find everything they need locally. The City in 2032 caters for every stage of life. People feel welcome here and have a clear sense of belonging. We live in high-quality housing in attractive neighbourhoods which have excellent transport linkages and connectivity. We are multi-generational and multicultural; a place where everyone feels connected and safe. We celebrate and adopt technology and innovation. We are a hub for education and state-of-the-art health facilities, and we are an active advocate for health and other community services. The City in 2032 is internationally connected — we are a global-facing city, with local amenity, and a powerful sense of community. A global City: bold, creative and prosperous.

## DETAILS

At its meeting held on 26 July 2022 (Item 7 refers), the Major Projects and Finance Committee noted the approach of coordinating the pipeline of major projects through the creation of functional clusters. It was also noted that the concept of cluster management will be introduced by using the Central Business District cluster as an example.

A strategy to cluster the major projects to pursue the efficient coordination of a pipeline of projects is proposed. The strategy will be guided by the grouping within the *10-Year Strategic Community Plan* and feedback from the budget workshops for the 2022-23 financial year.

The following provides further information on major projects contained within the CBD cluster:

### Multi Storey Carpark – 104 McLarty Avenue

The City is committed to the activation of the Joondalup CBD and the provision of adequate parking to attract employers, employees and visitors is crucial to the activation.

The overall vision for the project is:

*Support economic development within the Joondalup CBD by ensuring that there is sufficient parking available for workers, commuters and visitors.*

This project has the potential to serve as a catalyst for the development of Boas Place as it will provide for the potential loss of parking, 300 bays, currently provided for on the Boas Place site, in the event of development of the site.

However, the business case does not currently provide a compelling case to proceed with the Multi Storey Car Park and it is suggested that it be reassessed in 2024.

### Boas Place Redevelopment

Investigations into future opportunities for the development of Boas Place in the Joondalup City Centre to incorporate a variety of land uses. The potential redevelopment of Boas Place is a key component within the CBD cluster due to the City's ability, as owner, to accommodate interested parties and incentivise developers to develop the site towards the most beneficial and sustainable outcome.

Attention should also be given to the opportunity to integrate an arts and cultural facility within this development as it contributes significantly towards activation of the civic centre as well as the CBD.



It is important to recognise the abovementioned role of the proposed Multi Storey Car Park development as a catalyst for the Boas Place Redevelopment.

#### Joondalup Administration Building – Refurbishment

In 2017 an assessment of the City's current and future utilisation of the City's Administration Building was done. The assessment included an investigation into the maximisation of existing space to accommodate the City's administrative operations in the short, medium and long-term.

Determinations made by external consultants indicated that the Administration Building is reaching the end of its serviceable life. The City's current utilisation of the existing space is less than optimum. However, substantial investment would be required to refurbish the building and provide spaces that are conducive to, and representative of, a modern, workplace environment.

#### Joondalup Performing Arts and Cultural Facility

A dedicated arts facility proposed for the hosting of performing arts and cultural events and activities within the City of Joondalup.

Historically, the location of a performing arts facility was preferred to be in close proximity to the City's civic centre as it has synergy with the role and function of a civic centre and also serves as a catalyst for activation and place making.

Further consideration of a proposed arts and culture facility should be accommodated within a vision for the CBD cluster and in particular be integrated within a future Boas Place redevelopment.

#### Joondalup City Centre Place Activation Plan

The Joondalup City Centre Place Activation Plan is a pilot, place activation plan which aims to guide placemaking initiatives by community, local business, and the City for greater activation and vibrancy of the area. The plan establishes a vision for the Joondalup City Centre and various priority ideas (projects) that will inform the Council, City and local place makers on how to focus efforts to activate the City Centre.

Deliberative workshops involving a wide stakeholder group, identified and developed the following vision statement for the activation plan:

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

#### Edgewater Quarry Masterplan

Management of potential ground and water contamination at the Edgewater Quarry site in response to a notice from the WA Department of Water and Environmental Regulation. The day to day management of the potential contamination is an operational matter and will be done in line with a Site Management Plan that is currently being refined.

It is suggested that the Edgewater Quarry Masterplan be removed from the CBD cluster as a project as the City does not intend to pursue any further development of this site. Furthermore, the site spatially is removed from the CBD area and will not contribute towards the vision for the cluster.

## Issues and options considered

The proposed vision for the CBD cluster was developed in line with the aspirations of the Strategic Community Plan, feedback from budget workshops and relevant Council policies.

The major projects that constitutes the CBD cluster represents their own set of objectives and recommendations to guide the progress of each of these projects. The overall vision recognises these objectives and was formulated to accommodate them in an overarching statement of intend for the future of the Joondalup CBD.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** *Joondalup Activity Centre Plan, 2018.*

Section 5.56(1) of the *Local Government Act 1995* provides that:

*“A local government is to plan for the future of the district.”*

## 10-Year Strategic Community Plan

**Key theme** Economy.

**Outcome** Prosperous and local - you fee supported to grow your business in the City.

Innovative and confident - you are attracted to the City's unique characteristics and potential and feel confident in investing.

Appealing and welcoming - you welcome residents, and local and international visitors to the City.

**Policy** *Joondalup Place Activation Strategy.*  
*Joondalup City Centre Place Activation Plan.*

## Risk management considerations

Further detailed risk assessment will be required once the individual projects are progressed.

## Financial / budget implications

Not applicable.

## Regional significance

The City of Joondalup has been identified as a 'Strategic Metropolitan Centre' in the State Government Planning Framework *Perth and Peel@3.5 million* (Department of Planning, Lands and Heritage, 2018) and Boas Place supports and promotes the vision and objectives of the framework.

A vibrant and well-functioning Joondalup CBD will be the heart of City providing major employment opportunities in the northwest metropolitan area. Over time it has the potential to grow into a destination providing for opportunities in all spheres of the wider community's needs.

## **Sustainability implications**

The proposed vision and strategy to follow in pursuit of the vision, for the central business district (CBD) cluster, will address the following sustainability implications:

- Project Vision.
- Land Use and Built Form.
- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

These implications will be outlined in more detail as the individual projects progress.

## **Consultation**

Numerous policies and plans including the *10-Year Strategic Community Plan*, the *Joondalup City Centre Place Activation Plan* and the *Joondalup Activity Centre Plan* have been subject to community engagement that meets statutory requirements and the *City's Community Consultation Policy*.

These policies and plans together with the visions and objectives of the relevant projects in this cluster are all incorporated and addressed within the overall vision for the CBD cluster.

The policy will also guide engagement with all stakeholders through the progression of each of the projects within the CBD cluster.

## **COMMENT**

A Vision and Strategy in pursuit of the vision for the CBD cluster will serve as a guide to the coordinated progression of the projects within the cluster. Each project has its own profile and contribution towards making the overall vision a reality.

A projects profile consists of various aspects including magnitude, demand on resources, market conditions, appetite from interested parties, synergy with other projects, potential Social Return on Investment, most appropriate staging and potential to activate the CBD.

Coordination through the clustering of projects guided by the Vision should contribute towards realising a highly functioning Joondalup CBD contributing towards the region and wider area in an optimum manner.

## **VOTING REQUIREMENTS**

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ231-12/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 28 November 2022.

The committee recommendation is the same as recommended by City officers.

### MOVED Cr Jones, SECONDED Cr Logan that Council:

**1 ENDORSES the Vision for the CBD cluster as outlined below:**

*“The Joondalup City Centre is an iconic and recognisable business address known for its exciting innovation, technology, education and health industries. The outlook is dominated by quality, well-designed, sustainable buildings that complement the natural surroundings. The Joondalup City Centre offers abundant and varied employment opportunities for a locally-based workforce. Residents, workers and visitors enjoy high-amenity community spaces that have a vibrant, lively atmosphere. Places are integrated and interconnected and there is overall sense of flow.”;*

**2 NOTES the actions to achieve this vision requires the City of Joondalup to:**

- 2.1 Promote the City Centre as a desirable location for long-term capital investment;**
- 2.2 Encourage and support development projects that generate ongoing employment opportunities in the City Centre;**
- 2.3 Progress the development of cultural and artistic venues and spaces in the City Centre;**
- 2.4 Deliver distinctive, high amenity public open spaces in the City Centre.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of C232-12/22, page 257 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 30 refers*

*To access this attachment on electronic document, click here: [Attach30agnBRF221206.pdf](#)*

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ232-12/22 - Status of Proposed Change to the District Boundary – Ocean Reef Marina Location.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of the Local Government Advisory Board.

## CJ232-12/22                    STATUS OF PROPOSED CHANGE TO THE DISTRICT BOUNDARY – OCEAN REEF MARINA LOCATION

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	04171, 101515
<b>ATTACHMENTS</b>	Attachment 1    Site plan – former reported potential district boundary Attachment 2    Schedule 2 – Development Agreement - Boundary of Responsibilities – Ocean Reef Marina
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

To provide a status update to Council on the City's intended submission to the Local Government Advisory Board (LGAB) to amend the City of Joondalup's (City) district boundary at the Ocean Reef Marina location.

**EXECUTIVE SUMMARY**

At its meeting held on 16 August 2016 (CJ117-08/16 refers), Council provided its conditional in-principle approval to change the City's district boundary to include the proposed Ocean Reef Marina (Attachment 1 refers). Council requested that comments on the proposed new boundary be sought from the Department of Transport - Marine and Harbours (DOT) and the Department of Biodiversity, Conservation and Attractions (DBCA) Parks and Wildlife Service.

The comments received from these State Government agencies were reported to Council at its meeting held on 21 March 2017 (CJ023-03/17 refers), Council resolved in part to:

- “2        *REQUESTS the Chief Executive Officer to liaise with the Department of Transport and the Department of Parks and Wildlife to determine the preferred location of the amended district boundary following the finalisation of the Public Environmental Review and Metropolitan Scheme Amendment processes.*”

Since Council's resolution of 21 March 2017, the Public Environmental Review, and the Metropolitan Scheme Amendment (MRS) No.1270/41 processes have been completed, as have other matters that may impact the location of the district boundary at the Ocean Reef Marina (ORM) location. In July 2017, the Western Australian Government approved a business case for the ORM development that indicated the project implementation phases.

At its meeting held on 16 February 2021 (CJ019-02/21 refers) Council authorised the execution of the *Ocean Reef Marina Heads of Agreement*. This document contained the agreed principles to facilitate negotiations between the City and DevelopmentWA prior to preparing and executing the ORM Development Agreement and Land Transfer Deed. Council then approved the Development Agreement and Land Transfer Deed at its special council meeting held on 29 March 2022 (JSC01-03/22 refers). Approval was subject to the review of the agreements by the City's solicitors, with any non-minor agreement changes to be reported back to Council.

The current status of the ORM development project is that marine works have commenced, and Stage 1, a 103-lot subdivision has received conditional approval. Minor amendments are currently taking place via solicitors on the Development Agreement and Land Transfer Deed with finalisation imminent.

Attachment 2 to Report CJ232-12/22 is Schedule 2 to the ORM Development Agreement - Boundary of Responsibilities, where a demarcation line indicates the management responsibilities. As the ORM project has progressed, it has become evident that amendments to the demarcation line are required. Once the City, DevelopmentWA, and the DOT as the future marina manager have discussed and agreed to any changes, the outcome may influence the location of the new district boundary. At this stage, it appears that deviations to that indicated on Attachment 1 will be required.

*It is therefore recommended that Council:*

- 1 *NOTES the City's intention to make a submission to the Local Government Advisory Board to amend the City's district boundary at the Ocean Reef Marina location;*
- 2 *NOTES that changes to the demarcation line of management responsibilities shown on Attachment 2 to Report CJ232-12/22, being Schedule 2 of the Ocean Reef Marina Development Agreement - may influence the district boundary location at the Ocean Reef Marina;*
- 3 *REQUESTS the Chief Executive Officer to submit a further report to Council on the City's proposed district boundary at the Ocean Reef Marina location prior to a submission being made to the Local Government Advisory Board.*

## **BACKGROUND**

At its meeting held on 16 August 2016 (CJ117-08/16 refers), Council provided in-principle approval to amend the City's district boundary to include the proposed ORM (Attachment 1 refers). Council requested that prior to its final determination, invitations to comment be extended to the DOT and the DBCA's Parks and Wildlife Service. The DOT's interest as the potential future government agency to have the management responsibility for Ocean Reef Marina and the DBCA as the proposed boundary change was within the Marmion Marine Park, which the DBCA administers.

Council resolved as follows:

- "1 *APPROVES in principle the proposal to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour to include the proposed Ocean Reef Marina development;*

- 2 *REQUESTS the Chief Executive Officer to issue a direct invitation to the Department of Transport (Marine and Harbours) and the Department of Parks and Wildlife seeking comments on the proposal as outlined in Part 1 above;*
- 3 *REQUESTS the Chief Executive Officer to provide a further report to Council detailing comments received from the Department of Transport and the Department of Parks and Wildlife prior to making a final determination to the Local Government Advisory Board to submit a proposal to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour."*

The advice from the DOT and the DBCA was a pending MRS amendment, and the proposed amendment to the Marmion Marine Park boundary would help to provide more certainty on the proposed new boundary.

At its meeting held on 21 March 2017 (CJ023-03/17 refers) with Attachment 1 being the same attachment as that provided with Report No. CJ117-08/16, the comments from the DOT and DBCA were reported to Council. It was resolved that:

- "1 *NOTES the comments provided by the Department of Transport and the Department of Parks and Wildlife regarding the proposal to amend the district boundary of the City of Joondalup;*
- 2 *REQUESTS the Chief Executive Officer to liaise with the Department of Transport and the Department of Parks and Wildlife to determine the preferred location of the amended district boundary following the finalisation of the Public Environmental Review and Metropolitan Scheme Amendment processes;*
- 3 *REQUESTS the Chief Executive Officer to provide a further report to Council for a determination to submit a proposal to the Local Government Advisory Board to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour based on the outcome of the liaison outlined in Part 2 above."*

The MRS Amendment 1270/41 – Ocean Reef Marina Development was gazetted on 29 November 2019 resulting in appropriate MRS zonings now being in place in ORM. The *Reserves (Marmion Marina Park) Bill 2019* excised an area out of the Marmion Marine Park to facilitate the development of the Ocean Reef Marina.

## **DETAILS**

The Local Government Advisory Board (LGAB) is the body established by the *Local Government Act 1995* (the Act) to assess proposals for changes to local government district boundaries. Section 2.1 of the Act sets out the requirements for a change to a local government district boundary and Schedule 2.1 of the Act sets out the detailed processes to be followed.

The LGAB also provides guiding principles that form the basis for considering changes to local government boundaries and consider the factors set out in the Act.

When providing its recommendation to Council on the new district boundary, it will be reported on how the City will meet the requirements of Section 2.1 and Schedule 2 of the Act.

## **Issues and options considered**

Careful consideration of the amendment to the City's district boundary at any location is necessary. This is based on the possible implications that include the inability to apply the City's *Local Planning Scheme No. 3*, the *Health Act*, the *Building Code of Australia*, and other legislation including the City's Local Laws. The application of local government rates where applicable is also a consideration.

Given the current ORM project status which now includes a conditionally approved subdivision, it appears timely for a review of the management details.

The City considers its management responsibilities are for the terrestrial/land component of the development which include maintenance, operation, and replacement of the public infrastructure, services, and public open spaces. The Marina Manager (the DOT) is to be responsible for the marine precinct, the waterbody, marina facilities, boat pens, the pen amenities site, revetment walls, breakwaters, and the portion of the road in the north supported by the breakwater. Refinement to the demarcation of responsibilities which will include the demarcation line shown on Attachment 2 needs to be discussed and agreed upon with DevelopmentWA and the DOT.

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

**Legislation** Section 2.1 (2) of the *Local Government Act 1995* provides that in relation to creating, changing the boundaries of, and abolishing districts Schedule 2.1 has affect.

### **10-Year Strategic Community Plan**

**Key theme** Economy.

**Outcome** Appealing and welcoming - you welcome residents and local international visitors to the City.

**Policy** Not applicable.

### **Risk management considerations**

Proceeding with a proposal to amend the City of Joondalup's district boundary is a relatively low risk although the location of the amended boundary must not be inconsistent with the MRS boundary and the DBCA and the DOT agree.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The City has sought comment from the relevant State Government agencies involved with the ORM development to date and will continue to do so before reporting back to Council on the future district boundary at the ORM location.

Since the inception of the Ocean Reef Marina project, the City has undertaken rigorous community engagement. The inclusive engagement process resulted in significant support for the project that would inevitably result in the expansion of the City and a subsequent amendment to the district boundary.



The *Local Government Act 1995* sets out in *Schedule 2.1* the need for the LGAB to undertake an inquiry concerning a district boundary proposal unless it determines that the proposal is minor. If the LGAB determines that the proposal is not minor, it is obliged to conduct its own inquiry even if the local government has already undertaken its own consultation. A formal inquiry would require notice to affected electors, affected local governments, and affected electors of other local governments.

## COMMENT

The City and DevelopmentWA are currently undertaking minor amendments to the Development Agreement and Land Transfer Deed. Schedule 2 of the Development Agreement – shown as Attachment 2 to Report CJ232-12/22 – indicates the demarcation of management responsibilities. There are a number of proposed management changes that the City will discuss with DevelopmentWA and the DOT with a result being an amendment to the demarcation line indicated on Attachment 2. The future district boundary will be considered as part of these discussions.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ232-12/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 28 November 2022.

The committee recommendation is the same as recommended by City officers.

*Cr May left the Chamber at 9.54pm.*

## MOVED Cr Jones, SECONDED Cr Kingston that Council:

- 1 **NOTES** the City's intention to make a submission to the Local Government Advisory Board to amend the City's district boundary at the Ocean Reef Marina location;
- 2 **NOTES** that changes to the demarcation line of management responsibilities shown on Attachment 2 to Report CJ232-12/22, being Schedule 2 of the Ocean Reef Marina Development Agreement, may influence the district boundary location at the Ocean Reef Marina;
- 3 **REQUESTS** the Chief Executive Officer to submit a further report to Council on the City's proposed district boundary at the Ocean Reef Marina location prior to a submission being made to the Local Government Advisory Board.

**The Motion was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

*Appendix 31 refers*

To access this attachment on electronic document, click here: [Attach31agnBRF221206.pdf](#)

C148-12/22

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

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

CJ195-12/22, CJ196-12/22, CJ201-12/22, CJ202-12/22, CJ203-12/22, CJ204-12/22,  
CJ205-12/22, CJ207-12/22, CJ208-12/22, CJ212-12/22, CJ213-12/22, CJ214-12/22,  
CJ215-12/22, CJ216-12/22, CJ217-12/22, CJ218-12/22, CJ219-12/22, CJ220-12/22,  
CJ221-12/22, CJ222-12/22, CJ223-12/22, CJ224-12/22, CJ225-12/22, CJ227-12/22,  
CJ228-12/22 and CJ231-12/22.

The Motion was Put and

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

## **REPORTS OF THE CHIEF EXECUTIVE OFFICER**

Nil.

## **URGENT BUSINESS**

Nil.

## MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **C149-12/22                    NOTICE OF MOTION NO.1 – CR RUSS FISHWICK – CCTV REBATE**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russ Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 13 December 2022:

**That the Council REQUESTS the Chief Executive Officer to prepare a report for consideration dealing with the City of Joondalup offering a Closed-Circuit Television (CCTV) Rebate that can be considered prior to the finalisation of the 2023-24 Budget in which funds can be provided if a CCTV rebate scheme is supported by the Council.**

### **REASON FOR MOTION**

Closed circuit television (CCTV) can deter potential offenders from criminal activity and help with the detection, investigation, and prosecution of offenders. CCTV can also increase people's perceptions of safety and their use of public places.

The City of Stirling is providing rebates of 30% (up to a maximum of \$500) off the cost of new CCTV installations in its municipality that include a public angle field of view overlooking the road, footpath, front verge, or any other applicable public area.

The City of Stirling has developed a rebate program aimed at increasing the number of CCTV systems in strategic locations within its district. The intent of the CCTV rebate is to encourage private residents and businesses to install an effective CCTV system and create a partnership between the applicant and WA Police to address crime and safety problems through visual surveillance.

This program is a 21<sup>st</sup> century upgrade to "Neighbourhood Watch" and aims to increase the number of CCTV systems within the City of Stirling in an effort to make it a safer place for everyone. Its rebate applications will be limited to one per household.

Before installation or upgrade of a CCTV system, applicants are requested to review the City of Stirling's "Terms and Conditions" (shown hereunder) to verify that the desired setup will be eligible for rebate through this program.

Terms and conditions:

- 1 CCTV must be installed by a registered business with a Security Agent Licence Number.
- 2 CCTV must be installed at a property within the City of Stirling.
- 3 This rebate is only applicable to systems installed/upgraded on or after 1 October 2022.
- 4 The CCTV Rebate is applicable to either new installed systems or upgrades to improve the quality of an existing system (providing this adds or improves a public 'facing camera).
- 5 The system must be fully installed, payment made to the authorised business, and rebate application completed in full and submitted to the City before 28 April 2023.
- 6 One application per property will be considered, per round of funding.
- 7 At least one camera must have a sufficient view of a public space, such as the road, footpath, front verge, park, reserve, or any other applicable public area.
- 8 Applicants must provide high quality screenshots showing the field of view of their camera system once installed.

- 9 The CCTV system must be a fixed camera and installed in accordance with the *Surveillance Devices Act 1998* and *Privacy Act 1988*.
- 10 Applicants must consent to their details being provided to WA Police Force for the location and fields of view of the CCTV system.
- 11 The operator of the CCTV must register their system with the WA Police Force State CCTV Register (<https://wastatecctvregister.police.wa.gov.au>) and submit their confirmation email as part of their rebate application.
- 12 The operator of the CCTV system must agree to provide footage to WA Police Force when requested. Failure to do so may result in the City retrieving any rebate payments it has made to the applicant.
- 13 The City provides no guarantee that a rebate can be provided to all applicants if the allocated budget is fully expended prior to the processing of your application.
- 14 Applicants must maintain the CCTV system in working order for a minimum of 12 months. Failure to do so may result in the City retrieving rebate payments it has made to the applicant.
- 15 The City will rebate 30% of the total cost of a new or improved CCTV system, up to a maximum of \$500 per project.
- 16 Applicants must not have a current outstanding debt with the City.
- 17 Allocating funding to a project remains the discretion of the City.
- 18 The City reserves the right to cancel the rebate arrangements at any time if any of the above conditions have not been met to the satisfaction of the City. The City will not be liable for any cost incurred by the applicant.

It is therefore recommended that the CEO be requested to submit a report dealing with the City of Joondalup offering a similar CCTV rebate that can be considered prior to the finalisation of the 2023-24 Budget in which funds can be provided if a rebate scheme is supported by Council.

#### **OFFICER'S COMMENT**

A report can be prepared. The City is currently undertaking work in response to previous Notices of Motion relating to CCTV and is intending to present the outcomes of this work to Elected Members in early 2023. There is opportunity for the City to also provide the outcomes of an investigation into a CCTV rebate scheme – similar to the City of Stirling's – as part of this reporting, which will mean information on the rebate scheme will be available for Elected Member's consideration as part of the 2023/24 budget process.

*Cr May entered the Chamber at 9.59pm.*

**MOVED Cr Fishwick, SECONDED Mayor Jacob that the Council REQUESTS the Chief Executive Officer to prepare a report for consideration dealing with the City of Joondalup offering a Closed-Circuit Television (CCTV) Rebate that can be considered prior to the finalisation of the 2023-24 Budget in which funds can be provided if a CCTV rebate scheme is supported by the Council.**

**The Motion was Put and**

**CARRIED (11/0)**

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

C150-12/22

**NOTICE OF MOTION NO.2 – CR CHRISTOPHER MAY – PEDESTRIAN ACCESSIBILITY**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Christopher May has given notice of his intention to move the following Motion at the Council meeting to be held on 13 December 2022:

**That Council REQUESTS the Chief Executive Officer to prepare a report on options to consider a Pedestrian Accessibility and Amenity Improvement Program within higher density areas, particularly infill (HOA) areas, considering the following:**

- 1 Missing footpath connections and pedestrian refuges on distributor roads leading to neighbourhood centres, parks, high frequency bus routes and other amenities;**
- 2 Footpath width in areas considered to have higher pedestrian usage – such as outside of major parks/sporting ovals, schools and neighbourhood centres; and**
- 3 Analysis of what additional budgetary impact to prioritise additional footpath and pedestrian infrastructure within high density areas would have.**

**REASON FOR MOTION**

Infill within Housing Opportunity Areas (HOAs) may see a doubling or more in population as re-zoning leads to continued infill development within the City of Joondalup.

When HOAs were first considered to meet the City's long term infill targets, consideration, rightly in my view, was given to locating higher density near public transport infrastructure and large-scale activity centres such as Warwick Grove and Whitford City. Since then, some changes have occurred to also allow some increased density around smaller neighbourhood centres, again, a reasonable proposition I support.

However, little consideration was originally given to improving amenity for pedestrians and improved public spaces, such as parks, to service the growing population and reality of, on average, smaller yards as subdivision occurs. The upside to density will be greater community utilisation of public spaces, and the Parks Amenity Improvement Program seeks to compliment this need.

What remains missing, is improvements to walkability for higher density areas, particularly as density has been targeted to be within walkable catchments of amenities such as bus stops, train stations, major activity centres and neighbourhood centres.

To reduce dependency on cars leads to improved physical health outcomes, a better sense of community and reduced congestion and pressure on road infrastructure. Many HOAs exist within older suburbs with poor pedestrian connectivity and a program targeted at increasing priority for pedestrian improvements will alleviate these shortcomings over the medium to long term as development within HOAs continues.

**OFFICER'S COMMENT**

A report can be prepared.

**MOVED Cr May, SECONDED Cr Poliwka that Council REQUESTS the Chief Executive Officer to prepare a report on options to consider a Pedestrian Accessibility and Amenity Improvement Program within higher density areas, particularly infill (HOA) areas, considering the following:**

- 1 Missing footpath connections and pedestrian refuges on distributor roads leading to neighbourhood centres, parks, high frequency bus routes and other amenities;**
- 2 Footpath width in areas considered to have higher pedestrian usage – such as outside of major parks/sporting ovals, schools and neighbourhood centres; and**
- 3 Analysis of what additional budgetary impact to prioritise additional footpath and pedestrian infrastructure within high density areas would have.**

**The Motion was Put and**

**CARRIED (11/0)**

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

C151-12/22

**NOTICE OF MOTION NO.3 – CR SUZANNE THOMPSON –  
REVOCATION OF DECISION REGARDING CJ193-11/22 PROPERTY  
MANAGEMENT FRAMEWORK – REVIEW PARTS 2 AND 3**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Suzanne Thompson has given notice of her intention to move the following Motion at the Council meeting to be held on 13 December 2022:

**That Council:**

- 1 **BY AN ABSOLUTE MAJORITY REVOKES** the decision of 15 November 2022 regarding CJ193-11/22 Property Management Framework – Review parts 2 and 3 as outlined below:
  - “2 **ADOPTS** the revised Property Management Framework as detailed in Attachment 2 to Report CJ193-11/22;
  - 3 **REQUESTS** the Chief Executive Officer undertake a detailed community engagement program to communicate the revised Property Management Framework to affected tenants and facilitate its implementation.”
- 2 **REQUESTS** that CJ193-11/22 Property Management Framework, **BE REFERRED BACK** to the Chief Executive Officer to allow further engagement with Elected Members on improved understanding of the outcomes and consequences of proposed leave arrangements; improved understanding of the financial consequences of the proposed changes; and to have further details on the cost benefits in terms of forgone income with the current model and how much it is costing ratepayers.

**REASON FOR MOTION**

It is my contention that the *Procedural Motion – That the motion be now put* that preceded the decision of Council on this matter meant that the debate was closed prematurely and before all Councillors were able to express their views on the matter and that these views should be tabled and considered properly before we approve the revised Property Management Framework.

Furthermore, whilst I believe that good progress has been made on the review of our lasing arrangement within the Property Management Framework I am concerned that some questions regarding the framework have yet to be answered and there is still room for improvement to the frameworks' stated aims of:

- preferencing hire arrangement over the establishment of leases or licences
- promoting occupancy arrangement that maximise access to the property by the wider community
- promoting occupancy arrangements that contribute to the financial viability of the City and reflect an occupant's capacity to pay.

Furthermore, I would like more clarification on the potential revenue and system of collection of the Special rent 2, to ensure that is a sound way of charging our lessees.

### **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 Cr Suzanne Thompson.
- 2 Cr Russell Poliwka.
- 3 Cr John Raftis.
- 4 Cr Daniel Kingston.
- 5 Cr John Chester.

### **OFFICER'S COMMENT**

In accordance with clause 13.5 of the *City of Joondalup Meeting Procedures Local Law 2013*, there are limitations on the power to revoke or change decisions.

Clause 13.5(1)(a) of the City's *Meeting Procedures Local Law 2013*, provides that the Council cannot consider a revocation motion "*where, at the time the motion is moved or notice is given, any action has been taken under clause 13.6 to implement the decision.*"

Further, clause 13.5(2) of the City's *Meeting Procedures Local Law 2013*, provides that the Council may consider a revocation motion of the kind described in subclause (1)(a) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

As such, the Officer Comment responds to the requirements of clauses 13.5 and 13.6 of the *Meeting Procedures Local Law 2013*.

At the Council Meeting held on 15 November 2022 (CJ193-11/22 refers), it was resolved in part that Council:

- "2 *ADOPTS the revised Property Management Framework as detailed in Attachment 2 to Report CJ193-11/22;*
- 3 *REQUESTS the Chief Executive Officer undertake a detailed community engagement program to communicate the revised Property Management Framework to affected tenants and facilitate its implementation.*"

One of the statutory functions of the CEO under s5.41(c) of *the Local Government Act 1995* is to "*cause Council decisions to be implemented*".

Elected Members are advised that the following actions have been undertaken in accordance with the Council resolution of 15 November 2022:

- On 7 November 2022, the Director Infrastructure Services, circulated an email to Elected Members, in advance of the Briefing Session meeting held on 8 November 2022, outlining the City's proposed engagement approach with affected groups, indicating that direct engagement would occur *within 48 hours of a decision of Council being made*.
- The above information was verbally reiterated to Elected Members at the meeting of Council held on 15 November 2022, following a question from a Councillor regarding the City's proposed engagement process.
- As indicated to Elected Members, notification emails were sent to all affected groups on Thursday 17 November 2022. Notification emails were sent to different categories of affected groups (for example those with an expired agreement, soon-to-expire agreement or long-term agreement).



- All information also became live on the City's website from Thursday 17 November 2022 [Property Management Framework – City of Joondalup](#).
- On Friday 18 November 2022, City Officers commenced phone calls with all Category 1 groups (those with expired agreements), to arrange meeting dates to discuss the implications of the revised framework and to step groups through the new application process.
- To date, meetings have been held with:
  - Whitfords Senior Citizens Group on Tuesday 29 November 2022.
  - Duncraig Senior Citizens Group on Thursday 1 December 2022.
  - Hairdressing Salon (Whitfords Seniors) on Friday 2 December 2022.
- As a result of the Revocation Motion being received by the City on 5 December 2022, the following meetings have been rescheduled, pending an outcome on the motion:
  - Community Vision previously scheduled for Tuesday 6 December 2022 – now rescheduled for Tuesday 20 December 2022.
  - Department of Child Health and Adolescent Services previously scheduled for Tuesday 13 December 2022.
  - Warwick Senior Citizens Group previously scheduled for Thursday 8 December 2022.
  - Mullaloo Community Kindergarten previously scheduled for Wednesday 7 December 2022.

Please note, the City is yet to receive any application packs from existing tenure holders.

The City has, however, received a request from a new potential licensee, of which the City is currently finalising the evaluation process in accordance with the revised *Property Management Framework*.

Given the complexities regarding the proposed revocation motion and implementation activities undertaken, the City sought legal advice with regard to the legal and financial consequences of proceeding with the revocation motion. The relevant parts of this advice are provided as [ConfidentialNOM3](#).

For the reasons stated in the legal advice, the revocation motion is not supported.

That Council:

- 1 BY AN ABSOLUTE MAJORITY REVOKES the decision of 15 November 2022 regarding CJ193-11/22 Property Management Framework – Review parts 2 and 3 as outlined below:
  - “2 *ADOPTS the revised Property Management Framework as detailed in Attachment 2 to Report CJ193-11/22;*
  - 3 *REQUESTS the Chief Executive Officer undertake a detailed community engagement program to communicate the revised Property Management Framework to affected tenants and facilitate its implementation.*”
- 2 REQUESTS that CJ193-11/22 Property Management Framework, BE REFERRED BACK to the Chief Executive Officer to allow further engagement with Elected Members on improved understanding of the outcomes and consequences of proposed leave arrangements; improved understanding of the financial consequences of the proposed changes; and to have further details on the cost benefits in terms of forgone income with the current model and how much it is costing ratepayers.

**There being NO MOVER, the Motion**

**LAPSED**

C152-12/22

**NOTICE OF MOTION NO.4 – CR JOHN RAFTIS – SPECIFIED AREA RATE – HARBOUR RISE ESTATE**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr John Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 13 December 2022:

**That Council REQUESTS the Chief Executive Officer to provide the Annual Service Review documents, relating to the Specified Area Rate (SAR) for Harbour Rise Estate, immediately to ratepayers within the SAR upon request.**

**REASON FOR MOTION**

- The City levies Specified Area Rates (SAR) in addition to the standard rates- this is advised on the City' website in numerous locations, as well as in the City's Annual Budget. (refer links below).
- The City collects the rates and undertakes the works utilising City resources or external contractors engaged by the City.
- The Resident Associations which are in place for each SAR do not provide any of the services or collect any funds from residents.
- The City holds the collected funds and administers those funds, and also holds any unspent funds in a reserve fund at the end of the year.

It is clear that the Specified Area Rates levied are a relationship between the property owners (ratepayers) and the City, and as such there should be no issue with the City providing a copy of the relevant agreements associated with those additional rates charged.

Residents should not have to engage with a third party – being the applicable resident association in the SAR – in order to obtain supporting information about the charges the City is levying upon them, and for which the City could undertake collections actions should the resident refuse to pay those additional rates.

<https://www.joondalup.wa.gov.au/wp-content/uploads/2021/06/Specified-Area-Rating-Policy-WEB-VERSION-Adopted-2021-5.pdf>

**Specified Area Rating Policy – Council Policy**

*“The City will remain at all times the custodian of the Specified Area Rate and will administer the funds collected in compliance with the relevant provisions of the Local Government Act 1995, as amended, including establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.”*

<https://www.joondalup.wa.gov.au/kb/resident/specified-area-rates-sar>

**Specified Area Rates (SAR)**

A Specified Area Rate (SAR) is an additional charge that is applied separately to designated areas within the City. This covers additional maintenance costs for a higher standard of landscaping services above what would ordinarily be provided by the City. The City currently has four SAR areas:

- Iluka
- Woodvale Waters
- Harbour Rise
- New Burns Beach

<https://www.joondalup.wa.gov.au/kb/resident/faqs-rates>

### What is a Specified Area Rate (SAR) and who pays it?

- Specified Area Rates apply in designates areas within the City.
- Owners in Iluka, Woodvale Waters Woodvale, new Burns Beach and Harbour Rise Estate Hillarys pay a special rate to cover the costs of additional landscaping services.
- This is charged at a separate rate in the dollar and is listed as an additional item on the rate notice.
- The same GRV used for calculating rates is applied to this rate in the dollar to calculate the specified area rate payable.
- The City is required to use the money from specified area rates for the purpose for which the rate is imposed and in the financial year in which it is imposed.

Rates in the dollar for specified area rates for the 2022-23 year are as follows:

- Burns Beach – 0.40130c.
- Iluka – 0.72668c.
- Harbour Rise – 0.6736c.
- Woodvale Waters – 0.59706c.

### OFFICER'S COMMENT

Council adopted the *Specified Area Rating Policy* which details, amongst other things, the management of the Specified Area Rate (SAR). The policy requires the City's representatives to consult with the SAR representative property owners group on a regular basis in relation to the operations of the SAR. It further requires the program of works and services proposed to be funded by a SAR in a financial year to be agreed between the City's representatives and the SAR representative property owners group prior to the adoption by Council of the City's annual budget.

To facilitate this requirement, the City enters into following two agreements with the SAR representative property owners group:

- A **Service Level Agreement** which spans a three year period and defines the area to be maintained and the expected level of service.
- An **Annual Service Review document** which detail each coverage area and the associated annual cost (based on the contractors commercial rates) which is contained within an attachment this document.

Currently both these agreements are entered into on a confidential basis and can only be made available to residents with the agreement from both parties being the City and the SAR representative property owners group. These documents are provided as confidential attachments to Elected Members ([ConfidentialNOM4](#) refers).

In early August 2022, the City received a request from a resident of Harbour Rise for a copy of the Harbour Rise SAR Annual Service Review document. As this document is a confidential agreement between the City and the Harbour Rise Association (HRA), the City contacted the HRA to seek their agreement prior to releasing the document. The HRA sought an alternate by agreeing to make the confidential document available to the resident, upon receipt of a request to them directly. The HRA requested this in order for them to be able to answer any questions, provide clarity, or address any issues the resident might want to raise in relation to this document.

Since this time, the Chief Executive Officer has requested that future agreements between the City and the SAR representative property owners group not be a confidential agreement between the two parties to enable the City to more easily share the information with residents within the SAR areas. This will occur when the 2023-24 Annual Service Review documentation is financial. For the current agreements, however, the City will still require approval from the relevant SAR representative property owners group.

**MOVED Cr Raftis, SECONDED Cr Thompson** that Council REQUESTS the Chief Executive Officer to provide the Annual Service Review documents, relating to the Specified Area Rate (SAR) for Harbour Rise Estate, immediately to ratepayers within the SAR upon request.

**The Motion was Put and**

**LOST (4/7)**

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

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

C153-12/22

**NOTICE OF MOTION NO.5 – CR JOHN RAFTIS – ALLEGATIONS OF MISCONDUCT**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr John Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 13 December 2022:

**That Council REQUESTS the Chief Executive Officer to prepare an immediate report regarding current allegations of misconduct within the City that includes details of the allegations, the status of any investigations and the costs incurred to date for each allegation.**

**REASON FOR MOTION**

- There is an allegation of serious misconduct that was referred to the City by an external government organisation for investigation. To date the City has spent in excess of \$100,000 on legal consultants in handling this matter.
- Despite numerous enquiries to the CEO on this matter, the CEO is not willing to provide further details until the investigation has been completed.
- The costs incurred to date with the firm engaged by the City on this matter, being Civic Legal, are in excess of \$100,000 and date back as far as March 2022. So it has been going for some 9 months without any report to Council and Council has no indication as to the extent of the potential full cost of this investigation – either financially or reputation wise
- Under the *Local Government Act 1995* (the Act) it is the role of Council to govern the City's affairs and it is the Council that is responsible for the performance of the City's functions (s 2.7 as per below). How can the Council demonstrate it is performing its roles if it is not fully informed as to an allegation of serious misconduct? If this request is not endorsed then could there be a risk of it being taken as a vote against council carrying out its oversight role and perceived by ratepayers and others as the Council failing in our duties under the Act.
- Serious misconduct allegations could represent any one of a number of high-risk behaviours within the organisation (refer to the examples below from the Corruption and Crime Commission (CCC) and Fair Work Regulations). Without an understanding of what the allegation is then how can the Council be confident as to the ongoing risk management of the organisation.
- The City's recent *10 Year Strategic Community Plan* included the goal of Leadership, with a key outcome being "Capable and effective – you have an informed and capable Council backed by a highly skilled workforce". How does this situation demonstrate the Council being informed? One might also ask how the situation demonstrates that the workforce is backing the Council?
- The "City" includes both the Council and the Administration – we are one organisation. There seems to be a view at times from the Administration that items where the City has duties of confidentiality cannot be shared with the Council or Elected Members. This view needs to be corrected. After all Elected Members are subject to obligations and responsibilities on such matters. There are regular "Confidential" reports circulated to Elected Members so why could this not be just another such confidential report.
- A request via the Audit and Risk Committee has been made however the CEO has over-ridden the timing aspect of that request for it to be presented at the next committee meeting (set for March 2023) and so at this stage there is no timing obligation for the report to be tabled to the Committee. With the next 2023 Audit and Risk Committee meeting after the March meeting now set for May, it could be a minimum of another six months before the Council, via the Audit and Risk Committee, is advised of this allegation. This may equate to a period of over 14 months since the commencement of legal consultation around the allegation.

<https://www.ccc.wa.gov.au/sites/default/files/Fact%20Sheet%20%20-%20Definition%20of%20serious%20misconduct.pdf>

Some examples of corrupt or criminal conduct which could be serious misconduct include:

- abuse of public office
- blackmail
- bribery, including bribery in relation to an election
- deliberately releasing confidential information
- extortion
- obtaining or offering a secret commission
- fraud or stealing
- forgery
- perverting the course of justice
- an offence relating to an electoral donation
- loss of revenue of the State by Tax evasion
- falsification of records.

### ***Fair Work Regulations 2009***

#### **1.07 Meaning of *serious misconduct***

- (2) For subregulation (1), conduct that is serious misconduct includes both of the following:
- (a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment.
  - (b) Conduct that causes serious and imminent risk to:
    - i the health or safety of a person; or
    - ii the reputation, viability or profitability of the employer's business.
- (3) For subregulation (1), conduct that is serious misconduct includes each of the following:
- (a) the employee, in the course of the employee's employment, engaging in:
    - i theft; or
    - ii fraud; or
    - iii assault.
  - (b) The employee being intoxicated at work.
  - (c) The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

### ***Local Government Act 1995***

#### **2.7 Role of Council**

##### **(1) The council –**

- (a) Governs the local government's affairs; and**
- (b) Is responsible for the performance of the local government's functions.**

- (2) Without limiting subsection (1), the council is to –
- (a) Oversee the allocation of the local government's finances and resources; and
  - (b) Determine the local government's policies.

## 2.8 Role of mayor or president

- (1) The mayor or president –
- (a) Presides at meetings in accordance with this Act; and
  - (b) Provides leadership and guidance to the community in this district; and
  - (c) Carries out civic and ceremonial duties on behalf of the local government; and
  - (d) Speaks on behalf of the local government; and
  - (e) Performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) Liaise with the CEO on the local government's affairs and the performance of its functions.

## 2.10 Role of councillors

A councillor –

- (a) Represents the interests of electors, ratepayers and residents of the district; and
- (b) Provides leadership and guidance to the community in the district; and
- (c) Facilitates communication between the community and the council; and
- (d) Participates in the local government's decision-making processes at council and committee meetings; and
- (e) Performs such other functions as are given to a councillor by this Act or any other written law.

## OFFICER'S COMMENT

The motion is not supported.

The Audit and Risk Committee is informed of misconduct matters once finalised.

The next Ordinary Audit and Risk Committee meeting will be held on 8 March 2023 and the CEO has undertaken to report to that meeting, including on the costs incurred on matters.

This is consistent with the Terms of Reference of the Committee, which were adopted by Council on 20 September 2022 (CJ151-09/22) and include "enquiring with the Internal Auditor or Administration about processes to detect and prevent fraud or corruption and to their awareness of any suspected, alleged or actual fraud or corruption and the City's response to it (subject to confidentiality considerations)."

External agencies provide oversight of the City's actions, and these actions must satisfy the external agency before the matter can be considered finalised.

The CEO is bound by various statutes to maintain confidentiality during matters of an investigatory nature, for which there are serious personal implications if considered breached by the oversight body.

When an allegation is received by the CEO from the CCC, attention is drawn to s153(3) of the *Corruption, Crime and Misconduct Act 2003* which prohibits the recording or disclosure of this information for purposes other than the purpose for which it is provided to the CEO. That purpose is to investigate alleged misconduct.

The City is bound by the provisions of Part 5 Division 7 of the *Local Government Act 1995* related to access to information, administered by the CEO, and applied as relevant to the roles and accessibility provisions of elected members, employees and members of the community.

The City has a Risk Management Framework and a Data Analytics Program that assists in the identification of potential fraud and misconduct risks and allows such risks to be monitored and investigated.

**MOVED Cr Raftis, SECONDED Cr Poliwka** that Council REQUESTS the Chief Executive Officer to prepare an immediate report regarding current allegations of misconduct within the City that includes details of the allegations, the status of any investigations and the costs incurred to date for each allegation.

**The Motion was Put and**

**LOST (4/7)**

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

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.



**C154-12/22                    MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC**

**MOVED** Mayor Jacob, **SECONDED** Cr Logan that Council:

- 1**     in accordance with Section 5.23(2)(b) and (e)(ii) of the *Local Government Act 1995* and clause 5.2(2) of the *City's Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1**     **CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre;**
  - 1.2**     **CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley;**
  
- 2**     **PERMITS** the following employees to remain in the Chamber during discussion on Items **CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre** and **CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley** while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
  - 2.1**     **Chief Executive Officer, Mr James Pearson;**
  - 2.2**     **Director Corporate Services, Mr Mat Humfrey;**
  - 2.3**     **Director Governance and Strategy, Mr Jamie Parry;**
  - 2.4**     **Director Planning and Community Development, Mr Chris Leigh;**
  - 2.5**     **Director Infrastructure Services, Mr Nico Claassen;**
  - 2.6**     **Manager Governance, Mrs Kylie Bergmann;**
  - 2.7**     **Coordinator Governance, Mrs Vivienne Stampalija;**
  - 2.8**     **Governance Officer, Mrs Deborah Gouges;**
  - 2.9**     **Governance Officer, Ms Avril Schadendorf.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Governance, Coordinator Governance and Governance Officers) and members of the public and press left the Chamber at this point; the time being 10.49pm.*

*The Manager Operation Services and Media Advisor left the Chamber at 10.49pm.*

*The Governance Officer left the Chamber at 10.49pm and returned at 10.51pm.*

**CJ200-12/22      CONFIDENTIAL - RENAMING OF WARWICK HOCKEY CENTRE**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	100981, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      List of Troy Pickard's achievements
	<i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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

(b) *the personal affairs of any person.*

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

**OFFICER'S RECOMMENDATION**

That Council PROCEEDS with Option 1 as detailed in Report CJ200-12/22.

**CALL FOR ONE-THIRD SUPPORT**

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 officers (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."*

One-third support has been given by the following Elected Members:

- 1 Cr Fishwick.
- 2 Cr Hill.
- 3 Cr Jones.
- 4 Cr May.
- 5 Cr McLean.

**MOVED Cr Fishwick, SECONDED Mayor Jacob that Council:**

- 1 **BY ABSOLUTE MAJORITY REVOKES its decision of 15 March 2016 (CJ039-03/16 refers) which reads as follows:**

*'That Council, in accordance with the City 'Naming of Public Facilities Policy', AGREES to name the synthetic hockey facility at Warwick Open Space, Warwick, 'Warwick Hockey Centre'.*

- 2 **AGREES to rename the 'Warwick Hockey Centre' to the 'Troy Pickard Hockey Centre'.**

**C155-12/22**

**PROCEDURAL MOTION - THAT THE ITEM BE REFERRED BACK**

**MOVED Cr Kingston, SECONDED Cr Poliwka** that Item CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre BE REFERRED BACK to the Chief Executive Officer for further information.

**The Motion was Put and**

**LOST (4/7)**

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

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

**The Motion as MOVED Cr Fishwick, SECONDED Mayor Jacob was Put and**

**CARRIED (7/4)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

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

**Reason for departure from Officer's Recommendation**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to honour the memory of Mr Troy Pickard and his contribution to the City.

**CJ210-12/22      CONFIDENTIAL - PROPOSED LEASE – SILVER  
CHAIN GROUP AT 11 MOOLANDA BOULEVARD,  
KINGSLEY**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	00067, 101515
<b>ATTACHMENTS</b>	Attachment 1      Site Plan of 11 Moolanda Boulevard, Kingsley
	<i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (e)      *a matter that if disclosed, would reveal -*
- (ii)      *information that has a commercial value to a person.*

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

**MOVED Cr Logan, SECONDED Cr Thompson that Council:**

- 1      ENDORSES the development of a lease agreement with Silver Chain Group in accordance with the terms and conditions as outlined in Report CJ210-12/22;**
- 2      AUTHORISES the Chief Executive Officer to progress the finalisation and execution of the lease in accordance with Part 1 above.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**C156-12/22                    MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC**

**MOVED Mayor Jacob, SECONDED Cr Logan that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be REOPENED TO THE PUBLIC.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Doors opened at 11.37pm.*

*Five members of the public and no members of the press were present.*

*The Media Advisor entered the Chamber at 11.37pm.*

In accordance with Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- CJ200-12/22 - Confidential - Renaming of Warwick Hockey Centre.
- CJ210-12/22 - Confidential - Proposed Lease – Silver Chain Group at 11 Moolanda Boulevard, Kingsley.

**C157-12/22                    MOTION TO RESUME ORDER OF BUSINESS**

**MOVED Mayor Jacob, SECONDED Cr May that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013* – Order of Business.**

**The Motion was Put and**

**CARRIED (11/0)**

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

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

Cr Thompson signalled her intention to submit the following Notice of Motion to the Council Meeting to be held on Tuesday 28 February 2023:

### **CR SUZANNE THOMPSON – DISCUSSION OF PROPERTY MANAGEMENT FRAMEWORK AT FUTURE STRATEGY SESSION**

That Council, acknowledge the ongoing implementation of the Property Management Framework by the City following Council decision of 15 November 2022 CJ193-11/22, requests the Chief Executive Officer to prepare a report for future discussion at a Strategy Session:

- 1 **PROVIDES** an update on the implementation of the Property Management Framework;
- 2 **CONSIDERS** a mechanism that encourages organisations to enter into hire arrangements in place of leases;
- 3 **OUTLINES** how community use of leased facilities can be maximised;
- 4 **REVIEWS** lease payment arrangements, in particular special rents, to ensure City revenues are maximised while consider each lessee's capacity to pay;
- 5 **CONSIDERS** a mechanism to provide 14 days' notice to Elected Members prior to the City entering into any lease negotiations for community facilities.

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 11.39pm the following Elected Members being present at that time:

HON. ALBERT JACOB, JP  
CR TOM MCLEAN, JP  
CR ADRIAN HILL  
CR NIGE JONES  
CR DANIEL KINGSTON  
CR RUSSELL POLIWKA  
CR CHRISTOPHER MAY  
CR SUZANNE THOMPSON  
CR RUSS FISHWICK, JP  
CR JOHN RAFTIS  
CR JOHN LOGAN