

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Saturday 4 April 2020; 11.25am

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**Mr R Repke, Kallaroo:**

*Re: Planning Discretions.*

*Q1 Has the State simply authorised our City (and all other local governments) to use discretions?*

*Q2 Or has the State added guidelines in which way discretions have to be used?*

**A1&2** Neither. The planning framework for Western Australia has been designed to include performance-based criteria which, by their nature, require the exercise of professional judgement or discretion in decision-making.

*Q3 Has the State required a report/regular report on how discretions have been used?*

**A3** No.

*Q4 Would the City not agree that unlimited/unaudited discretions give the deciding officer unlimited powers to “adjust” a building application to the wants of the applicant?*

**A4** The use of discretion is not unlimited. It is guided by the planning framework relevant to the specific development proposal. The framework defines a set of principles or objectives that a decision-maker considers the proposal against when exercising discretion.

*Q5 Would the City not agree that rules approved by Council with a regular report to Council would be desirable to control discretions?*

**A5** No. The exercise of discretion should not be viewed as a concession or bending of the planning ‘rules’. It is a process whereby professional judgement is used to determine whether a proposal meets a set of principles or objectives (versus a prescribed number or measurement). There is therefore no need to ‘control’ discretion as it is an alternative, and equally legitimate, pathway to a decision for planning applications.

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Saturday 18 April 2020; 7.48pm

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**Ms H Dickinson, Bushmead:**

*Re: Petition 1 – Petition in Relation to Regulations Banning Dogs from Beaches with the Exception of the Dog Beach.*

*Q1 Why can I not walk a dog on a leash along a beach?*

A1 In August 2017 Council considered two petitions that sought to extend the existing dog beach, both north and south of the existing boundaries. Council declined those petitions, among other reasons, because it considered that there was already a sufficient allocation of foreshore for dogs. This includes the area where dogs and horses are both able to be exercised.

*Q2 What risk does it pose as long as I pick up any poo deposits?*

A2 There remains the potential for dog attacks where dog owners do not abide by the requirement to keep dogs on leads, dogs fouling on beaches, owners who do not clean up after their dogs and dogs on beaches outside of the designated area, detracting from the recreational enjoyment of others.

*Q3 If I want to go to the beach to spend an hour with my dog reading a book, getting some lovely fresh sea air, why can't I?*

A3 The City's primary focus is to balance the safety of beach users while maintaining the coastline as an attractive, safe and enjoyable location for all recreational users.

*Q4 Why do we have to go to an off-leash beach when my dog isn't going to be off-lead, not all dogs are the same just like not all people are?*

A4 The City provides a comprehensive list of 265 dogs off-lead, six dogs on-lead parks and Elcar Park Dog Exercise area all of which can be utilised by dog owners as an alternative to the Hillarys Dog Beach.



**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Sunday 19 April 2020; 2.37pm

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**Mr and Mrs R McCarthy, Padbury**

*Re: Petition in relation to regulations banning dogs from beaches, with the exception of the dog beach.*

**Q1** *Why is there a dog ban on the foreshore at all?*

**A1** In August 2017 Council considered two petitions that sought to extend the existing dog beach, both north and south of the existing boundaries. Council declined those petitions, amongst other reasons, because it considered that there was already a sufficient allocation of foreshore for dogs. This includes the area where dogs and horses are both able to be exercised.

The potential for dog attacks where dog owners do not abide by the requirement to keep dogs on leads, dogs fouling on beaches, owners who not clean up after their dogs and dogs on beaches outside of the designated area detracting from the recreational enjoyment of others.

**Q2** *Why is the City of Joondalup inconsistent in applying regulations to matters related to dogs?*

**A2** The *Dog Act 1976* is administered and enforced by local governments within their respective districts. The Act addresses the control and registration of dogs; the ownership and keeping of dogs; and the obligations and rights of dog owners and others.

**Q3** *Why do City of Joondalup regulations require all dogs go to the beach at a dangerous place where many people refuse to go, and yet the City of Joondalup excludes any alternative?*

**A3** The City has many excellent parks and reserves to exercise your dog, including Hillarys Dog Beach.

Dogs are welcome in most parks within the City, however there are some areas where dogs are not permitted or must be on a leash. The City provides a comprehensive list of 265 dogs off lead, six dogs on lead parks and Elcar Park Dog Exercise area all of which can be utilised by dog owners as an alternative to the Hillarys Dog Beach.

Q4 *Why are all commonly used methods of compromise / accommodation rejected in favour of an outright ban?*

A4 The City's primary focus is to balance the safety of beach users while maintaining the coastline as an attractive, safe and enjoyable location for all recreational users.

The potential for dog attacks where dog owners do not abide by the requirement to keep dogs on leads, dogs fouling on beaches, owners who not clean up after their dogs and dogs on beaches outside of the designated area detracting from the recreational enjoyment of others.

Q5 *Who was the dog ban written to accommodate and what data is available to perpetuate the existence of the regulation as a community need?*

A5 See A4 above. Dogs have been banned from certain beaches for a very long period of time and the City is guided by the provisions and requirements stipulated in the *Dog Act 1976*.



**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Sunday 19 April 2020; 3.53pm

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**Mrs S Kenton, Padbury:**

*Re: City's Parks and Public Open Spaces Classification Framework, Playspaces, Five Year Capital Works Program and Building Asset Management Plan.*

*Q1 Why has the City's Parks and Public Open Spaces Classification Framework been removed from public access? This was previously available online and the current [City Playground Shade Policy](#) cites it as related documentation.*

*A1 The City's previous Parks and Public Open Space Classification Framework (developed in 2010) underwent an internal review and the revision version was adopted as an internal decision making tool to inform the City's capital works programs and service levels for maintenance provided to the City's parks and reserves. The now superseded document was subsequently removed from the City's website.*

*Q2 Why has the City relocated the Forrest Park playspace when on 20 September 2016 Council resolved not to support the Forrest Park, Padbury Improvement Project of which the playspace relocation was an integral element?*

*A2 The Forrest Park playspace renewal, although listed as a stand-alone project, was included in the community consultation for the Forrest Park Improvement Project to provide the community with a full understanding of the various individual projects proposed for Forrest Park. At the time, Council did not support the redevelopment of Forrest Park but retained the playspace renewal in its *Five Year Capital Works Program* for the 2019-20 financial year.*

*Q3 Why is the relocation of the Forrest Park playspace not included in the description listed in the Capital Works Program 2019-20 - PEP2718 which details only renewal of existing play equipment inclusive of softfall, retaining walls, bench seating and shade trees?*

*A3 When renewing playspaces, the City takes into consideration land tenure, shade and topography to identify the most appropriate location. A number of playspaces have been relocated as part of the renewal program.*

- Q4 *Why is there no reference to the Heathridge Park building in the current Five Year Capital Works Program when a City Officer advised that the park and associated facilities within the park reserve are currently the subject of a master plan which will consider the future of all of the community infrastructure on that site?*
- A4 The Heathridge Park Master Plan is not listed in the *current Five Year Capital Works Program* as it is a feasibility study only to investigate options to optimise City and community benefits in Heathridge Park and facilities, and is reported on via the City's Corporate Business Plan.
- Q5 *Why is the Building Asset Management Plan 2010–2030 not available on the website?*
- A5 The *Building Asset Management Plan 2010-2030* is not a publicly available document.

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Monday 20 April 2020; 7.21am

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**Ms M Kwok, Ocean Reef:**

*Re: Glyphosate-based herbicide for weed management.*

*Q1 Has Council (Elected Members) proposed and endorsed policy on using chemicals such as glyphosate-based herbicide for weed management, and where is it minuted?*

A1 At its meeting held on 13 December 2016 (CJ211-12/16 refers), Council endorsed the City of Joondalup Weed Management Plan (the Plan) following community consultation. The Plan outlines a framework for weed management and details an integrated weed management approach including the use of glyphosate for weed control in natural areas, parks and urban landscaping areas.

*Q2 For ISO 9001 certification, who is the certifying body?*

A2 SGS Systems & Services Certifications Pty Ltd.

*Q3 For ISO 9001 internal and external audits, are the audit schedule and audit reports available to the public? If so, where?*

A3 No.

*Q4 The City of Joondalup Weed Management Plan 2016 recommends investigating opportunities to trial new forms of weed control. In the light of court cases since then, finding glyphosate-based herbicide (GBH) has caused harm to health, have the ISO 9001 auditors included procedures and practices of GBH spraying in the audit checklist?*

A4 Yes.

*Q5 Given that glyphosate-based herbicide can cause flu-like symptoms, children are playing on hard surfaces (pavements and verges), will Council halt glyphosate spraying?*

A5 Refer A1 above. The use of herbicides including glyphosate is an integral part of the City's integrated weed management approach. The City applies glyphosate in a droplet form and not a spray mist form.

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Monday 20 April 2020; 7.56am

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**Ms M O’Byrne, Kinross:**

*Re: Sunlander Drive.*

*Q1 In the interests of transparency and accountability, may I please enquire as to how many elected members availed themselves of ‘the Peer Review – Macroplan Currambine RSA’ document, before the rezoning amendment was passed for the Sunlander ‘subject site’ at the Council’s Ordinary Meeting held on 10<sup>th</sup> December 2019?*

*A1 The City is not able to provide an answer to this question as this information is personal to individual Elected Members.*

*Re: Ward Councillors Community Interactions.*

*Q2 Since formal community meetings can no longer take place, and some suburbs are without functioning incorporated residents associations for councillors to actively link into - could the City please assist elected members to benchmark to an acceptable Social Media (Blogs, Newsletter, Face-book) Standard of Interactions to benefit their Ward Communities?*

*A2 The City’s communications with the community (including elected members) has not been reduced. The use of social media, e-newsletters, and website updates continue to be a source of information for the community. The manner in which elected members engage with their Ward constituents is an individual choice.*

*Re: Jinan Gardens.*

*Q3 The Jinan Garden for Joondalup has never been put out to public consultation as a stand-alone project – In light of the continuing hardships imposed by the COVID-19 Pandemic on the City’s residents may I suggest that the City recognises these constraints by completely shelving the costly Jinan Garden project?*

*A3 The City will consider options for the progression of the project and report to the Major Projects and Finance Committee in due course.*



Re: *CJ045-04/20 – Review of procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings.*

Q4 *In the interests of fairness and transparency can the City please make public the lists of eligible questions, eligible deputations, eligible statements received per meeting along with residents name, suburb, time of receipt and the outcomes for the applicants in this COVID Phase of the City's consultative online processes for meetings?*

A4 As has been the City's practice, a summary of public questions, public statements and deputations (for Briefing Sessions only) is detailed in various meeting documents prepared by the City, and this will not change where meetings are being held by electronic means.

Q5 *Residents are often unaware that they are able to take part in more than one deputation at the Briefing Sessions. Can the wording please be amended to make this fact obvious immediately before the short briefing overview sends electors on to the deputation procedural site?*

A5 It is considered the wording for deputations on the City's website is appropriate.

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Monday 20 April 2020; 8.08am

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**Mr J Irvine, Mullaloo:**

*Re: Petition in relation to regulations banning dogs from beaches, with the exception of the dog beach.*

*Q1 Why are there so few beach areas available to walk dogs in the northern suburbs?*

A1 In August 2017 Council considered two petitions that sought to extend the existing dog beach, both north and south of the existing boundaries. Council declined those petitions, among other reasons, because it considered that there was already a sufficient allocation of foreshore for dogs. This includes the area where dogs and horses are both able to be exercised.

The City provides a comprehensive list of 265 dogs off lead, six dogs on-lead parks and Elcar Park Dog Exercise area all of which can be utilised by dog owners as an alternative to the Hillarys Dog Beach.

*Q2 Has Council ever considered the practice (common overseas) of allowing dogs on all beaches early in the morning and late afternoon a distance away from any flags?*

A2 The City's primary focus is to balance the safety of beach users while maintaining the coastline as an attractive, safe and enjoyable location for all recreational users. The City does not currently have any plans to provide an additional dog exercise area along the coastal strip or allow dogs on leads access to other beaches.

**QUESTION TO:** COUNCIL MEETING – TUESDAY 21 APRIL 2020

**QUESTION RECEIVED:** Monday 20 April 2020; 8.58am

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**Ms M Hobden, Kinross:**

*Re: Petition in relation to regulations banning dogs from beaches, with the exception of the dog beach.*

*Q1 Why are dogs not able to go on some beaches that are not swimming beaches between certain hours?*

A1 In August 2017 Council considered two petitions that sought to extend the existing dog beach, both north and south of the existing boundaries. Council declined those petitions, among other reasons, because it considered that there was already a sufficient allocation of foreshore for dogs. This includes the area where dogs and horses are both able to be exercised.

*Q2 Why is it not possible to allow dogs to use beaches, but have restrictions for example no dogs after 10.00am and before 5.00pm?*

A2 The City's primary focus is to balance the safety of beach users while maintaining the coastline as an attractive, safe and enjoyable location for all recreational users.

The City provides a comprehensive list of 265 dogs off-lead, six dogs on-lead parks and Elcar Park Dog Exercise area all of which can be utilised by dog owners as an alternative to the Hillarys Dog Beach.