

minutes

Policy Committee

MEETING HELD ON

MONDAY 8 MAY 2023

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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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 8 MAY 2023.

ATTENDANCE

Cr Suzanne Thompson	<i>Presiding Member</i>	
Cr Adrian Hill		<i>absent from 7.52pm to 7.54pm</i>
Cr Daniel Kingston	<i>Deputy Presiding Member</i>	
Cr John Raftis		<i>from 6.16pm</i>
Cr John Chester		<i>absent from 7.25pm to 7.27pm</i>

Officers:

Mr James Pearson	Chief Executive Officer	
Mr Chris Leigh	Director Planning and Community Development	<i>absent from 7.14pm to 7.35pm</i>
Mr Mat Humfrey	Director Corporate Services	<i>absent from 7.14pm to 7.35pm</i>
Mr Michael Hamling	Acting Director Infrastructure Services	<i>absent from 7.14pm to 7.35pm</i>
Mrs Simone Holmes-Cavanagh	Acting Director Governance and Strategy	<i>absent from 7.14pm to 7.35pm</i>
Mrs Kylie Bergmann	Manager Governance	
Mrs Christine Robinson	Manager Audit, Risk and Executive Services	<i>absent from 7.14pm to 7.35pm</i>
Mrs Karen Thompson	Manager Community Safety	<i>absent from 7.14pm to 7.35pm</i>
Mrs Susan Hateley	Governance Officer	

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm.

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

Disclosures of Financial Interest / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Name / Position	Mr Mat Humfrey, Director Corporate Services.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Humfrey is one of four Directors and the decision could impact his remuneration.

Name / Position	Mr Chris Leigh, Director Planning and Community Development.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Director positions, including Mr Leigh's role, are included in the policy as being considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO and will therefore be financially impacted by any change to remuneration and conditions set out in the policy.

Name / Position	Mrs Simone Holmes-Cavanagh, Acting Director Governance and Strategy.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Direct positions, including Mrs Holmes-Cavanagh's acting role as Director Governance and Strategy, or the role of Director Governance and Strategy are included in the policy as being considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO and will therefore be financially impacted by any change to the remuneration and conditions set out in the policy.

Name / Position	Mr Michael Hamling, Acting Director Infrastructure Services.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Hamling is a member of the Senior Management Team who may need to act in other roles.

Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	Item 6 - Review of Parking Schemes Policy
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston was originally the Lead Petitioner from which this matter originates.

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Mayor Hon. Albert Jacob, JP.
Cr Russell Poliwka.

Leave of Absence Previously Approved

Cr Christine Hamilton-Prime	1 April to 22 May 2023 inclusive.
Cr John Logan	13 to 21 May 2023 inclusive.
Cr Nige Jones	21 to 29 May 2023 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD ON 27 FEBRUARY 2023

MOVED Cr Raftis, **SECONDED** Cr Kingston that the minutes of the meeting of the Policy Committee held on 27 February 2023 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Thompson, Hill, Kingston and Raftis.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

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

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting is not open to the public.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS

ITEM 1 REVISED FRAUD, CORRUPTION AND MISCONDUCT CONTROL COUNCIL POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	106335, 101515
ATTACHMENTS	Attachment 1 Revised Policy (Clean Version) Attachment 2 Current Policy (Tracked Changes)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This Item was dealt with later in the meeting, after 'Item 2 – Register of Resolutions Policy', page 14 refers.

ITEM 2 REGISTER OF RESOLUTIONS POLICY

WARD	All
RESPONSIBLE A/DIRECTOR	Mrs Simone Holmes-Cavanagh Governance and Strategy
FILE NUMBER	101515, 11602
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For the Council to give consideration to the proposal to develop a Register of Resolutions Policy.

EXECUTIVE SUMMARY

At the Policy Committee held on 1 August 2022, Cr Kingston requested a report be presented on the development of a Register of Resolutions Policy. The request presented as follows:

“Cr Kingston requested a report for a policy for the Chief Executive Officer to create and maintain a Register of Resolutions Council.

The Policy would define the following:

- The requirement for the CEO to create and maintain an up-to-date accessible register of previous resolutions of the meetings of Council.*
- Which meetings of council or committees would have resolutions maintained as entries in the register.*
- The content of each entry is suggested to be the Date, Decision Maker, Reference, Item Title, and Resolution text.”*

Example:

Date	Meeting of Council/Committee	Reference	Item Title	Resolution Text
2022/07/19	Ordinary Council Meeting	C87-07/22	Minutes of Ordinary Council Meeting held on 28 June 2022 and Special Council Meeting held on 5 July 2022	MOVED Cr May, SECONDED Cr Logan that the Minutes of the following meetings of Council be CONFIRMED as a true and correct record: 1 Ordinary meeting of Council held on 28 June 2022; 2 Special meeting of Council held on 5 July 2022.
2018/11/12	Major Projects And Finance Committee	ITEM 4	Update On The 2018-19 Capital Works Program	MOVED Cr Poliwka, SECONDED Cr Fishwick that the Major Projects and Finance Committee NOTES the report on the Capital Works Project for 2018-19 as at 30 September 2018 forming Attachment 1 to this Report

The City has recently appointed Harbour Software to implement an Agendas and Minutes software solution (Doc Assembler) that has the capability to create a register of resolutions. The software is scheduled to be implemented in Quarter 1 of 2023/24. Whilst the register of resolutions will be available immediately upon implementation of the software, it will not contain any historical data. City Officers estimate a project to import historical data will take 12-24 months depending on the amount of historical data to be imported.

Given the operational nature of implementing and maintaining the register, it is not considered that the development of a Policy meets the intent of the Council's policy framework, being to endorse policies which strategically set governing principles and guide the direction of the organisation to align with the vision, goals and outcomes of the City's *10-Year Strategic Community Plan*.

It is therefore recommended that Council:

- 1 *NOTES the City will implement a register of resolutions in Quarter 1 of 2023/24;*
- 2 *Does NOT SUPPORT the development of a Register of Resolutions Policy.*

BACKGROUND

In 2021 the City began researching the development of a search tool that would allow resolutions of the Council and its Committees to be easily accessed by members of the public and Elected Members.

As was reported to Elected Members in June 2022, the City had been working on an in-house solution using the current TechOne action requests system. The project was met with some difficulties in that the current solution required staff to manually input the data, which would mean that the system would have no historical information without significant resources being committed.

Elected Members were informed that in 2022/23, the City had scheduled the implementation of an Agenda and Minutes software solution (Doc Assembler) which was also proposed to include the ability to manage and track resolutions, as well as the ability to search on past reports.

DETAILS

As detailed above, the City has already progressed the development and implementation of a register of resolutions which will contain the following information:

- Meeting Date.
- Meeting Type.
- Report Title.
- Report reference number.
- Mover/Seconders.
- Resolution text.
- Vote.

For an example of what the resolutions register would look like, please visit the City of Palmerston's website at [Resolution Register | Doc Assembler](#).

The Register can be made available to members of the public on the City's website.

As mentioned previously, whilst the register of resolutions will be available immediately upon implementation of the software, it will not contain any historical data. Harbour Software have provided two options for the proposal to import historical data in a way that is easily searchable.

Option 1

Historical data can be imported into the resolutions register via a formatted spreadsheet with pre-defined data sets. Again, as was the issue with the in-house solution, this will require significant staff resourcing to copy the data using the following data specifications:

Item Table

Column	Content
	Meeting Type
	Meeting Name
	Meeting Date
	Item ID (Report Number)
	Item Title

Column	Content
	Resolution Type (Council Recommendation/Amendment/Substantive Motion etc).
	Mover
	Secunder
	Vote For
	Vote Against
	Result (Carried/Lost)

The pricing proposal for Option 1 is as follows, noting that the project would take an estimated 12-24 months of Officer's time to provide the data in the correct format:

Item	Price (ex GST)	Comments
Project Scoping & Development of Import Scripts	\$5,250	3 days
Data Review and Test Import	\$1,750	1 day
Final data review and import	\$3,500	2 days
Total Project Cost	\$10,500	

Option 2

Upload existing minute documents as PDF's into Docs on Tap (an additional feature provided by Harbour Software) to enable the full content search feature.

If the City were to proceed with Option 2, it will be required to purchase and subscribe to the Docs on Tap feature to leverage the content search capability that is provided within this application. Docs on Tap is a flexible app that enables the management and distribution of documents and content in the correct formats. The document management system stores documents and files via the cloud and provides a simple interface with the functionality to create structured folders and configure user permissions. Similar to the Council Portal, with a powerful search function.

The search feature would provide the following functionality:

- The search is not case sensitive.
- The search only looks for complete words.
- By default the search will look for any files that contain **any** of the words you specify. If you want to search for a phrase then enter the phrase in quotation marks. For example "**council meeting**".
- You may also use the following Boolean operators to further refine your search:
 - + the AND operator. For example; searching for "**council meeting**" + **audit** would find any files that contained the phrase "council meeting" AND the word "audit."
 - | the OR operator. For example; searching for "**council meeting**" | **audit** would find any files that contain the phrase "council meeting" OR the word "audit".
- You may also refine your search by date range.
- Search results are returned in order of relevance, with a match found in a file title taking precedence over a match found in the contents of a file.
- The number of search results returned is limited to 100, although a further 100 results can be returned by clicking on 'show more.'
- Your search results will be saved until you perform another search so you can return to them at any time during the current Docs on Tap session.
- The search process will return the agenda or minute document in which the search content is found and enable the end user to view the PDF document in which the minute is found.

While option 2 will not produce the same 'resolutions register' that Elected Members may be looking for it, it is considered that this option will provide Elected Members with access to the same, if not more, information they would be seeking from a resolutions register.

Harbour Software have indicated that Option 2 could also be made available on the City's public website.

The cost of purchasing Docs on Tap is \$6,000 (excluding GST) per year. Officer time in preparing any data for option 2 would be far less given that at least 20 years' worth of Council minutes are already available on the City's website, and easily accessible to the developers.

Policy development

It is recognised that 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.

It is not considered that the development of a Register of Resolutions Policy meets the intent of a strategic guiding Council Policy, and rather, is operational in nature.

The register proposed by the City meets the intent of the initial exploration (in 2021) of a resolutions search tool and Cr Kingston's request for a report, and as such it is not considered a Policy is necessary.

Should the Council determine that a Policy would be beneficial, advice with regard to the intended policy's strategic objective; intent and application; will be required.

Issues and options considered

The Council may:

- note the City is implementing a Register of Resolutions in Q1 of 2023/24 and considers the development of a Register of Resolutions Policy is not required.
or
- recommend to the Council that a Register of Resolutions Policy is required and progress development of a Policy.

Option 1 is the preferred option.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 2.7 of the *Local Government Act 1995*.

Strategic Community Plan

Goals Leadership.

Outcomes Engaged and informed - you are able to actively engage with the City and have input into decision-making.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

The cost for the implementation, configuration, training and licence fees for Doc Assembler (automated Agenda and Minutes software) was \$50,250 (excluding GST). The inclusion of a public facing resolutions register is included within the Doc Assembler software. However, as mentioned above, the register will not include historical data.

In order to include historical data, and/or searchable functions on previous Minutes documents, Harbour Software have provided the following two options:

Option 1 - Import historical data via a formatted spreadsheet using specific data specifications. The cost for option 1 is \$10,500 excluding GST (once-off cost).

Option 2 - Docs on Tap - \$6,000 excluding GST (annual subscription).

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City recently appointed Harbour Software to implement the proposed Agendas and Minutes software solution that also has the capability to create a register of resolutions. The software is scheduled to be implemented in Q1 of 2023/24 with the register of resolutions component becoming immediately available for any new minutes created in the software.

The City recognises that making a register of resolutions publicly available will assist stakeholders to more easily search previous decisions of the Council, therefore being more transparent in its approach.

However, given the operational nature of implementing and maintaining the register, it is not considered that the development of a Policy meets the intent of the Council's policy framework, nor is required.

VOTING REQUIREMENTS

Simple Majority.

Cr Chester entered the room at 6.16pm.

MOVED Cr Kingston, SECONDED Cr Chester that Council:

- 1 NOTES the City will implement a Register of Resolutions in Quarter 1 of 2023/24;**
- 2 Does NOT SUPPORT the development of a Register of Resolutions Policy.**

The Motion was Put and

CARRIED (5/0)

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

ITEM 1 REVISED FRAUD, CORRUPTION AND MISCONDUCT CONTROL COUNCIL POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	106335, 101515
ATTACHMENTS	Attachment 1 Revised Policy (Clean Version) Attachment 2 Current Policy (Tracked Changes)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the revised *Fraud, Corruption and Misconduct Control Council Policy*.

EXECUTIVE SUMMARY

The *Fraud, Corruption and Misconduct Control Council Policy* (the policy) outlines the City's zero-tolerance approach and response actions to fraudulent, corrupt and/or misconduct behaviours within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the City.

The policy was initially created in 2016, and in line with the need for periodic reviews of policies, is due for a major review to improve its operation.

It is therefore recommended that Council ADOPTS the revised Fraud, Corruption and Misconduct Control Council Policy, as detailed in Attachment 1 to this Report.

BACKGROUND

The City continues to review its practices to strengthen its integrity and conduct controls, to enable the communication of a zero-tolerance approach to fraudulent, corrupt and/or misconduct behaviours.

Zero-tolerance approach means that any allegation, suspicion or incidence of fraudulent, corrupt and/or misconduct behaviours are unacceptable, will not be ignored and will be investigated.

This policy enhances the importance of the City's fraud and corruption control system; which is currently under development (as per the City's *Integrity Framework*).

DETAILS

The revised policy has been updated to align with the following:

- Updated Australian Standard AS 8001:2021 *Fraud and Corruption Control*.
- Definitions within the *Corruption, Crime and Misconduct Act 2003*.
- Definitions within the *Criminal Code Act Compilation Act 1913*.
- City's two Codes of Conduct (4.1.2 Policies and procedures).
- City's *Integrity Framework* (4.1.3 Prevention and detection).
- City's misconduct investigation practices (4.1.4 Response strategies) (4.5 Disciplinary and recovery action).

Issues and options considered

Council can either:

- adopt the revised *Fraud, Corruption and Misconduct Control Council Policy* as presented
- adopt the revised *Fraud, Corruption and Misconduct Control Council Policy* with further amendments
or
- not adopt the revised *Fraud, Corruption and Misconduct Control Council Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995; Criminal Code Act Compilation Act 1913; Corruption, Crime and Misconduct Act 2003; and Public Interest Disclosure Act 2003.*

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 *Fraud, Corruption and Misconduct Control Policy.*

Risk management considerations

As a large local government providing a wide variety of services to the community, appropriate systems of control are required to be developed and implemented to ensure that objectives are achieved. Vigilance should be constant, and systems of control should be subject to regular review and updated as appropriate to prevent, deter and detect opportunities for fraudulent and corrupt activity.

The updated Australian Standard AS 8001:2021 *Fraud and Corruption Control* allows the City to review its systems to identify risks and implement recommendations as appropriate; this provides evidence of the appropriateness and effectiveness of systems and procedures in regard to risk management, internal control and legislative compliance, as required by the *Local Government (Audit) Regulations 1996*.

Financial / budget implications

There are no financial implications associated with the adoption of the revised policy.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The revised policy was presented to the Audit and Risk Committee on 8 March 2023, with feedback being provided by 30 March 2023.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ADOPTS the revised *Fraud, Corruption and Misconduct Control Council Policy*, as detailed in Attachment 1 to this Report.

MOVED Cr Hill, **SECONDED** Cr Kingston that Item 1 – Revised *Fraud, Corruption and Misconduct Control Policy* BE REFERRED BACK to the Chief Executive Officer, taking into account Elected Members' comments, and making appropriate changes.

The Motion was Put and

CARRIED (5/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPOLICY230508.pdf](#)

ITEM 3 **GROUNDWATER USE POLICY – REQUEST FOR A REPORT**

WARD	All
RESPONSIBLE A/DIRECTOR	Mrs Simone Holmes-Cavanagh Governance and Strategy
FILE NUMBER	101515, 78616
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

PURPOSE

To provide Council with information relating to the City's management of groundwater following a request for the City to develop a groundwater use policy that covers all aspects of the City's groundwater use.

EXECUTIVE SUMMARY

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis:

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*
- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

The City uses groundwater from the Gnangara groundwater system to irrigate parks, public open spaces and sports fields. The City is committed to improving groundwater efficiency and reducing use, however is required to balance reducing water use with meeting community expectations for green, irrigated public open spaces.

There are State-level strategic programs in place to monitor, manage and improve efficiencies of the City's groundwater use as a part of the Department of Water and Environmental Regulation's groundwater licence compliance requirements and the City being a part of the Waterwise Council Program. In addition, the City has existing policy direction in relation to water use through the City's Environment Plan and this will be reviewed and updated through the development of the new Environment Strategy.

It is therefore recommended that Council:

- 1 *NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;*
- 2 *NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;*
- 3 *NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;*
- 4 *DOES NOT SUPPORT the development of a Groundwater Use Policy due to there being sufficient State-level statutory and strategic groundwater programs in place to manage the City's groundwater use.*

BACKGROUND

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis.

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*
- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

The City uses groundwater to irrigate the majority of its parks, sporting fields and public open spaces. Groundwater is the most cost-effective option for irrigation water when compared to other water sources such as scheme water.

The groundwater used by the City is abstracted from the superficial (surface) aquifer of the Gnamptara groundwater system. The Gnamptara groundwater system supports native vegetation and wetlands and provides groundwater to thousands of users across the North Metropolitan Area. The groundwater levels in the Gnamptara groundwater system have declined significantly over the last decade, due to over-abstraction and climate change impacts.

DETAILS

The City recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

As a Local Government, the City relies heavily on both scheme and groundwater resources. Scheme water is used within the City's buildings and facilities whilst groundwater is utilised for the irrigation of parks and reserves managed by the City. As water availability decreases due to competing uses, population growth and climate change, the City is continuing to take steps to use water resources in a sustainable manner while delivering adequate services and facilities for the community.

The City has demonstrated a commitment to sustainable water management by developing and implementing a *City Water Plan 2016 – 2021* and *Waterwise Council Action Plan* and by joining the *Waterwise Council Program* to further increase the capacity of the City to use and manage water resources in a more efficient way. The City first joined the *Waterwise Council Program* in 2010/11 and became a '10 year *Waterwise Council*' in 2020/21. The City has had continual endorsement as a Gold *Waterwise Council* since 2015/16. In 2022 the City was recognised as WA's *Platinum Waterwise Council of the Year*.

There are a number of statutory and policy measures in place that provide direction to how the City manages use of groundwater resources.

State Regulation and Policy

Groundwater Licencing

The Department of Water and Environmental Regulation issues licences and permits under the *Rights in Water and Irrigation Act 1914*. Groundwater licences include conditions and annual allocation limits. The City's current combined groundwater licence allocation is a total of 4,169,834 kL per annum.

Metering and Reporting

Under Regulation 41C of the *Rights in Water and Irrigation Regulations 2000* (Metering Regulations) and in line with the statewide policy – *Measuring the taking of water* (DoW 2016), all licensees in the plan area with an annual water entitlement equal to or greater than 10,000 kilolitres a year (kL/year) must meter their water use and submit metering data to Department of Water and Environmental Regulation through their *Water Online* system.

The City's groundwater use data is analysed, monitored and reported regularly to ensure the City's groundwater use complies with the licence conditions and any high-water use sites are identified and investigated.

Gnangara Groundwater Allocation Plan

The Minister for Water approved the *Gnangara Groundwater Allocation Plan* in 2022 which aims to bring the Gnangara groundwater system back to a better, more sustainable condition by reducing total abstraction by 54 GL/year. This will result in a reduction of the City's groundwater licences by 10% by 2028. Department of Water and Environmental Regulation is committed to working with all groundwater licensees to assist them to reduce their groundwater consumption and the City is currently working with Department of Water and Environmental Regulation to develop appropriate groundwater use reduction strategies to transition to a lower groundwater allocation.

City of Joondalup Strategic Context

Environment Plan 2014 - 2019

Water management is a key theme of the City's *Environment Plan 2014 - 2019* with an overall objective to manage the City's water resources in a sustainable manner in order to decrease water consumption, increase efficiency and improve water quality. A number of pressures to sustainable water management are discussed in the plan and several water management responses are included which have been implemented since the plan's adoption. The *Environment Plan 2014 - 2019* continues to be implemented; a new plan is in development.

City Water Plan 2016 – 2021

The City demonstrated its commitment to sustainable water management by developing the *City Water Plan 2016 – 2021* which was endorsed by Council (CJ210-12/16 refers). The City plan identifies the main water related issues impacting the City and sets objectives for scheme water and groundwater conservation, water quality and quantity improvements.

The *City Water Plan 2016 – 2021* covered eight key focus areas: water monitoring and reporting, management of wetlands and public open spaces, water sensitive urban design, contracts and purchasing, staff education and participation, community education and participation and partnership and policy. The plan utilises a project-based implementation framework and includes specific water related projects that will be implemented over the life of the Plan to achieve its stated objectives. Several water management responses were included which have been implemented since the plan's adoption.

At its meeting held on 18 April 2023 (CJ053-04/23 refers), Council resolved not to develop a new City Water Plan due to the requirement to develop a Waterwise Council Action Plan

Waterwise Council Program

The Waterwise Council Program supports local governments to improve their water efficiency and management and is run jointly between Department of Water and Environmental Regulation and the Water Corporation. The City has been an endorsed Waterwise Council since 2010/11, recognised as a Gold Waterwise Council from 2015/16 onwards. In May 2022, the Water Corporation and Department of Water and Environmental Regulation announced the City as the Platinum Waterwise Council for 2022 in recognition of the City's innovative waterwise achievements over and above Gold Waterwise Council status requirements.

The City implements a strategic water management plan through the Waterwise Council Program to analyse water use, identify opportunities to save water and outline City actions to use water more efficiently, in accordance with requirements.

Waterwise Council Action Plan

As part of the City's commitment to the Waterwise Council Program the City is required to develop an action plan to track water use and to set waterwise goals and opportunities for City facilities and the improvement of water quality. The City developed its Waterwise Council Action Plan in 2021. The overarching goals and activities within the plan align with the *City Water Plan 2016 – 2021*. The Plan will be updated following development of the City's Environment Strategy and inline with the requirements from the Water Corporation and Department of Water and Environmental Regulation.

Groundwater Monitoring and Reporting

The City collects groundwater usage data on a monthly basis and reports groundwater use data through the following mediums:

- Corporate Performance Report – Monthly briefings to the City’s Executive Leadership Team, highlighting current groundwater use against licence limits.
- Annual Report.
- State of the Environment Report which is developed annually and summarises the City’s groundwater use against targets.

The City is investigating the use of automated reporting from bore meters which will enable real time monitoring and reporting of groundwater use. In 2022 the Minister for Water announced funding to assist and support local governments within the Gnangara plan area with the planning, preparation and management of parks, street trees and open spaces during the transition to the 10% reduction of groundwater entitlements in 2028. The City is eligible for funding under this program and the potential for an automated monitoring system is being considered.

City Water Use

The City’s 2021/22 scheme water consumption was 98,878kL which is a 25% increase from 2020/21. This increase is attributed to several non-visible leaks detected at the City’s community facilities, which have been reimbursed financially by the Water Corporation, and upgrading one dry park to scheme water irrigation to meet community expectations.

Corporate scheme water					
Year	2017-18	2018-19	2019-20	2020-21	2021-22
Consumption (kL)	89,853	80,163	73,666	78,833	98,878

Table 1: 5-year trend for corporate scheme water use.

Corporate groundwater use for 2021/22 was 4,256,201kL. This is an increase of 19% compared to the previous year (2020/21) and is 2% above the total current annual groundwater allocation limit set by the Department of Water and Environmental Regulation. This exceedance was due in part to increasing the evapotranspiration replacement percentage on irrigation parks to combat the ongoing decline in turf quality in local and neighbourhood recreation parks.

Corporate Groundwater					
Year	2017-18	2018-19	2019-20	2020-21	2021-22
Consumption (kL)	3,828,889	3,783,554	3,652,885	3,566,858	4,256,201
Department of Water and Environmental Regulation groundwater allocation limit	3,829,550	3,829,550	4,166,234	4,166,234	4,169,834

Table 1: 5-year trend for corporate groundwater use.

Issues and options considered

With regard to developing a Groundwater Use Policy, Council has the option to:

- 1 recommend that a Groundwater Use Policy is not required, noting that groundwater use is regulated by Department of Water and Environmental Regulation and the State-level existing groundwater management programs already sufficiently manage the City's groundwater
or
- 2 request that a Groundwater Use Policy is developed.

Option 1 is the recommended option as all groundwater use is controlled and licenced by Department of Water and Environmental Regulation. As such, the City abides by all groundwater licence requirements, including metering groundwater use, collecting monthly abstraction data, analysing data and reporting. The City is also a member of the Waterwise Council Program and works with Department of Water and Environmental Regulation and Water Corporation to reduce groundwater use.

Legislation / Strategic Community Plan / Policy implications

Legislation *Rights in Water and Irrigation Act 1914.*

10-Year Strategic Community Plan

Key theme Environment.

Outcome Responsible and efficient – you benefit from a responsible and efficient use of natural resources.

Policy *Sustainability Policy.*

Risk management considerations

The City's groundwater licence is issued with conditions, including the maximum volume of water that may be abstracted annually, and any metering, monitoring, and reporting requirements. Failure to comply with the licence conditions may result in penalties, which can include the issue of an infringement notice, the cancellation, suspension or amendment of the licence, or prosecution action.

Financial / budget implications

There are currently no direct costs applied to abstract groundwater through the City's licence arrangements, however there are indirect costs to managing the groundwater use which includes labour and overheads, contracts, materials, fleet and plant and utilities (electricity). The City's revised budget for 2022/23, to maintain the irrigation infrastructure of 259 parks, with groundwater sourced from 229 bores, is estimated to cost \$2,286,335.

Regional significance

Groundwater resources are managed by State government and provide approximately 70% of all the water used in the Perth and Mandurah area, including water for drinking, industry and horticulture, almost all water used to irrigate recreational green spaces and water for gardens through domestic garden bores. Groundwater also supports the natural environment including wetlands and vegetation communities.

Sustainability implications

Over the past two decades, the impacts of climate change have significantly affected water resources in the south-west of Western Australia. A 15 per cent decline in long-term average annual rainfall has meant less rainfall runoff into Perth's dams (on average 80 per cent less than in the 1970s), but it has also reduced rainfall recharge to groundwater aquifers. Perth's rainfall is projected to continue to decline, with recent global climate change models strongly indicating that south-west Western Australia will be warmer and drier in the future.

Consultation

Not applicable.

COMMENT

The City uses groundwater for public open space irrigation and is committed to efficiently using groundwater and balancing water efficiency measures with meeting community expectations for green public open spaces.

There are State-level strategic programs in place to monitor, manage and improve efficiencies of the City's groundwater use as a part of the Department of Water and Environmental Regulation's groundwater licence compliance requirements and the City being a part of the Waterwise Council Program. In addition, the City has existing policy direction in relation to water use through the City's *Environment Plan* and this will be reviewed and updated through the development of the new Environment Strategy.

The City's groundwater use is licenced and managed by Department of Water and Environmental Regulation and the City works closely with the Department to meet groundwater licence conditions, including metering groundwater use, abstracting groundwater within licence limits and regular data collection, analysis and reporting. The City is also a Waterwise Council and works collaboratively with the Department of Water and Environmental Regulation and the Water Corporation to continuously improve water efficiency and water management.

The City is currently working closely with Department of Water and Environmental Regulation to reduce groundwater licence limits, in accordance with the *Gnangara Groundwater Allocation Plan*, which will reduce the City's groundwater allocation by 10% in 2028.

The City's groundwater use is controlled, monitored, analysed and reported under existing regulation and State-level programs which will continue to improve water efficiency measures into the future.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;
- 2 NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;
- 3 NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;
- 4 DOES NOT SUPPORT the development of a Groundwater Use Policy due to there being sufficient State-level statutory and strategic groundwater programs in place to manage the City's groundwater use.

ALTERNATIVE MOVED Cr Raftis, SECONDED Cr Kingston that Council:

- 1 **NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;**
- 2 **NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;**
- 3 **NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;**
- 4 **DOES SUPPORT the development of a Groundwater Use Policy.**

AMENDMENT MOVED Cr Chester, SECONDED Cr Thompson that an additional part be added to the Motion to read as follows:

- 5 **REQUESTS biannual reports on the City's water use and sustainable practices to conserve its use.**

The Amendment was Put and

CARRIED (4/1)

In favour of the Amendment: Crs Thompson, Chester, Kingston and Raftis.

Against the Amendment: Cr Hill.

The Alternative Motion as amended being:

MOVED Cr Raftis, SECONDED Cr Kingston that Council:

- 1 NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;**
- 2 NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;**
- 3 NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;**
- 4 DOES SUPPORT the development of a Groundwater Use Policy;**
- 5 REQUESTS biannual reports on the City's water use and sustainable practices to conserve its use.**

The Motion was Put and

CARRIED (4/1)

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

Against the Motion: Cr Hill.

Disclosure of Financial Interest

Name / Position	Mr Mat Humfrey, Director Corporate Services.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Humfrey is one of four Directors and the decision could impact his remuneration.

Name / Position	Mr Chris Leigh, Director Planning and Community Development.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Director positions, including Mr Leigh's role, are included in the policy as being considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO and will therefore be financially impacted by any change to remuneration and conditions set out in the policy.

Name / Position	Mrs Simone Holmes-Cavanagh, Acting Director Governance and Strategy.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Direct positions, including Mrs Holmes-Cavanagh's acting role as Director Governance and Strategy, or the role of Director Governance and Strategy are included in the policy as being considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO and will therefore be financially impacted by any change to the remuneration and conditions set out in the policy.

Name / Position	Mr Michael Hamling, Acting Director Infrastructure Services.
Item No. / Subject	Item 4 – Appointment of an Acting or Temporary CEO Policy Minor Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Hamling is a member of the Senior Management Team who may need to act in other roles.

Director Planning and Community Development left the room at 7.14pm.

Director Corporate Services left the room at 7.14pm.

Acting Director Infrastructure Services left the room at 7.14pm.

Acting Director Governance and Strategy left the room at 7.14pm.

Manager Audit, Risk and Executive Services left the room at 7.14pm.

Manager Community Safety left the room at 7.14pm.

ITEM 4 **APPOINTMENT OF AN ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER - MINOR REVIEW**

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	74574, 101515
ATTACHMENTS	Attachment 1 <i>Revised Appointment of an Acting or Temporary Chief Executive Officer Policy – marked-up</i> Attachment 2 <i>Appointment of an Acting or Temporary Chief Executive Officer Policy – adoption copy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy*.

EXECUTIVE SUMMARY

The City's *Appointment of an Acting or Temporary Chief Executive Officer Policy* (the Policy) was adopted by Council in 2021 (CJ128-08/21 refers) as a result of changes to the *Local Government Act 1995* (the Act), and the inclusion of section 5.39C requiring local governments to prepare and adopt a policy that sets out the process to be followed in relation to the appointment of an acting or temporary Chief Executive Officer (CEO).

The Policy has been reviewed in relation to the remuneration to be paid to an acting or temporary CEO.

It is therefore recommended that Council ADOPTS the revised Appointment of an Acting or Temporary Chief Executive Officer Policy as shown in Attachment 2 to this Report.

BACKGROUND

Council adopted the *Appointment of an Acting or Temporary Chief Executive Officer Policy* at its meeting held on 17 August 2021 (CJ128-08/21 refers). The Policy was adopted as a result of changes to the Act and the inclusion of section 5.39C which provides as follows:

5.39C Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following -*
 - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*

(b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

(2) *A local government may amend* the policy.*

** Absolute majority required.*

(3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

(4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

The Policy sets out the process to be followed for the appointment of an acting or temporary CEO when the CEO is on planned or unplanned leave.

DETAILS

The Policy is retained in its current form, with minor changes being recommended.

The City recommends an amendment to the Policy with regard to the remuneration paid to an acting or temporary CEO.

Clause 3.5(a) is proposed to be amended, as follows, to ensure that there is a reasonable increase in salary for a Director appointed as an acting CEO or temporary CEO, compared to their salary as a Director, for the period they are acting CEO or temporary CEO.

The reasonable increase reflects the additional responsibility as acting or temporary CEO compared to their substantive role as a Director.

If the increase in cash component were to be kept at its current 80%, there would be no financial incentive for certain Directors to take additional duties and level of responsibility. This percentage and process is aligned with other Acting guidelines and processes within the City of Joondalup.

Increasing the cash component as acting or temporary CEO from 80% of the substantive CEO's total reward package, to 90% addresses this anomaly by providing a reasonable level of increase in salary at a reasonable cost to the City.

3.5 Remuneration and conditions of Acting or Temporary CEO

a. *Unless Council otherwise resolves, an employee appointed as Acting CEO or Temporary CEO shall be remunerated a cash component at ~~80%~~ 90% of the cash component only of the Substantive CEO's total reward package.*

Issues and options considered

Council can either:

1 adopt the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy* as presented; or

- 2 adopt the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy* with further amendments; or
- 3 not adopt the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation Sections 5.39(1a)(a) and 5.39C of the *Local Government Act 1995*.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome 5-1 Capable and effective. You have an informed and capable Council backed by a highly-skilled workforce.

Policy *Appointment of an Acting or Temporary Chief Executive Officer Policy*.

Risk management considerations

Adoption of the Policy reduces the risk of the City not having a process in place for the appointment of an acting or temporary Chief Executive Officer.

Financial / budget implications

The proposed changes to the Policy will result in an increase in costs to the City as it is proposed that an employee appointed as acting CEO or temporary CEO be remunerated at a cash component of 90% of the cash component of the substantive CEO's total reward package. They would also receive a corresponding increase in superannuation payments. Previously, the Policy has provided for 80% of the cash component of the substantive CEO's total reward package.

80% of the cash component of the current CEO's total reward package is calculated at \$275,914 per annum.

90% of the cash component of the current CEO's total reward package is calculated at \$310,403 per annum.

This will result in an increase of \$34,490, pro-rata for the amount of time an acting or temporary CEO is appointed for the purpose of planned or unplanned leave, each year (current entitlements are 5 weeks Annual Leave and 2 weeks Personal leave). Superannuation payments will also be pro-rata.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The suggested changes to the Policy are intended to ensure any Director filling the role of acting or temporary CEO is reasonably compensated financially at reasonable cost to the City.

VOTING REQUIREMENTS

Absolute majority.

Cr Chester left the room 7.25pm and entered the room at 7.27pm.

OFFICER'S RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ADOPTS the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy* as shown in Attachment 2 to this Report.

ALTERNATIVE MOVED Cr Raftis, SECONDED Cr Thompson that Council BY AN ABSOLUTE MAJORITY ADOPTS the revised *Appointment of an Acting or Temporary Chief Executive Officer Policy* as shown in Attachment 2 to this Report subject to the following amendments:

3.5(a) unless Council otherwise resolves, an employee appointed as Acting Chief Executive Officer or Temporary Chief Executive Officer should be remunerated at 90% of the substantive Chief Executive Officer's total reward package.

The Motion was Put and

CARRIED (5/0)

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

Director Planning and Community Development entered the room at 7.35pm.

Director Corporate Services entered the room at 7.35pm.

Acting Director Infrastructure Services entered the room at 7.35pm.

Acting Director Governance and Strategy entered the room at 7.35pm.

Manager Community Safety entered the room at 7.35pm.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPOLICY230508.pdf](#)

ITEM 5 REVIEW OF THE CITY PLAYGROUND SHADE COUNCIL POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	109497, 101515
ATTACHMENTS	Attachment 1 <i>City Playground Shade Council Policy</i> Attachment 2 <i>Public Open Space Framework</i> Attachment 3 Map of the City showing Distribution of Play Spaces with Artificial Shade Structures
AUTHORITY / DISCRETION	Executive — The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the proposal to repeal the *City Playground Shade Council Policy*.

EXECUTIVE SUMMARY

At its meeting held on 17 August 2015 (CJ144-08/15 refers), Council adopted the *City Playground Shade Council Policy*, as provided at Attachment 1 to this Report. The policy was adopted to guide the circumstances where artificial shade is to be provided over City managed play spaces.

At its meeting held on 13 December 2022 (CJ144-08/15) Council adopted the *Public Open Space Framework* (the Framework) provided at Attachment 2. This framework articulates the City's position on the provision of artificial shade and incorporates the criteria from the *City Playground Shade Council Policy*. The Framework also includes a preference for equal distribution of artificial shade across the suburbs.

The ongoing review of Council policies aims to improve consistency, remove duplication and ensure ongoing relevance. Due to the duplication of the City's policy position in the *Public Open Space Framework*, the *City Playground Shade Council Policy* is no longer considered necessary.

It is therefore recommended that Council REPEALS the City Playground Shade Council Policy as detailed in Attachment 1 of this Report.

BACKGROUND

The *City Playground Shade Council Policy* (provided at Attachment 1) was adopted by Council at its meeting held on 17 August 2015 (CJ144-08/15). The policy followed a 174-signature petition received by Council at its meeting held on 20 May 2014 (C19-05/14 refers) requesting that the City erect shade sails over the larger of the two play space areas at Mawson Park, Hillarys.

At its meeting held on 18 November 2014 (CJ221-11/14 refers), several options were presented, and Council requested that the Policy Committee consider the adoption of a policy to guide the City's response to dealing with requests from the public. A draft policy was developed and presented to Council on 31 March 2015 (CJ052-03/15 refers). Council adopted the policy for the purpose of public advertising and approved the introduction of a built shade structure program in the *Five Year Capital Works Program*.

A later report was presented to Council on 17 August 2015 (CJ144-08/15 refers) where Council adopted the *City Playground Shade Council Policy*. The adopted policy preferences natural shade (such as from tree canopy), over artificial shade, and considers the size, level of usage, and availability of complementary infrastructure in assessing suitability.

Complementing this was the review of the City's *Parks and Public Open Space Classification Framework*. At its meeting held on 13 December 2022 (CJ209-12/22 refers), Council adopted the *Public Open Space Framework* (provided as Attachment 2).

DETAILS

The Framework guides the allocation of a broad range of public open space infrastructure, including artificial shade, and takes a more holistic approach to assessing suitability. The Framework addresses all of the policy criteria above, but also adds the consideration of equal distribution across the City. The Framework also provides for artificial shade over dedicated skate/BMX facilities.

Artificial shade over play spaces costs an average of \$50,000 to install and shade sails last approximately five years (depending on their location). Artificial shade provides approximately three to four hours of shade over a play space in full sun, which acts to extend its hours of usage.

Prior to the *City Playground Shade Council Policy* coming into effect, the City had artificial shade in the following four public open spaces:

Public open space	Installation year
Harbour View Park (Hillarys)	2003
Blackall Park (Greenwood)	2010
Tom Simpson North (Mullaloo)	2013
McIntyre Park (Burns Beach)	2014

Following the adoption of the *City Playground Shade Council Policy*, additional artificial shade was installed in the following nine public open spaces:

Public open space	Installation year
Burns Beach Park (Burns Beach)	2018
Delamere Park (Currambine)	2018
Tom Simpson South (Mullaloo)	2018
Hillarys Beach Park (Hillarys)	2019
Sir James McCusker Park (Iluka)	2020
Seacrest Park (Sorrento)	2020
Penistone Park (Greenwood)	2020
Braden Park (Marmion)	2021
Beldon Park (Beldon)	2022

The most recent installation of artificial shade was at Iluka Beach Park (Iluka) as part of the *2022-23 Capital Works Program*, which will bring the total number of play spaces with shade sails to 14. A map showing the distribution of these across the suburbs is shown at Attachment 3 to this Report.

The City receives an average of six requests per year for the installation of artificial shade over play spaces. The majority of these cite a lack of access to a shaded play space near the person's place of residence. This indicates the importance of equitable access to shaded play spaces for the community.

Issues and options considered

There are three options available to Council:

- repeal the *City Playground Shade Council Policy*
- retain the *City Playground Shade Council Policy* in its current form
or
- amend the *City Playground Shade Council Policy* as directed by Council.

The first option is recommended. The adopted *Public Open Space Framework* outlines the following in relation to artificial shade:

Artificial shade provides shading to frequently-used play spaces and dedicated skate/BMX facilities by extending their hours of usage, particularly over the summer period. Due to the high number of play spaces in the City, it is not feasible to provide artificial shade for all. As such, artificial shade is supported for play spaces and dedicated skate/BMX facilities that cannot be effectively shaded naturally, experience frequent, ongoing use (especially from community groups and organisations), and are co-located with other infrastructure assets that encourage long-stay usage (such as barbecues, picnic structures and toilet facilities). An equal distribution of artificial shade is also preferred, with proximity to similar shaded facilities to inform consideration.

The Framework further lists the following co-located infrastructure which is required for the installation of artificial shade:

at least one of:

- *Play space (regional)*
- *Play space (district)*
- *Play space (neighbourhood)*
- *Skate/BMX facility (dedicated)*

Finally, the Framework lists artificial shade as an “optional” infrastructure in all neighbourhood-level and above Sports Parks and Recreation Parks.

The City's position on artificial shade is clearly articulated in the recently adopted *Public Open Space Framework*. The Framework also includes the additional preference for an equal distribution of artificial shade across the City which addresses the requests received by the City in relation to proximity. As such, it is not considered necessary to continue to have a standalone *City Playground Shade Council Policy*.

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 *City Playground Shade Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

There are a number of costs associated with installing and maintaining artificial shade structures as per the table below.

	Average cost
Installation of a new artificial shade structure	\$50,000
Seasonal installation of an existing shade sail (erecting in summer, removing in winter)	\$13,500
Replacement of an existing shade sails every five years	\$3,000 per sail
Replacement of the hard structures for a shade sail (poles and the like) every 15–20 years	\$50,000

All proposals for new artificial shade structures are presented to Elected Members as part of the annual budget development process and adopted as part of the *Five Year Capital Works Program*.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The ongoing review of Council policies aims to improve consistency, remove duplication and ensure ongoing relevance. The recently adopted *Public Open Space Framework* clearly articulates the City's position in regard to artificial shade, and it is no longer considered necessary to continue to have a standalone *City Playground Shade Council Policy*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Thompson, **SECONDED** Cr Hill that Council **REPEALS** the *City Playground Shade Council Policy* as detailed In Attachment 1 of this Report.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Thompson, Chester, Hill, Kingston and Raftis.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY230508.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	Item 6 - Review of Parking Schemes Policy
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston was originally the Lead Petitioner from which this matter originates.

ITEM 6 REVIEW OF PARKING SCHEMES POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	05787, 101515
ATTACHMENT	Attachment 1 <i>Parking Schemes Policy</i> – proposed revision Attachment 2 <i>Parking Schemes Policy</i> – existing
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider and adopt the revised *Parking Schemes Policy*.

EXECUTIVE SUMMARY

The City manages parking on land within its control via parking schemes. Parking schemes are created over discrete areas and can take a number of forms and typically comprise one or a variety of management measures, such as issuing permits, imposing time restrictions or requiring a fee to be paid.

The creation of parking schemes and the types of management measures that can be applied to parking schemes is guided by the City's *Parking Schemes Policy*.

The *Parking Schemes Policy* was originally adopted in 2012 and originated from two separate policies that existed prior, namely the *Resident/Visitor Parking Permits for Joondalup City Centre Policy* and the *Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy*.

A review of the *Parking Schemes Policy* was undertaken in 2018 which resulted in minor amendments to the policy.

Separate to the *Parking Schemes Policy*, in response to a petition received by Council in October 2021, Council requested that a report be prepared on the development of a policy for paid parking in coastal areas.

This report was considered by Council at its meeting in August 2022 where it was suggested that there could be benefit in addressing any policy position on paid parking in coastal areas as part of a review of the existing *Parking Schemes Policy*. Council supported this approach.

This report set out the outcomes of the City's review of the Parking Schemes Policy and with specific consideration given to the management of parking in coastal locations.

Refinements and improvements to the policy are recommended, and notably, the amended policy includes a policy position that there be no paid public parking in coastal locations, with the exception of parking dedicated to boat trailer parking.

It is therefore recommended that Council ADOPTS the revised Parking Schemes Policy as detailed in Attachment 1 to this Report.

BACKGROUND

Parking Schemes Policy

A joint review of the *Resident/Visitor Parking Permits for Joondalup City Centre Policy* and the *Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy* was conducted in 2011, revealing significant duplication between the two. In 2012, it was recommended that Council revoke both policies and adopt the *Parking Schemes Policy*.

The *Parking Schemes Policy* includes information detailing the instances where a parking scheme may be introduced, the possible components of a parking scheme, and clarifies that parking permit areas may be established in locations with a designated parking scheme as a way of avoiding adverse impacts on local residents. At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council reviewed the policy which recommended only minor amendments for consistency.

Petition opposing paid public parking at Ocean Reef Marina

At the Ordinary meeting of Council dated 12 October 2021 (C107-10/21 refers) a petition was received requesting that Council:

- opposes any application of any paid public parking at Ocean Reef Marina
- opposes any further application of paid public parking at any other coastal location controlled by the City of Joondalup
- ceases any representations to the State Government for the application of paid public parking at Ocean Reef Marina, Hillarys Boat Harbour, or any other coastal location.

The City provided an update to Council via the Status of Petitions report at its meeting held on 15 March 2022 (CJ034-03/22 refers).

Following consideration of this item Council resolved at Part 3 of this item that Council:

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

A further report was then prepared and presented to Council at its meeting held on 17 May 2022 (CJ071-05/22 refers). That report outlined issues which may be considered in the development of a policy that would provide direction to the City on the application of parking arrangements in coastal zones. In response to the report Council resolved:

“That Council REQUESTS the Chief Executive Officer prepare a report on the development of a policy for paid parking in coastal areas, to be presented to the Policy Committee at its meeting to be held on 1 August 2022.”

At its meeting held on 16 August 2022 (CJ141-08/22 refers), a report was presented for Council to consider the development of a policy for coastal parking areas which would articulate the Council’s position in relation to parking management in coastal areas and recommended that there is merit including any policy position on coastal parking areas in the City’s existing *Parking Schemes Policy* which was under review.

As an outcome to that report it was resolved that Council:

- 1 *REQUESTS that consideration of parking in coastal locations is included in the review of the City’s Parking Schemes Policy;*
- 2 *REQUESTS as part of the review of the City’s Parking Schemes Policy, the consideration of parking in coastal locations shall include:*
 - 2.1 *that there is no paid public parking in City-managed coastal locations, other than boat trailer parking;*
 - 2.2 *strategies for managing demand for parking that are available for the City, including but not limited to:*
 - 2.2.1 *time restricted parking in areas of high demand;*
 - 2.2.2 *permit parking where for residential areas close to the coast;*
 - 2.2.3 *temporary or seasonal parking controls where required;*
 - 2.3 *detail that outlines uses that would be considered commercial or exclusive parking arrangements and how such arrangements will be managed in coastal locations;*
 - 2.4 *detail that outlines uses that would be considered activity specific parking, such as boat trailer parking, and whether special arrangements should exist for these facilities.*

DETAILS

Parking Schemes

Parking schemes are designated areas throughout the City where some form of parking management is in place. The introduction of a parking scheme occurs where:

- parking demands are causing a hazard to residents and/or other road users
- parking is damaging City infrastructure or infrastructure owned by other government agencies
- parking is having a significant detrimental effect on local amenity.

Parking schemes are introduced by resolution of Council or via delegated authority, and in some instances, following a community engagement process.

Parking Schemes Policy

The introduction and implementation of parking schemes is currently guided by the City’s existing *Parking Schemes Policy* (Attachment 2 refers).

As outlined in the 'Background' section of this report, the current *Parking Schemes Policy* was originally adopted in 2012 and evolved from two separate policies, the *Resident/Visitor Parking Permits for Joondalup City Centre Policy* and the *Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy*.

Parking schemes are developed to meet the needs of each scheme area aim to provide the best parking management outcome and currently can consist of one, or a combination of the following:

- Time-restricted parking.
- Limited parking prohibitions.
- Area-wide prohibitions.
- Paid parking.

The *Parking Schemes Policy* includes information detailing the instances where a parking scheme may be introduced, the possible components of a parking scheme, and clarifies that parking permit areas may be established in locations with a designated parking scheme as a way of avoiding adverse impacts on local residents.

Parking Schemes Policy review

While the City's *Parking Schemes Policy* has been operating effectively for a number of years, the review has identified opportunities to improve the policy to refine detail included.

These refinements include:

- renaming the different management strategies that could be introduced via a parking scheme
- incorporating more definitions, including those for the different types of management strategies, so that the policy is more legible and easier to understand for the community
- removing information relating to parking permits which relates to operational and implementation matters rather than a policy position. It is noted that this information is provided publicly and in greater detail elsewhere by the City
- More clearly setting out the City's policy position in relation to paid public parking.

It is also noted that Council has requested that specific consideration be given to the management of parking in coastal areas as part of the *Parking Schemes Policy* review. This particular matter is discussed in further detail below.

Parking management in coastal locations

For the purpose of the *Parking Schemes Policy*, a 'coastal location' is considered to be any road or parking station within or adjacent to a coastal foreshore reserve or beach park.

There are currently a number of different strategies implemented to manage parking in coastal locations, including:

General parking restrictions

General parking restrictions are in place along coastal locations and includes measures that prevents the parking of any, or specific vehicles.

These restrictions include 'no parking' and 'no stopping' areas, signage and road markings, but do include specific management strategies such as paid parking, permit parking or time-restricted parking.

Permit parking

Ocean Reef Marina

Parking permits are able to be purchased to allow a vehicle, with an attached boat trailer, to park without payment of the normal daily fee that enables access to the boat launch facilities.

Paid parking

Currently there is no requirement for general users of coastal locations to pay for parking.

There is however a fee payable for boat trailers (or vehicle with a boat trailer) to park at boat launching facilities at Ocean Reef marina and Hillarys Boat Harbour.

The current boat trailer parking area at Ocean Reef marina is on land managed by the City of Joondalup, whereas the boat trailer parking area at Hillarys Boat Harbour is managed by the Department of Transport.

Consideration of coastal locations as part of Parking Schemes Policy review

As outlined above, at its meeting held on 16 August 2022 (CJ141-08/22 refers), as part of the City's review of its *Parking Schemes Policy*, Council requested consideration of parking in coastal locations form part of the City's review of its *Parking Schemes Policy*. Council specifically requested the following form part of the consideration of parking in coastal locations:

- that there is no paid public parking in City-managed coastal locations, other than boat trailer parking;
- strategies for managing demand for parking that are available for the City, including but not limited to:
 - time restricted parking in areas of high demand
 - permit parking where for residential areas close to the coast
 - temporary or seasonal parking controls where required
- detail that outlines uses that would be considered commercial or exclusive parking arrangements and how such arrangements will be managed in coastal locations
- detail that outlines uses that would be considered activity specific parking, such as boat trailer parking, and whether special arrangements should exist for these facilities.

No paid public parking in City-managed coastal locations

As outlined above, there is currently no paid public parking arrangements in place on City-managed land in coastal locations, other than boat trailer parking.

Consistent with Council's resolution, it is considered appropriate that this approach continue.

As part of updates to the *Parking Schemes Policy* (Attachment 1 refers), this policy position is now expressly stated in the policy by stating that paid parking will only be considered for parking schemes located within the Joondalup City Centre and at boat launching facilities.

It is noted that there are areas of parking in coastal locations that are not owned or managed by the City (such as parking areas within Hillarys Boat Harbour) where Council would not be the ultimate or final decision-maker on any decision to introduce paid parking in these specific areas.

Strategies for managing demand for parking in coastal locations

The City monitors changing demand across coastal locations and implements management strategies which respond to the specific situation.

As described above, the management of parking in coastal locations primarily includes the application of general parking restrictions, but also permit parking and paid parking in some specific circumstances.

The seasonal management of parking could be implemented through a specific time-restricted, permit or general parking restrictions, however, high seasonal demand can also be managed in other ways.

For example, the City is aware of the significant increase in parking demand in coastal locations that accompanies the abalone season. The City currently manages this through the deployment of additional services, rather than modifying parking schemes. Given separate legislation that restricts days and times at which abalones can be fished (and consequently driving parking demand), rather than having to modify a parking scheme, the City focuses its patrols at these times and directs officers to coastal locations to respond to illegal and hazardous parking.

The updates to the *Parking Schemes Policy* allows the City to remain flexible and implement additional or change strategies in coastal locations (with the exception of introducing paid parking) should the need arise.

Commercial or exclusive parking arrangements

Commercial parking arrangements

Commercial parking arrangements arise when the City enters into an agreement to provide a form of parking management in exchange for a commercial outcome.

These commercial arrangements fall outside of the scope of *Parking Schemes Policy* as they relate to the City providing an enforcement service over non-City managed parking areas.

The City has an existing commercial parking arrangement with the Department of Transport (DoT) at the boat launching facilities within Hillarys Boat Harbour, whereby the City enforces the parking restrictions imposed by DoT for fee-paying boat trailer parking.

This is the only commercial parking arrangement in a coastal location in the City, however the City does also enter into other commercial parking arrangements for large stakeholders in the Joondalup CBD, including Lakeside Shopping Centre and the Joondalup Health Campus.

Exclusive parking arrangements

An exclusive parking arrangement is an arrangement whereby a particular party or group has exclusive use of a City-controlled parking area.

Exclusive parking arrangements can be commercial (such as the City receives revenue) or non-commercial (such as the City does not receive revenue) in nature.

An exclusive parking arrangement is facilitated via the *Parking Schemes Policy* supported by a separate contractual arrangement between the City and the relevant party. That is, a parking scheme is created over the parking area and exclusivity provided through access restriction, issuing permits and erecting signage to give effect to the parking scheme.

In relation to commercial, exclusive parking arrangements, the City will from time to time enter into these for parking in Joondalup's CBD (for a fee), particularly when significant development is being undertaken that requires an influx of tradespeople (and vehicles) that, in the absence of an exclusive parking arrangement with the City, could have a greater detrimental impact on our City Centre streets, residents and businesses.

Non-commercial, exclusive parking arrangements arise in non-fee paying car parks under the City's control whereby bays within a car park will be set aside or allocated for the exclusive use of a particular user group. Such an arrangement typically only arises for recreational and community facilities.

In contemplating any exclusive parking arrangement the City balances to potential financial benefit and certainty an exclusive arrangement may bring against the potential impact an exclusive arrangement may have on other users to ensure adequate parking is still available within the vicinity.

Notwithstanding the potential that exists, it is not currently anticipated that any of the City-controlled parking areas in coastal locations will be subject to broad, exclusive parking arrangements.

Activity specific parking arrangements

Activity specific parking arrangements relate to management strategies implemented in response to parking needs for particular activities or user groups.

At this stage, the only activity specific parking arrangement in coastal locations that the City believes should be subject to a particular type of parking management relates to boat trailer parking.

The City currently manages boat trailer parking on land within its control through providing an annual permit (for a fee) or via paid parking on the day the patron uses the car park.

The City considers that this approach is an appropriate management response and should continue. As such, the updated *Parking Schemes Policy* facilitates this by reference at clause 4.1.1.

Issues and options considered

The proposed changes to the *Parking Schemes Policy* aim to provide clarity for the City and the community regarding the rationale under which parking scheme amendments are introduced.

Council has the option to:

- adopt the amended *Parking Schemes Policy*, with or without modification
- or
- not adopt the amended *Parking Schemes Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Parking Local Law 2013.

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 *Parking Schemes Policy.*

Risk management considerations

The proposed revisions to the *Parking Schemes Policy* will provide greater clarity on what parking management strategies are available to the City. Further, the proposed revisions to the policy also clearly outline the City's policy position in relation to paid parking in coastal locations.

Financial / budget implications

The City budgets each year for the provision of parking controls which may be introduced through parking scheme amendments. These costs include officer time, community consultation and the installation of infrastructure that restricts parking, such as signage and line markings.

There are however no specific changes to financial or budgetary implications that arise from the proposed revisions to the *Parking Schemes Policy*.

Regional significance

The implementation of parking scheme amendments impact upon regional visitors to the area. This allows for better and more equitable access to activated destinations such as the Joondalup City Centre where restrictions such as timed and paid parking allow for the city centre to be a shopping hub at peak times of the year such as Christmas and school holidays by increasing the turnover and availability of parking bays.

Sustainability implications

The purpose of the *Parking Schemes Policy* is to guide the safe and equitable use of all parking facilities within the City.

Consultation

The proposed changes to the *Parking Schemes Policy* are considered to provide greater clarity and understanding of its application. The proposed changes also reflect Council's previous resolution in relation to there being no paid public parking in coastal locations, with the exception of boat trailer parking.

For these reasons, community consultation is not recommended.

COMMENT

The City's *Parking Schemes Policy* provides guidance for the City on the range of strategies available to effectively manage parking on land within its control.

A review of the policy has been undertaken and refinements and improvements recommended that will provide greater clarity and legibility going forward.

In response to Council's resolution made at its meeting held on 16 August 2022 (CJ141-08/22 refers), specific consideration has been given to the management of parking in coastal locations as part of the review. The outcome of this specific consideration has resulted

in proposed changes to the *Parking Schemes Policy* to clearly articulate that there is to be no paid public parking in coastal locations, with the exception of parking associated with boat trailers.

VOTING REQUIREMENTS

Simple Majority.

Cr Hill left the room 7.52pm and entered the room at 7.54pm.

MOVED Cr Thompson, SECONDED Cr Kingston that Council ADOPTS the revised *Parking Schemes Policy* detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (5/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agnPOLICY230508.pdf](#)

ITEM 7 REVIEW OF TERMS OF REFERENCE - POLICY COMMITTEE

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	103963, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to review the role and purpose of the Policy Committee and endorse the revised Terms of Reference.

EXECUTIVE SUMMARY

In response to a Notice of Motion, Council at its meeting held on 28 February 2023 (CJ002-02/23 refers) considered a report on the merits of establishing a planning committee to consider certain planning proposals. Council resolved to not progress the establishment of a planning committee and requested a report be prepared for the Policy Committee to review its Terms of Reference to include strategic planning proposals.

Under the current Terms of Reference local planning policies are referred to the Policy Committee, with all other planning proposals requiring a Council decision presented directly to a Council meeting (via a Briefing Session).

In considering the type of strategic planning proposals that could be presented to the Policy Committee, there are implications if planning proposals with statutory timeframes or other deadlines are included. In these instances, there may be occasions where a Council decision is required prior to a scheduled Policy Committee meeting and subsequent Council meeting. This would require the City to seek an extension from the relevant public authority (for example; Western Australian Planning Commission) and/or proponent (as applicable). Where an extension is not given, a special meeting of the Policy Committee may need to be convened, or where this is not practical, the proposal may need to be presented directly to a Council meeting.

It is therefore recommended that Council adopts by AN ABSOLUTE MAJORITY the revised Terms of Reference for the Policy Committee, as follows:

- 1 make recommendations to Council on the development and review of the City's policies and overall policy framework;*
- 2 make recommendations to Council on the development and review of the City's local laws;*

- 3 *oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs;*
- 4 *make recommendations to Council on strategic planning matters, including planning strategies, scheme amendments, structure plans, local development plans, and submissions on urban planning matters to government agencies requiring Council decision.*

BACKGROUND

The current Terms of Reference for the Policy Committee were endorsed by the Council on 16 August 2022 (CJ134-08/22 refers), and are as follows:

- 1 *make recommendations to Council on the development and review of the City's policies and overall policy framework;*
- 2 *make recommendations to Council on the development and review of the City's local laws;*
- 3 *oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs.*

Council resolution

In response to a notice of motion, Council at its meeting held on 16 November 2021 (CJ127-11/21 refers) resolved as follows:

"That Council REQUESTS the Chief Executive Officer to prepare a report on the establishment of a Planning Committee, including the following matters:

- 1 *merits of establishment of a Planning Committee;*
- 2 *potential role and terms of reference of a Planning Committee;*
- 3 *consideration of how a Planning Committee could operate within the context of existing committee structures and scheduling."*

Council considered a report on the merits of establishing a Planning Committee at its meeting held on 28 February 2023 (CJ002-02/23 refers), and resolved:

"That Council in relation to Council's resolution of 16 November 2021 (CJ127-11/21 refers) regarding the establishment of a Planning Committee:

- 1 *DOES NOT PROGRESS the establishment of a Planning Committee;*
- 2 *REQUESTS the Chief Executive Officer prepare a report to review the Terms of Reference of the Policy Committee to include strategic planning proposals."*

Currently, local planning policies are referred to the Policy Committee prior to a Council Meeting, with all other planning matters requiring a Council decision presented to a Council meeting (via a Briefing Session). The Briefing Session is used to inform Elected Members on the matters that are to be presented and discussed at the upcoming Council meeting. This provides an opportunity for Elected Members to ask questions to clarify understanding, request additional information or alternative wording for motions for possible consideration, and receive deputations from proponents and community members. Briefing Sessions and Council Meetings are open to the public, allowing public questions and statements.

DETAILS

The type of strategic planning proposals that could be referred to the Policy Committee include the following:

- Strategic planning documents and direction-setting (for example the City's Local Planning Strategy).
- Local planning scheme and planning scheme amendments.
- Structure plans.
- Local development plans
- Submissions on draft planning documents that have considerable implications to the City's planning framework or are likely to have a high level of community interest. Examples of these include the State Government's medium density housing codes and WALGA's discussion paper on third party appeal rights.

The table below outlines the number of reports presented to Council relating to the above, and local planning policies presented to the Policy Committee over the last three years, with there being an average of 12 reports presented to Council and five reports presented to the Policy Committee.

Year	2020	2021	2022
Reports to Council	9	10	18
Reports to the Policy Committee	4	2	8
Total	13	12	26

Impact of statutory timeframes or other deadlines

Should strategic planning proposals with a statutory timeframe require a report to the Policy Committee, consideration will need to be given to instances where a meeting schedule would result in the decision by Council not being made within a statutory timeframe or other deadline.

Statutory timeframes or other deadlines are applicable to the following:

- Local planning scheme and scheme amendments after being initiated by Council.
- Structure Plans and Local Development Plans submitted by an external proponent.
- Structure Plans and Local Development Plans prepared by the City, after being endorsed for consultation.
- Submissions on draft changes to the planning framework.

While the above strategic planning matters with a statutory timeframe or other deadline can be included in the Terms of Reference, the following steps would need to be taken should a meeting of the Policy Committee and subsequent Council decision not meet the statutory timeframe or deadline:

- An extension of time would be sought from the public authority (for example Western Australian Planning Commission) and/or proponent (as required).
- Where an extension of time is not granted, a special meeting of the Policy Committee could be sought.
- Where a special meeting of the Policy Committee cannot be convened, the matter would be presented directly to a Council meeting, and where time allows, circulated to Elected Members separately prior to a Council meeting.

Issues and options considered

Council can either:

- endorse the revised Terms of Reference as proposed
- amend the revised Terms of Reference
or
- make no changes to the Terms of Reference.

As part of the consideration of the types of planning matters that could be included in the Terms of Reference, there are implications if statutory timeframes or other deadline is applicable. Council could determine that the Terms of Reference only includes those planning matters without a statutory timeframe or other deadline. There are no statutory timeframes applicable to the following:

- Local planning policies - these are referred to the Policy Committee under the current Terms of Reference.
- Strategic planning documents and direction-setting (for example the City's *Local Planning Strategy*).
- initiation of an amendment to the local planning scheme.

Legislation / Strategic Community Plan / Policy implications

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

Given that the Policy Committee meets quarterly, planning proposals may be delayed compared to progressing matters directly to a Council Meeting. There is also a risk that matters may still need to be presented directly to a Council meeting for planning proposals with a statutory timeframe or other deadline, should an extension not be granted and it is not practical to convene a special meeting of the Policy Committee.

In addition, while a statutory timeframe is not applicable to the initiation of a proposed amendment to the planning scheme submitted by an applicant, referring these proposals to the Policy Committee could lead to substantial delays in progressing the application and lead to applicant dissatisfaction. Depending on the timing of the applicant lodging the request, there could be up to a 90 day delay in obtaining a decision from Council on whether to proceed with initiating an amendment. Should Council decide to initiate the amendment, undertaking community consultation, reporting back to Council through the Policy Committee and referring to the Western Australian Planning Commission also has significant time periods, typically around six to seven months for a standard amendment. As an alternative, referrals to initiate an amendment to the planning scheme submitted by an applicant could be excluded from the Terms of Reference for the Policy Committee.

Financial / budget implications

The estimated cost to convene a special meeting of the Policy Committee, if required, is \$2,934 per meeting. This includes staff and catering costs.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Should the Committee endorse a change in its Terms of Reference, this will need to progress through to the Council for approval given that the Policy Committee has no delegated authority to make decisions in this regard.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Thompson, **SECONDED** Cr Chester that Council **BY AN ABSOLUTE MAJORITY ADOPTS** the revised Terms of Reference for the Policy Committee, as detailed below:

- 1 make recommendations to Council on the development and review of the City's policies and overall policy framework;**
- 2 make recommendations to Council on the development and review of the City's local laws;**
- 3 oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs;**
- 4 make recommendations to Council on strategic planning matters, including planning strategies, scheme amendments, structure plans, local development plans, and submissions on urban planning matters to government agencies requiring a Council decision.**

The Motion was Put and

CARRIED (5/0)

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

ITEM 8 IMPLEMENTATION OF THE AMENDED RESIDENTIAL DESIGN CODES

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	106380, 101515
ATTACHMENTS	<p>Attachment 1 Amended <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i></p> <p>Attachment 2 Amended <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> explanatory guidelines</p> <p>Attachment 3 State Government medium density project overview brochure</p> <p>Attachment 4 State Government medium density consultation brochure</p> <p>Attachment 5 State Government medium density project testing brochure</p> <p>Attachment 6 Planning Bulletin 114: SPP7.3 Volume 1 and 2: deferred gazettal, special transition period and relationship with pre-existing local planning frameworks</p> <p><i>(Please Note: Attachments 1 and 2 are only available electronically).</i></p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

To provide information on the amendments to the Residential Design Codes to include new medium density housing provisions, and to outline the implications for the City's local planning framework.

EXECUTIVE SUMMARY

On 23 February 2023, the State Government released the new medium density housing provisions, forming part of the amended *State Planning Policy 7.3 Residential Design Codes* (R-Codes). The amended R-Codes will take effect from 1 September 2023.

The medium density housing provisions seek to improve the quality of medium density housing and will apply to single house and grouped dwellings with a residential density code of R30 and above, and multiple dwellings with a residential density code of R30 to R60 (inclusive).

The amended R-Codes are subject to a two-stage implementation program. The current R-Codes apply until 1 September 2023. From 1 September 2023 to 1 September 2025, a special transitional period will be in place whereby the amended R-Codes are in effect, however there are transitional provisions for medium density single houses in a structure plan or local development plan area.

Existing local planning policies that modify the R-Codes also continue to apply until 1 September 2025 however these local planning policies will need to be reviewed and endorsed prior to this date to continue to have effect. This includes the City's *Residential Development Local Planning Policy (RDLPP)* and *Development in Housing Opportunity Areas Local Planning Policy (HOALPP)*.

The amended R-Codes trigger the requirement for the review the City's local planning framework and the development controls that currently apply to residential development. Part A of the amended R-Codes and the Western Australian Planning Commission's *Planning Bulletin 114* provide guidance on this, outlining that priority should be given to local planning policies that modify provisions of the R-Codes. A review of the HOALPP and RDLPP has commenced and other local planning policies that cross-reference clause numbers of the R-Codes, such as the *Planning Consultation Local Planning Policy*, will also require review.

In addition to local planning policies, the City also has a number of structure plans, activity centre plans and local development plans that reference and replace requirements of the R-Codes. The requirements of structure plans, activity centre plans and local development plans will continue to apply until these documents expire or are otherwise modified. At this stage, it is intended that the currency and appropriateness of these documents will be considered through the report of review on the City's *Local Planning Scheme No.3 (LPS3)*, which is being undertaken as part of the *Local Planning Strategy* review project.

It is recommended that Council notes the implementation of the amended R-Codes and associated review of the City's local planning framework.

BACKGROUND

The R-Codes are a state planning policy that provides planning and design provisions for residential development across Western Australia.

As part of the *Action Plan for Planning Reform*, the State Government's Design WA initiative was introduced to ensure good design is at the centre of all development in Western Australia. Previous stages of Design WA have included the introduction of *State Planning Policy 7.0 – Design of the Built Environment*, *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*, *State Planning Policy 7.2 – Precinct Design* and the *Design Review Guide*. The amendments to the R-Codes to introduce the medium density housing provisions is the latest policy change implemented under this initiative.

The State Government undertook consultation on draft the medium density housing codes between November 2020 and April 2021. At its meeting on 20 April 2021 (CJ043-04/21 refers), Council endorsed the City's submission on the proposal. Following the consultation period, City officers have participated in working groups held by the Department of Planning, Lands and Heritage (DPLH) to assist in refining the provisions.

DETAILS

The amended R-Codes and explanatory guidelines are available at Attachments 1 and 2. Brochures produced by the State Government giving an overview of the amended R-Codes and its development are available in Attachments 3 to 5. The inclusion of specific provisions in the R-Codes for medium density housing seeks to improve the quality of that type of development by providing for:

- greater housing diversity
- reduced household running costs
- better solar passive design improving occupant amenity
- better access to garden and open spaces
- greater tree canopy and trees on private lots.

The amended R-Codes are divided into five parts:

R-Codes volume and part	Title	Description
R-Codes Volume 1 – Part A	Operation of the Code	Explanatory section establishing the purpose, application and operation of the R-Codes Volume 1.
R-Codes Volume 1 – Part B	Low Density	Applies to single houses, grouped dwellings and multiple dwellings in areas coded R25 and below.
R-Codes Volume 1 – Part C	Medium Density	Applies to single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings in areas coded R30 to R60 (inclusive).
R-Codes Volume 1 – Part D	The Land	Sets out the site area and dwelling yields for single houses and grouped dwellings for all density codes, and multiple dwellings up to R60. This section includes an average site area for multiple dwellings in areas coded up to R60 (inclusive). Currently multiple dwellings in areas coded R40-R60 are based on plot ratio area under R-Codes Volume 2 – Apartments.
R-Codes Volume 2	Apartments	Applies to multiple dwellings in areas coded more than R60.

The amendments to the R-Codes Volume 1 that apply to low density and R-Codes Volume 2 Apartments are generally unchanged, with only consequential amendments made given the introduction of the medium density housing provisions.

The medium density housing provisions are a new set of development provisions and are divided into three sections: 'the garden', 'the building', and 'neighbourliness', with some of the key inclusions outlined in the table below.

Section	Section inclusions	Key design element requirements
The Garden	<ul style="list-style-type: none"> • Gardens and trees • Private open space • Water management 	<ul style="list-style-type: none"> • Consolidated uncovered garden area relative to the site area (not based on density code). • Tree planting and deep soil areas. • Landscaping percentage for the site.
The Building	<ul style="list-style-type: none"> • Indoor amenity • Function • Housing diversity 	<ul style="list-style-type: none"> • Internal amenity – size and layout of dwellings and rooms. • Solar access for primary living space. • Maximum covered parking provisions. • Universal design for silver and gold level accessible dwellings.

Section	Section inclusions	Key design element requirements
		<ul style="list-style-type: none"> Ancillary dwellings permitted for all dwelling types.
Neighbourliness	<ul style="list-style-type: none"> Built form and character Neighbourhood context Community 	<ul style="list-style-type: none"> Simplified lot boundary setback provisions. Driveway/communal street dimensions. New provisions for retaining existing dwellings. Overshadowing for narrow lots and to diagonally adjacent lots. Visual privacy.

For each medium density design element there are objectives, design principles, and deemed-to-comply requirements. Where a development meets the deemed-to-comply requirements it is automatically considered to meet the corresponding design principle and objective. Where a development does not meet the deemed-to-comply requirement, the decision maker is to consider the merits of the proposal and determine whether the design principle and objective have been met. The deemed-to-comply and design principle pathway is the same approach currently taken for low density development standards.

Transitional arrangements for implementing the amended R-Codes

The amended R-Codes will be implemented in two stages as set out in Part A of the R-Codes Volume 1 and Planning Bulletin 114/2023 (Attachment 6 refers).

A deferred gazettal period is in place which means that while the new R-Codes are publicly available, the requirements do not take effect until 1 September 2023. In accordance with clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 'due regard' is to be given to the amended R-Codes when considering a development application against the design principles of the current R-Codes.

From 1 September 2023 to 1 September 2025, a special transitional period is in place. This means the amended R-Codes are in effect, noting that:

- local planning policies that include provisions that modify any R-Code standard will continue to apply. This includes the City's HOALPP and RDLPP
- specific transitional development provisions will apply to medium density single house development in areas subject to a structure plan or local development plan.

From 1 September 2025, local planning policies that modify any R-Code standard and have not been reviewed and endorsed since the gazettal of the amended R-Codes will cease to have effect. The transitional development provisions for structure plan and local development plan areas will also no longer apply, and medium density development in these areas will be subject to the requirements of the medium density housing provisions, in addition to the requirements of a structure plan or local development plan.

With the transitional arrangements, it is expected that local governments will undertake a review of their local planning framework between now and 1 September 2025 and seek to align requirements with the amended R-Codes.

Impact on the local planning framework

Most of the residential properties within the City of Joondalup are zoned 'Residential' (approximately 80%) and are coded R20 or lower, and therefore will not be affected by the new medium density housing provisions. The remainder of the 'Residential' zone (approximately 20%) includes small areas of medium density and the Housing Opportunity Areas (HOA) which are coded R20/R25, R20/R30, R20/R40 and R20/R60. Therefore, all

HOAs, except HOA3 which is coded R20/R25, will be affected by the implementation of the medium density housing provisions.

Local planning policies

Local planning policies that amend, augment or replace provisions of the R-Codes will continue to apply until 1 September 2025. After this time, these policies will cease to have effect unless reviewed and endorsed prior to this date. The transitional arrangements recommend that local governments prioritise review of relevant local planning policies, and where a policy requires WAPC approval, the DPLH should also prioritise the assessment. The HOALPP and RDLPP contain development provisions that modify the R-Codes, with the HOALPP including provisions that required WAPC approval. Therefore, these policies need to be reviewed as a priority.

The R-Codes still allow for local governments to prepare local planning policies that modify the R-Codes, however there are very few development standards in the medium density housing provisions that can be modified without WAPC approval.

The review of HOALPP and RDLPP will consider the new requirements of the R-Codes, in addition to operational improvements that have been identified since the policies came into effect. It is anticipated that key development controls will be presented to a meeting of Policy Committee in Quarter 2 of 2023/24.

There are several other local planning policies that are relevant to review in light of the amended R-Codes, including the following:

- *Subdivision and Dwelling Development Adjoining Areas of Public Space Policy.*
- *Planning Consultation Local Planning Policy.*
- *Consulting Rooms Local Planning Policy.*
- *Non-Residential Development in Residential Areas Local Planning Policy.*
- *Medium Density Single House Development Standards Local Planning Policy.*

A review of these policies will also be undertaken, however, in the interim the policies will continue to apply as adopted as they do not replace provisions of the R-Codes.

Local Planning Scheme No. 3

Clause 26 of LPS3 has development provisions that vary the requirements of the R-Codes, including the following:

- the minimum frontage for dual coded areas in an HOA.
- maximum overshadowing from single house, grouped dwelling and multiple dwelling developments in dual coded areas in an HOA.
- the minimum lot size for multiple dwellings in dual coded areas in an HOA.
- allowing aged and dependent persons' dwellings outside an HOA to develop at the R40 density when certain criteria are met.

In conjunction with the review of the local planning policies, these provisions will also be reviewed and if necessary, an amendment to LPS3 will be progressed.

Structure plans and local development plans

Local governments are encouraged to review structure plans, activity centre plans and local development plans with an expiry date after 19 October 2025, and align these with the amended R-Codes within five years of the amended R-Codes being gazetted (by September

2028). Where possible, this review should align with the report of review for a local planning scheme.

The City has a number of structure plans, activity centre plans and local development plans that reference and replace requirements of the R-Codes, and in accordance with the transitional arrangements, the provisions of the relevant plan will remain valid until the expiry date of that plan. A review is currently being undertaken to determine any impact the amended R-Codes provisions may have on the relevant plans, and if necessary, an amendment to the plan will be progressed. Where there is no impact, it is intended that the currency and appropriateness of these documents will be considered through the report of review on LPS3 which is being undertaken as part the *Local Planning Strategy* review project.

Issues and options considered

The review of the local planning framework will consider the implications of the new development standards that apply to medium density developments in the City's local context. Issues and options regarding these implications will be set out for Council's consideration as part of this review.

Legislation / Strategic Community Plan / Policy implications

Legislation *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 *State Planning Policy 7.3 – Residential Design Codes Volume 1.*
State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments.

Risk management considerations

To ensure that the City's local planning framework remains current with the state planning framework, a review of the framework needs to commence. In particular, a review of the HOALPP and RDLPP is required as these policies modify provisions of the R-Codes and will cease to have effect unless reviewed and endorsed prior to 1 September 2025.

Financial / budget implications

Not applicable.

Regional significance

The R-Codes is a state planning policy and as such the provisions impact residential development throughout Western Australia.

Sustainability implications

The medium density housing provisions include development standards that expand on sustainability initiatives. These include the following:

- an increase in deep soil areas and trees for medium density single house and grouped dwellings.
- incentives regarding the retention of trees.
- built form provisions to better access sunlight and cross ventilation to reduce reliance on artificial heating and cooling of dwellings.

Consultation

Consultation on any amendments to the City's local planning framework will be undertaken in accordance with the City's *Planning Consultation Local Planning Policy*. Proposed consultation will be outlined in the relevant reports to Council.

COMMENT

The introduction of the medium density housing provisions through the amended R-Codes are intended to improve the design quality for single house and grouped dwellings with a density code R30 and above, and multiple dwellings with a density code of R30 to R60 (inclusive). These provisions are intended to provide for greater housing diversity, better solar access and private landscaping and trees.

In accordance with the transitional arrangements to implement the amended R-Codes, a review of the City's local planning framework needs to be undertaken. Priority will be given to the City's HOALPP and RDLPP as these modify provisions of the R-Codes, with a review of other relevant local planning policies, structure plans, and local development plans also to be undertaken.

It is recommended that Council notes the implementation of the amended R-Codes and the review of the local planning framework.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Kingston, SECONDED Cr Hill, that Council NOTES the implementation of the amended *State Planning Policy 7.3 Residential Design Codes Volume 1* and the review of the local planning framework as outlined in this Report.

The Motion was Put and

CARRIED (5/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agnPOLICY230508.pdf](#)

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.24pm the following Committee Members being present at that time:

CR SUZANNE THOMPSON
CR JOHN CHESTER
CR ADRIAN HILL
CR DANIEL KINGSTON
CR JOHN RAFTIS