

# minutes

## Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 19 APRIL 2022

### **Acknowledgement of Traditional Custodians**

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

*This document is available in alternate formats upon request*

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#### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[AdditionalInformation.pdf](#)

## CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON 19 APRIL 2022

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

HON. ALBERT JACOB, JP

#### Councillors:

CR TOM MCLEAN, JP	North Ward	
CR ADRIAN HILL	North Ward	<i>absent from 9.36pm to 9.38pm</i>
CR NIGE JONES	North Central Ward	<i>to 10.53pm</i>
CR DANIEL KINGSTON	North Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 9.57pm to 9.59pm</i>
CR CHRISTOPHER MAY	Central Ward	<i>absent from 9.36pm to 9.39pm</i>
CR RUSS FISHWICK, JP	South Ward	
CR JOHN RAFTIS	South-West Ward	<i>absent from 9.36pm to 9.38pm</i>
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 7.31pm to 7.38pm</i>
CR JOHN CHESTER	South-East Ward	

#### Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR JAMIE PARRY	Director Governance and Strategy	
MR CHRIS LEIGH	Director Planning and Community Development	<i>absent from 9.58pm to 10.00pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	
MRS KYLIE BERGMANN	Manager Governance	
MR DANIEL DAVINI	Media Advisor	<i>to 10.37pm</i>
MRS DEBORAH GOUGES	Governance Officer	
MRS WENDY COWLEY	Governance Officer	
MS EMILY POTTS	Acting Governance Officer	<i>to 7.41pm</i>

There were 68 members of the public and no members of the press in attendance.

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

### Disclosures of Financial Interest

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.

<b>Name / Position</b>	<b>Cr Adrian Hill.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Hill's self-managed superannuation fund has a significant shareholding in Westpac Banking Corporation.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	National Australia Bank is an employer of Cr May.

<b>Name / Position</b>	<b>Cr John Raftis.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Raftis' superannuation fund has shareholdings in some of the tender applicants.

### Disclosures of Interest affecting Impartiality

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

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ050-04/22 - Response to Motions Carried at Special Electors' Meeting - 10 March 2022.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston provided advice to the lead petitioner regarding the meeting and motions before the meeting.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ053-04/12 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's wife holds shares in Westpac, the recommended party to provide the City with transactional services.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ056-04/12 - Petition Requesting Retention of a Pond Facility, McCubbin Park, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The lead petitioner is known to Cr May.

## PUBLIC QUESTION TIME

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

### A Coxe, Padbury:

Re: COVID 19 Mandates

Q1 *In response to answers A1 and A3 which I asked during the Special Electors' Meeting held on 10 March 2022.*

*Can the City please provide the details of the relevant legislation, that has passed through State Parliament and signed as law, the "legislative obligation" that you mention multiple times?*

A1 As indicated in Answer 2 to the questions raised at the Special Electors' Meeting, the Directions made by the State Government that are part of law, have been made under the *Emergency Management Act 2005* and the *Public Health Act 2016*.

### R Repke, Kallaroo:

Re: Volunteer organisations.

Q1 *Referring to the answer to my questions 3 and 4 at the Council Meeting held 15 March 2022. I had not asked for legal advice but practical support of how to implement the new Act. You might, so I hope, understand, that all volunteer organisations have the feeling that they are overburdened with administrative work and I have heard talk that, if the City does not help, we might stop our activities.*

*Can the City help volunteer organisations to understand and administer the Work Health and Safety Act 2020 (Risk Assessment, Risk Elimination)?*

A1 The City provides support to its local community and sporting groups via its Communities *in-focus* and Clubs *in-focus* programs. Through these networks and e-newsletters the City shared information with local groups in late 2021 about information seminars hosted by the Department of Mines, Industry Regulation and Safety (DMIRS) to inform and educate volunteer groups about the new *Work Health and Safety Act 2020*. These information seminars were held in late 2021 and early 2022 and are available online on the DMIRS YouTube channel.

DMIRS has advised that further workshops / seminars are planned to be run in the near future. These will again be promoted through the City's Communities *in-focus* and Clubs *in-focus* networks.

Further information is also available on the DMIRS website with a specific publication available titled *Guide: Work health and safety for volunteer organisations*.

While the City is not in a position to provide advice in interpreting the new *Work Health and Safety Act 2020* and its impact on individual groups and their specific requirements; any group seeking further or more specific advice is encouraged to approach their parent body, peak organisation or other representative group that may provide further advice.

Q2 *Referring to my question 5 at the Council Meeting held 15 March 2022, the response provided. In case is a "friends group manual" the City provides coverage under the City's "Insurance Arrangements".*

*Please explain in detail what is covered and what is not? It might be good to invite the Friend's Groups to a meeting to explain and to answer questions.*

A2 The City does not provide insurance coverage for community or other groups under its insurance policies. The City's policies cover eventualities related to City operations. This coverage encompasses work undertaken by employees or (where applicable) volunteers for the City. The City's insurance covers liability that may be incurred by the City in respect of work done by individual employees or volunteers for, or on behalf of, the City. Employees and volunteers do not have the benefit of insurance cover under the City's policies for activities they may undertake that do not pertain to City business.

Community and other groups whose members may perform work for the City in a volunteer capacity from time to time do not enjoy insurance cover, as entities, under the City's insurance policies and must make their own arrangement for liability or other protections, as considered appropriate by the respective organisations.

Q3 *So far, it seems to me that injuries are treated by Medicare and private insurance. If an accident is treated as work related, health insurances will try to recover money paid from the person responsible, that might be the organiser of the Friends Group. That needs to be avoided. This can be done by either a coverage by the City or by an insurance of the Friends Group, for which the Friend Groups have no money.*

*The understanding is that personal accidents are not covered under the City's insurance arrangements. Is that correct? or if not, in which cases is there a personal accident insurance?*

A3 The City holds policies covering the possibility of personal injury to elected members or voluntary workers engaged in work authorised by the City (as the Insured).

The City is not able to give advice to Friends groups or other community groups on insurance requirements or the appropriateness of their insurance coverage.

**M Moore, Edgewater:**

*Re: CJ047-04/22 - Local Planning Strategy Review.*

*Q1 What is the Vision for the City of Joondalup in respect to housing?*

A1 Establishing a vision and objectives around housing, including considerations of sustainability, liveability and diversity, will be a critical part of the Local Planning Strategy Review, and a focus of community consultation undertaken in Phase 2: Aligned and Informed Understanding.

Community consultation to understand community values around housing and liveability alongside understanding of what State policy, in particular principles of Design WA, is looking to achieve will frame the development of a collective vision for housing across the City of Joondalup.

*Q2 Will balancing the social, environmental, and economic impacts for all, be a part of the process?*

*Q3 Will community planning to produce balanced communities be the main driver for the housing review?*

A2&3 The strategy needs to take account of the needs of the Joondalup community - now and into the future, as well as meeting the housing needs of a diverse and changing community. The recommendations developed by the housing review will also need to demonstrate how they align with State Government policy with respect to allocation and distribution of density.

To do this, the project will be informed by relevant social, environmental, and economic studies. The scope of the studies required for the project will be determined in response to community consultation in Phase 1 to identify the housing issues to be explored by the project.

*Q4 In terms of the housing review, will social impact studies be carried out at both the macro and micro level?*

*Q5 In terms of the housing review, will environmental impact studies be carried out at both the macro and micro level?*

A4&5 The first phase of the project will undertake analysis and community consultation to build on previous outcomes and confirm the range of housing issues experienced across the City. The outcome of this exercise will be a confirmed range of issues to be investigated by the project, and the scope of technical studies to be undertaken in Phase 2 will be informed by this.

The range of technical investigations required to inform the project will be confirmed following completion of Phase 1.

**N Blanchard, Padbury:**

Re: *Covid-19 Mandates.*

Q1 *Will the Council support its business owners and call on the State Government to end Covid-19 mandates, as this will allow businesses to get back to business and reduce the risk of bankruptcies, like we are seeing in the building and hospitality industries as well as many others?*

A1 The Council will consider this matter at its meeting on 19 April 2022 (refer CJ050-04/22 – Response to motions carried at Special Electors' Meeting – 10 March 2022).

Q2 *Will the Council support its residents and call on the State Government to end Covid-19 mandates, as this will allow residents that cannot work because of their choice to not be injected with an experimental gene therapy to get their jobs back and be able to pay rates and taxes?*

A2 Refer A1.

Q3 *Is the City prepared for the number of residents that may be in default and not able to pay council rates due to not being able to work, or businesses failing because of the Covid-19 mandates?*

A3 The City's *Rates Hardship Policy* makes provision for the City to assist ratepayers in situations of financial hardship that affects their ability to meet rates payment obligations.

Q4 *Do you as Council members believe you have a right to force your residents to be injected with trial drugs that could possibly cause long term side effects?*

*Putting more of a strain on the health system and council services in the future from the unknown side effects. Thus, being complicit and opening yourselves up to future claims of neglect by not calling for a stop to them.*

A4 The City cannot speak on behalf of individual Council members.

Q5 *Will you call on the State Government to release the details of the health advice that they are currently refusing to disclose to the community?*

A5 The Council will consider this matter at its meeting on 19 April 2022 (refer CJ050-04/22 – Response to motions carried at Special Electors' Meeting – 10 March 2022)

**M Sideris, Mullaloo:**

Re: *Lot 501 Pinnaroo Point.*

Q1 *As the City has been 'negotiating and discussing' Lot 501 Pinnaroo with the Department of Lands and Planning (DOL DOP DPLH) since 2013, can the City provide a detailed breakdown of costs from 2013 to current for consultancy services (and name the consultants) associated with the development at Lot 501 Pinnaroo?*

- Q2 *As the City has been 'negotiating and discussing' Lot 501 Pinnaroo with Department of Lands and Planning (DOL DOP DPLH) since 2013, can the City provide a detailed breakdown of costs from 2013 to current identifying each administration cost element associated with the development Lot 501 Pinnaroo?*
- Q3 *In response to a question (February 2015) related to the CHRMAP for the Joondalup coastline stated it was to be released by Q3 (Jan - March) this year (2022), can the City advise why this has not occurred and what caused the delay, and when will it be released?*
- Q4 *With regard to the CHRMAP Coastal Hazard Management and Adaptation Plan for Pinnaroo. Did this report identify any risk element due to coastal erosion and inundation within the proposed 42-year life term for the development, and if yes, were those risk recommendations written into the lease agreement with the proposed developer and if not, why not?*
- Q5 *The structure of the development at Lot 501 has changed from a transportable container concept to the more conventional building construction design. Was Council made fully aware of any CHRMAP (Pinnaroo) risk element recommendations prior to proceeding with the lease to Sandgate Pty Ltd and if not, why not?*

A1-5 These questions will be taken on notice.

**M Harrison, Mullaloo:**

Re: *Lot 501 Pinnaroo Point.*

- Q1 *For the assessment of risk, what does the CHRMAP - Pinnaroo (2016), presented to the Statutory Planning Committee (SPC), consider the development at Lot 501 Pinnaroo Point to be?*
- Q2 *Does the CHRMAP - Pinnaroo (2016) presented to the SPC reference the Intergovernmental Panel on Climate Change's (IPCC) first instalment of the sixth Assessment Report (AR6) issued on the 09 August 2021?*
- Q3 *If the IPCC's first instalment of AR6 was not referenced by the CHRMAP - Pinnaroo (2016), why wasn't the CHRMAP - Pinnaroo (2016) presented to the SPC revised to include the reference?*
- Q4 *Over the planning timeframe identified by the CHRMAP - Pinnaroo (2016), presented to the SPC, what are the risk levels for the development at Lot 501, Pinnaroo Point, from coastal hazards identified in the IPCC's AR6 first instalment as "intensifying" since reported in the IPCC's AR5 in 2013?*
- Q5 *In the event of impact by coastal hazards, to what extent is the design for the development at Lot 501, Pinnaroo Point, to be totally demountable allowing it to be removed or relocated?*

A1-5 These questions will be taken on notice.

**L Colussi, Duncraig:**

*Re: Covid-19 Mandates.*

*Q1 Why was Mr Brightman refused entry into the building at the Special Electors' Meeting held on 10 March 2022?*

*A1 People waiting outside the building were advised that if capacity allowed, when those members of the public sitting inside the public gallery left, then people could take their place. There were a number of members of the public in the inside foyer who took up places within the gallery when they became available.*

*Unfortunately, several people trying to enter the building verbally and physically abused staff; and tried to force their way through the doors. They were not allowed in; the Police were called; and the doors were closed.*

*Q2 Do you think this scenario could have been avoided by letting people in when seating capacity had not reached its limits?*

*A2 The City allowed members of the public to attend the meeting where capacity allowed.*

*Q3 This increased security could have been avoided since the intention of Mr Brightman was simply to go upstairs to make a statement. Given that was the case, is the City going to review the need for the extra security that is no longer warranted?*

*A3 Security requirements are reviewed prior to each meeting.*

*Q4 The use of 12 extra personnel for the extra security measures seems to be costing ratepayers unnecessary expense when four field officers could have done the same job, could the City down size the security as it seems to be unnecessary?*

*A4 Security requirements are reviews prior to each meeting.*

*Q5 Does the City have designated biohazard containers for disposal of used face masks?*

*A5 No. According to the HealthyWA Government website, single use surgical masks must be placed into a rubbish bin at the point of removal. If a rubbish bin is not immediately available, the mask must be taken to the nearest rubbish bin in a safe manner to ensure the used mask cannot contaminate other items or belongings or people. This may need to be done in a bag such as a labelled resealable bag which can then be disposed of at the nearest rubbish bin.*

**C Vermaak, Iluka:**

*Re: Recording of speakers' contact details at Council Meetings for the public record.*

*Q1 Can the City of Joondalup Councillors and the Mayor state their private address for the record at all Council meetings, just as all speakers are asked to do by the Mayor at Council meetings?*

*If they are not comfortable doing this can this process please be changed so that privacy is being upheld for everyone.*

A1 The addresses and contact details of City of Joondalup Elected Members are already on the public record.

The stating of private addresses by Elected Members for the record at all Council meetings is a matter for the Council to determine.

The officer comment within the report on the Minutes of the Annual General Meeting of Electors (CJ049-04/22 refers) - Motion 12 - provides that the City will examine the following in relation to privacy concerns related to disclosure of full addresses:

- The *City of Joondalup Meeting Procedures Local Law 2013*.
- *Procedures for the conduct of Briefing Sessions and Council / Committee meetings*.
- Requirements to register for deputations, public question time and public statement time.

Re: *Covid-19 Mandates*

Q2 *Is the City of Joondalup Council aware that the City of Wanneroo voted unanimously to ask the State Government to lift the State of Emergency, and that the Shire of Mundaring has also pledged this week to write to Premier Mark McGowan and ask for the removal of the COVID vaccine?*

A2 Yes.

**P Ryan, Mullaloo:**

Re: *Lot 501 Pinnaroo Point.*

Q1 *In regard to WAPC Statutory Planning Committee (34-50200-1) - Tavern proposed for Metropolitan Regional Scheme (MRS) Recreation Reserve at Pinnaroo Point.*

*Please advise the outcome of investigations by the WAPC Director General and the Corporate Executive regarding the 7/12/2021 WAPC Statutory Planning Committee members escalated concerns: "the lease was sequenced in advance of the development approval"?*

Q2 *In regard to Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2- Deemed provisions for local planning schemes - Requirements for making documents available to public, Cl. 87, Page 210.*

*Please advise where elected members can view the CHRMAP provided to the WAPC for the purpose of the lease which preceded the WAPC Statutory Planning Committee (34-50200-1) Tavern development application?*

Q3 *What is the status of the overdue consultation on a new CHRMAP for the City of Joondalup?*

A1-3 These questions will be taken on notice.

Re: *Draft Place Activation Strategy and Joondalup City Centre Activation Plan.*

Q4 *In regard to CJ032-03/22 Draft Place Activation Strategy and Joondalup City Centre Activation Plan.*

*Why has the Draft Place Activation Strategy, which was endorsed by Council for advertising on 15 March 2022, not been advertised?*

A4 The Draft Activation Strategy and Draft Joondalup City Centre Place Activation Plan will be advertised from Thursday 21 April to Wednesday 11 May 2022 on the City's website, social media and to its Community Engagement Network subscribers.

**M Kwok, Ocean Reef:**

Re: *Security Measures at public meetings.*

Q1 *Since the Covid restriction has reduced from Level 2 to Level 1, will the City be reviewing to reduce the level of security measures?*

A1 Security measures are reviewed, prior to each meeting, including in the context of COVID restrictions in place.

Q2 *How often does the City's security measures get reviewed?*

A2 Security measures are reviewed prior to each meeting.

Re: *Covid-19 Mandates.*

Q3 *"The City has conducted and participated in a range of surveys with its residential and business community over the last two years and details of these are available on the City's website.". Could the City please provide all the links to these surveys?*

A3 The outcomes from all recent community consultation initiatives are available under "Closed Consultations" via the Community Consultation section of the City's website at <https://www.joondalup.wa.gov.au/kb/resident/community-consultation>

In addition to the information available at this link the City also produced a COVID response report which can be found at: <https://www.joondalup.wa.gov.au/wp-content/uploads/2021/07/COVID-Response-Report-January-March-2021.pdf>

Within this report contains the results of two specific surveys which the City participated in as follows:

- MARKYT® Community Resilience Scorecard was undertaken with the Department of Local Government, Sport and Cultural Industries (DLGSC) and Local Government Professionals WA.
- Economic Survey - RPS Group – who were commissioned by the City to provide an overview of the impact COVID-19 on the Business Community.

Q4 *A question was taken on notice "If the rules under the State of Emergency cause harm to residents what responsibilities does the Council have to address the causes of harm and support residents?" Is the answer available please?*

A4 On behalf of its community the City developed the Emerge Stronger initiative to assist in building community and business resilience during COVID-19 which included important information available on:

- 1 *Volunteering* – online information and resources for people seeking to help others in the community.
- 2 *Support Services* – online information and resources to connect people in need with service providers.
- 3 *Digital Inclusion* – technical support to assist people to access the City’s online resources and other online information and support.
- 4 *Self* – online information and resources relating to self-care during isolation and promoting opportunities for people to participate in activities and initiatives that allow them to emerge stronger.
- 5 *Economy* - To monitor and understand the economic impact within the region and respond accordingly to support local businesses and stakeholders.

The Emerge Stronger program can be accessed at:

<https://www.joondalup.wa.gov.au/kb/resident/emerge-stronger-support-for-local-businesses>

The City also produced a response report to March 2021 – refer to the link – which provided outcomes of the program to measure the outcomes which can be accessed via the following link:

<https://www.joondalup.wa.gov.au/wp-content/uploads/2021/07/COVID-Response-Report-January-March-2021.pdf>

**M O’Byrne, Kinross:**

*Re: CJ049-04/22 – Minutes of the Annual General Meeting of Electors held on 8 February 2022 – Motion 10.*

Q1 *Why did the Officer advising Council simply ‘note’ Section 5.27 of the Local Government Act 1995, instead of applying Section 5.27 to Motion 10’s requested action for Council to instruct the City to effect changes to how the City schedules the timing and date of the Electors’ Annual General Meeting?*

A1 The Officer’s recommendation was based on the provisions of the *Local Government Act 1995*, section 5.27 that requires the Council to make a decision on the date and time for the Annual General Meeting of Electors. Therefore, the Council cannot instruct the Administration to set a meeting date when it is only the Council that, legislatively, has the power to set the meeting date.

Q2 *Why is the City obstructing the purpose of motion 10, of the Electors’ Annual General Meeting?*

A2 The City is not obstructing the purpose of motion 10. A report is presented to the Council annually recommending a date for Council to consider setting as the date for the Annual General Meeting of Electors. The Council is entitled to amend any recommendation of the Administration and set another date, if it wishes.

Q3 *Why is the Administration at the City of Joondalup intruding into the proper functioning of the City of Joondalup Council by its treatment of Motion 10?*

- A3 Refer A2.
- Q4 *Where in the Local Government Legislation and Regulations does it confer on the Administration the right to void the need for an elected member vote on the future setting of the Electors' Annual General Meeting, when Section 5.27 requires Council to determine the date by vote?*
- A4 The Legislation and Regulations do not confer this right on the Administration. The decision needs to be made by Council as a whole, which involves a vote by elected members.
- Q5 *Can the City please explain the function of 'Noting' agenda items, when the Administration is setting up an Ordinary Meeting agenda?*
- A5 In the context of Motion 10, it is to note the motion carried at the Annual General Meeting of Electors and requires that no further action be taken.

**M Needham, Sorrento:**

Re: *CJ046-0422 Outdoor Youth Recreation Facilities Percy Doyle Reserve*

- Q1 *Who or what gave authority to include the complementary facilities described in the Officer's recommendation Parts 2.3 to 2.6 of Agenda item CJ046-04/22 without being approved by elected members?*
- A1 Council has not yet endorsed the provision of any facilities for the site. Council's consideration of the item on the agenda will provide endorsement of a scope of works for future concept design.
- Q2 *The last 11 items in the table of the Community Consultation Outcomes Report in Attachment 3 of Appendix 3 to Agenda item CJ046-04/22 were from the Churches of Christ Sport and Recreation Association (CCSRA). What quantified change would there be to the scoring of options against relevant criteria regarding the demand for facilities, if such scoring was not informed by the Churches of Christ Sport and Recreation Association's (CCSRA) fourth comment?*
- A2 The individual comment referred to is one of numerous responses that identify demand for playing courts to facilitate basketball and netball. A word cloud illustrating frequency of comments regarding demand for particular facilities is provided within the *Community Outcomes Report*.
- The scoring of options was undertaken by technical officers based on a series of site and facility suitability factors, informed by trends identified in a review of all qualitative feedback provided. Consideration of individual comments by particular stakeholders did not directly influence the scoring applied in the evaluation.
- Q3 *What quantified change would there be to the scoring of options against relevant criteria regarding the demand for facilities if such scoring was not informed by the CCSRA's seventh comment?*
- A3 The individual comment referred to by this question is one of numerous responses that specifically identify demand for barbecues, which are also a typical incidental facility

for recreation areas. A word cloud illustrating frequency of comments regarding demand for particular facilities is provided within the *Community Outcomes Report*. The scoring of options was undertaken by technical officers based on a series of site and facility suitability factors, informed by trends identified in a review of all qualitative feedback provided. Consideration of individual comments by particular stakeholders did not directly influence the scoring applied in the evaluation.

**Q4** *What quantified change would there be to the weighting of criteria in the options evaluation if such weighting of criteria was not informed by the CCSRA's eleventh comment?*

**A4** Two sets of weightings were applied in the scoring, shown in Table 5 of the Options Evaluation, as follows:

- Directly from community consultation outcomes, translating the percentage of participants identifying an individual factor should be most important, directly into the weighting of that criterion.
- Adapted from community consultation outcomes but reflecting that whilst factors such as cost were not identified as most important, they would likely still be considered of some importance. These adjusted weightings were considered the more appropriate to evaluate for ranking and shortlisting.

Consideration of individual comments by particular stakeholders did not directly influence the weighting applied in the evaluation.

**Q5** *What quantified change would there be to the risk assessment component of the business case if the CCSRA's comments are not used as an input?*

**A5** The individual comment referred to by this question is one of numerous responses that questioned the potential for anti-social behaviour as a result of facilities at the site. A word cloud illustrating concerns raised in community feedback is shown in the *Community Consultation Outcomes Report*.

The risk assessment component of the business case was undertaken by technical officers with concerns raised in community feedback were risk events assessed as part of the risk assessment. The risk level of these events was determined through objective technical evaluation, and not evaluated on the basis of individual stakeholder comments.

## **F Gilbert, Kallaroo:**

**Re:** *CJ047-04/22 - Local Planning Strategy Review.*

**Q1** *Will Community Planning be central to the housing component review?*

**A1** The strategy needs to take account of the needs of for the Joondalup community – now and into the future. The recommendations developed by the housing review will also need to demonstrate how they align with State Government policy with respect to allocation and distribution of density.

To do this, the project will be informed by relevant social, environmental, and economic studies. The scope of the studies required for the project will be determined in response

to community consultation in Phase 1 to identify the housing issues to be explored by the project.

Q2 *If a new Housing Intention Study is carried out, will the results take notice of this time?*

A2 The project will consider the results of all consultation and technical studies undertaken.

Q3 *Will capacity studies be carried out for each suburb, and will Urban Heat Island effects be assessed for proposed medium density areas?*

A3 The first phase of the project will undertake analysis and community consultation to build on previous outcomes and confirm the range of housing issues experienced across the City. The outcome of this exercise will be a confirmed range of issues to be investigated by the project, and the scope of technical studies to be undertaken in Phase 2 will be informed by this.

The range of technical investigations required to inform the project will be confirmed following completion of Phase 1.

Q4 *In the Briefing Session presentation Heritage was mentioned as an 'other matter' to be considered. Can the City please indicate which suburban areas in the City of Joondalup have heritage significance?*

A4 The City's existing Local Planning Strategy includes heritage places currently identified within the City of Joondalup.

Separate to the review of the Local Planning Strategy, the City is also progressing a local heritage survey which will be used to inform the Local Planning Strategy and any updates to the City's heritage list (previously referred to as a municipal inventory).

Re: *Petition in relation to a safety review of the section of Trappers Drive between Woodvale Drive and Whitfords Avenue.*

Q5 *In the March Petition Update it stated that a response to the petition for a safety review of the section of Trappers Drive between Woodvale Drive and Whitfords Avenue would be submitted to the April 2022 meeting. As it has not been included in April's agenda when will it be included?*

A5 For clarity, the update on this petition as per the Status of Petitions report (CJ034- 03/22 refers) was as follows:

**"Update as at February 2022**

*It is anticipated that a report will be presented to Council at its meeting to be held on 19 April 2022."*

The report to Council has been delayed as the City was still awaiting traffic analysis to be undertaken and finalised by its contractor. The City has now received this information and is progressing a report to Council for its consideration.

**The following summarised questions were submitted verbally at the Council meeting:****M Dickie, Hillarys:**

*Re: CJ047-04/22 - Local Planning Strategy Review.*

*Q1 How much does the City plan to spend on a full review of housing and density issues across the entire City of Joondalup? and how long will the project take to complete?*

A1 The Director Planning and Community Development advised that the City is not just undertaking a housing review, the City will be reviewing its entire Local Planning Strategy and as such will cover matters other than housing.

The Director Planning and Community Development stated that the exact budget is not known at this stage as Phase One tasks include effectively informing what the broad scope for the entire project will be, what technical investigations are required and what the City can do inhouse and what would need to be outsourced to consultants.

The Director Planning and Community Development noted that it is likely to take a number of years for the Local Planning Strategy to be reviewed, adding that work on Phase One should be completed by the end of this year or early next year, with the City expecting Phases Two to Four to take approximately 18 months and Phase Five being the statutory process to also take up to 18 months.

*Q2 Noting the reference in the report to consultation fatigue, can the City learn from previous consultations on housing, which made it very clear what residents do not want, and incorporate this knowledge into a more streamlined, less consultant heavy process?*

A2 The Director Planning and Community Development responded that one of the key learnings the City has taken from previous projects undertaken, is that there is a need to consult differently through this project and that is something the City is building into Phase One.

**N Jamieson, Kingsley:**

*Re: COVID-19 Mandates.*

*Q1 How does the City of Joondalup intend to encourage medical and allied health businesses to treat everyone equally, and ensure that no vulnerable or at-risk person is denied from receiving the help that they need?*

A1 The Chief Executive Officer advised it is not the City's role to get involved in those matters.

*Q2 Why would the City not want to encourage businesses to provide the vulnerable and at-risk with the services that they need?*

A2 The Chief Executive Officer stated that ultimately that is a decision for those particular businesses to make.

**J Hope, Beldon:**

Re: COVID-19 Mandates.

Q1 *Does the Mayor and Elected Members have the influence and power to convey to the State politicians the wishes of the electorate of City of Joondalup?*

A1 Mayor Jacob stated the report on tonight's agenda (CJ050-04/22) recommends that the City communicate and express the views of City's Electors to the Western Australian Premier, and relevant State Government Ministers.

**E Johnson, Kinross:**

Re: CJ049-04/22 - Minutes of the Annual General Meeting of Electors held on 8 February 2022.

Q1 *Would Council consider providing consent to the Kinross Community Garden Group to plant trees in MacNaughton Park during the winter rains of 2022, as this would provide optimal conditions for the trees to become established prior to the hot summer and increase the City of Joondalup's tree canopy within the suburb of Kinross?*

A1 The Director Planning and Community Development advised that the City is currently considering a proposal for a community garden within MacNaughton Park, Kinross, adding that the City acknowledges the benefits that community gardens bring to the community.

The Director Planning and Community Development stated the report on tonight's agenda (CJ049-04/22) will be considered by Council in respect to Part 2 of the recommendation, and consideration will be sought regarding Council entering into an agreement with the Kinross Community Garden group and progressing the proposal.

The Director Infrastructure Services advised that the City is happy to look at a proposal from the community in terms of specific trees the Group wish to plant at MacNaughton Park.

Q2 *Kinross Community Garden has secured Federal grant funding under the Commemoration of the Queen's Platinum Jubilee, would the City allow the Group to spend the funds on trees to be planted at MacNaughton Park?*

A2 The Director Infrastructure Services advised that the City is familiar with the funding program, adding that the City is happy to meet with members of the Group to discuss the options put forward.

**C32-04/22****EXTENSION OF PUBLIC QUESTION TIME**

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

**The Motion was Put and****CARRIED (12/0)**

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

**S Evans, Kinross:**

*Re: CJ049-04/22 - Minutes of the Annual General Meeting of Electors held on 8 February 2022.*

*Q1 Can the City provide a clear timeline of actions and responsibilities for both the Kinross Community Garden Group and the City, which outlines what is required for the Group to enter into a land agreement?*

A1 The Director Planning and Community Development advised in terms of providing a specific timeframe the City has just recently received the management plan from the Kinross Community Garden Group and it is anticipated that it will take approximately two weeks to review and engage with the community group and provide feedback on the management plan and chart out the course moving forward.

**M Harrison, Mullaloo:**

*Re: City definitions for Sustainable and Natural Capital.*

*Q1 What is the City's working definition for the term 'sustainable'?*

A1 Mayor Jacob advised there are many different meanings for the word sustainable depending on the context the word is being used in.

*Q2 What is the City's working definition for the term 'Natural Capital'?*

A2 Mayor Jacob advised there are many different meanings for the term 'Natural Capital' depending on the context the term is being used in.

**J Walters, Sorrento:**

*Re: CJ050-04/22 - Response to Motions Carried at Special Electors' Meeting - 10 March 2022.*

*Q1 Regarding the recommendation that the Council agree for the City to write to the Premier and relevant State Government Ministers to convey the concerns of residents who attended the Special Electors' Meeting, would the process of preparing the letter accommodate comments from Elected Members who support the Motions?*

A1 Mayor Jacob responded that Elected Member comments will not accompany the letters being sent to the Premier and State Ministers.

*Q2 Would Elected Members who do support pro-choice be allowed to add their comments or signatures to the letter once written?*

A2 Mayor Jacob stated that Elected Members are free to send their own letters if they so wish.

## **PUBLIC STATEMENT TIME**

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

**J Moffet, Duncraig:**

*Re: CJ055-04/22 - Wandina Park, Duncraig - Request for Additional Improvements.*

Ms Moffet spoke in favour of the request for additional improvements to Wandina Park, Duncraig and thanked the City for the efforts made in 2021 to the southern area of the park. Ms Moffet advised that issues of erosion and barren soil still remain unaddressed in the northern area of the park, hence the request for additional improvements.

Ms Moffet stated local community members are interested in forming a Friend's group to take on planting, care and maintenance of native plants in the park, adding that she was hoping that the proposed trial planting would be successful and that the community could venture further into native plant re-establishment which would not only beautify the park but also bring back birdlife and improve the stability of the soil at Wandina Park.

**N Jamieson, Kingsley:**

*Re: COVID-19 Mandates.*

Ms Jamieson spoke against COVID-19 Mandates, explaining that she is a mother of a child with a terminal disability. Ms Jamieson stated that vulnerable and at-risk children are unable to access medical and allied health services if care givers are unable to provide their proof of COVID-19 vaccination.

Ms Jamieson stated that whether a person agrees or disagrees with the parents' vaccination decision it is the vulnerable and the at-risk children who are being discriminated against.

**M O'Byrne, Kinross:**

*Re: CJ049-04/22 - Minutes of the Annual General Meeting of Electors held on 8 February 2022.*

Ms O'Byrne spoke in favour of Motion 10 in relation to the City's Annual General Meeting being held on a date and time separate to a Briefing Session or Ordinary Council Meeting. Ms O'Byrne noted that electors who put forth motions at Annual General Meetings do not have assistance when constructing their motions and as such sometimes are not written legislatively correct.

Ms O'Byrne urged Elected Members to support the proposed alternate wording of the motion to ensure it is legislatively possible for the change.

**A Leyland, Burns Beach:**

*Re: COVID-19 Mandates.*

Mr Leyland spoke with regards to the COVID-19 Mandates noting the previous data he has presented to Elected Members with regards to the injuries and deaths caused by the Covid vaccines and the importance of the values, behaviours and integrity required from community leaders.

Mr Leyland urged Elected Members to remain clear and objective on these matters and vote for the community that they serve.

*Cr Logan left the Chamber at 7.31pm.*

**M Kwok, Ocean Reef:**

*Re: COVID-19 Mandates.*

Ms Kwok spoke with regards to the COVID-19 Mandates stating that no person should be coerced by the State Government into putting something in their body that they do not wish to consume, particularly if it goes against their conscience to do so, adding that no local government should be party to such a coercion, especially when it is not backed by science.

Ms Kwok stated that it is not right for the City to endorse vaccination coercion, especially without medical, scientific, and legal evidence, adding that the City has a chance to question the State Government through the endorsement of the petition tabled at the Council meeting.

Ms Kwok urged Elected Members to do their best and help the community.

*Cr Logan entered the Chamber at 7.38pm.*

**T Hardie, Marmion:**

*Re: Petition in Relation to replacing Play Equipment at McKirdy Park, Marmion.*

Mr Hardie spoke in favour of replacing the play equipment at McKirdy Park, Marmion stating that McKirdy Park is a very shady park with 27 houses that face the park, which allows parents to see their children play from their homes.

Mr Hardie stated that many people chose to purchase houses in this street because of the close proximity to the park and the play facilities, and to not replace the 25-year-old equipment with new equipment would be a detriment to the street and numerous users of the park.

Mr Hardie urged Elected Members to vote in favour of the petition to replace the play equipment at McKirdy Park, Marmion.

**E Johnson, Kinross:**

*Re: CJ049-04/22 - Minutes of the Annual General Meeting of Electors held on 8 February 2022.*

Ms Johnson spoke in favour of developing a community garden at MacNaughton Park.

Ms Johnson advised that the objective of the community garden is to activate a space that is currently underutilised turning it into a space for all members of the community to participate and enjoy, as well as provide opportunities for community development and growth and a meeting place for like-minded members of the community.

Ms Johnson added that the community garden would:

- provide a place that supports and promotes garden and environmental education
- increase participation in volunteering
- value good health both mentally and physically
- encourage inclusiveness of all members of our community.



## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **ANZAC Day Dawn Service**

Mayor Jacob advised that the City will host an Anzac Dawn Service in conjunction with Joondalup City RSL on Monday 25 April, advising that this is the first time the event has been able to proceed in three years due to the COVID-19 restrictions.

Mayor Jacob advised that the 2022 service will be held at Joondalup's Central Park War Memorial. Attendees are asked to arrive from 5.45am for a 6.00am start.

Mayor Jacob stated that this poignant service is one of the biggest ceremonies of its kind in Perth and commemorates the sacrifice and service of those ANZACs who landed at Gallipoli during World War I, and those who have served our nation in fields of war since.

Mayor Jacob advised that entry is free, however, those attending are asked to register for tickets to ensure the number of attendees can be capped at 2,500 to comply with State Government COVID requirements.

Mayor Jacob advised that tickets are available from the City's website.

### **Craigie Leisure Centre Update**

Mayor Jacob advised that stage one of the City's \$8.6 million refurbishment of Craigie Leisure Centre has now opened to members and visitors.

Mayor Jacob stated that the City's premier leisure facility is now home to a new and expanded creche, group fitness studio and indoor cycling studio.

Mayor Jacob advised that the formalisation of the western overflow carpark area and additional bays on the northern ring road provide more parking opportunities.

Mayor Jacob advised that stage two works are now underway and are expected to be completed in early 2023. Mayor Jacob stated that this includes extension of the gym, a new and expanded gym changeroom and toilet area and wellness studio.

Mayor Jacob advised for more information, to please visit the City of Joondalup's leisure website.

### **Joondalup 2032 Consultation**

Mayor Jacob advised that community members and key City stakeholders are encouraged to provide their feedback on the City's draft *10-year Strategic Community Plan*, which has been released for public consultation.

Mayor Jacob advised that *Joondalup 2032* aims to communicate the community's vision for the future and includes strategic initiatives and priorities to guide the City's service delivery and capital expenditure over the next 10 years.

Mayor Jacob advised that the draft document and feedback forms are available on the City's website and consultation closes this Friday 22 April.

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

- CJ054-04/22 - Confidential - Future of Tamala Park Regional Council (TPRC) Land Holdings.

### **C35-04/22                    MOTION TO CHANGE THE ORDER OF BUSINESS**

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

- 1.1    CJ054-04/22 - Confidential - Future of Tamala Park Regional Council (TPRC) Land Holdings;**

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

**The Motion was Put and**

**CARRIED (12/0)**

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

## PETITIONS

### **PETITION IN RELATION TO JUSTIFICATION OF THE STATE OF EMERGENCY**

A 154 signature petition has been received from residents of the City of Joondalup in relation to the City requesting the Minister for Emergency Services, the Minister for Health, the Minister for Police, the Police Commissioner, the Chief Health Officer and Premier to provide the adequate scientific, medical and legal evidence for the justification for our State of Emergency.

### **PETITION IN RELATION TO REPLACING PLAY EQUIPMENT AT MCKIRDY PARK, MARMION**

A 207 signature petition has been received from residents of the City of Joondalup requesting the City replace the play equipment that is scheduled to be removed from McKirdy Park, Marmion with similar play equipment.

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:**

- 1        Petition in relation to the City of Joondalup requesting the Minister for Emergency Services, the Minister for Health, the Minister for Police, the Police Commissioner, the Chief Health Officer and Premier to provide the adequate scientific, medical and legal evidence for the justification for our State of Emergency;**
- 2        Petition in relation to the City of Joondalup replacing the play equipment that is scheduled to be removed from McKirdy Park, Marmion with similar play equipment.**

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

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

Cr Kingston raised a Point of Order that clause 5.11(2)(a) of the *Meeting Procedures Local Law 2013* had been breached as it is not appropriate for the member presenting a petition to have discussion and debate on petitions.

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

**C36-04/22**                    **PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH**

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

**The Procedural Motion was Put and**

**LOST (3/9)**

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

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

It was requested that each part of the Motion be voted upon separately.

**C37-04/22**                    **PETITION IN RELATION TO JUSTIFICATION OF THE STATE OF EMERGENCY**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime** that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and subsequent report presented to Council for consideration:

- 1        Petition in relation to the City of Joondalup requesting the Minister for Emergency Services, the Minister for Health, the Minister for Police, the Police Commission, the Chief Health Officer and Premier to provide the adequate scientific, medical and legal evidence for the justification for our State of Emergency;

**The Motion was Put and**

**LOST (3/9)**

**In favour of the Motion:** Crs Kingston, Poliwka and Raftis.

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

**C38-04/22**

**PETITION IN RELATION TO REPLACING PLAY EQUIPMENT AT  
MCKIRDY PARK, MARMION**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that the following petition be **RECEIVED, REFERRED** to the Chief Executive Officer and subsequent report presented to Council for consideration:

- 2** Petition in relation to the City of Joondalup replacing the play equipment that is scheduled to be removed from McKirdy Park, Marmion with similar play equipment.

**The Motion was Put and**

**CARRIED (12/0)**

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

## REPORTS

### CJ044-04/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2022

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

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during February 2022.

#### EXECUTIVE SUMMARY

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

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

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

#### BACKGROUND

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

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

## DETAILS

### Subdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	0	0
Strata subdivision applications	7	12
<b>TOTAL</b>	<b>7</b>	<b>12</b>

Of the subdivision referrals, six were to subdivide in housing opportunity areas, with the potential for 10 additional lots.

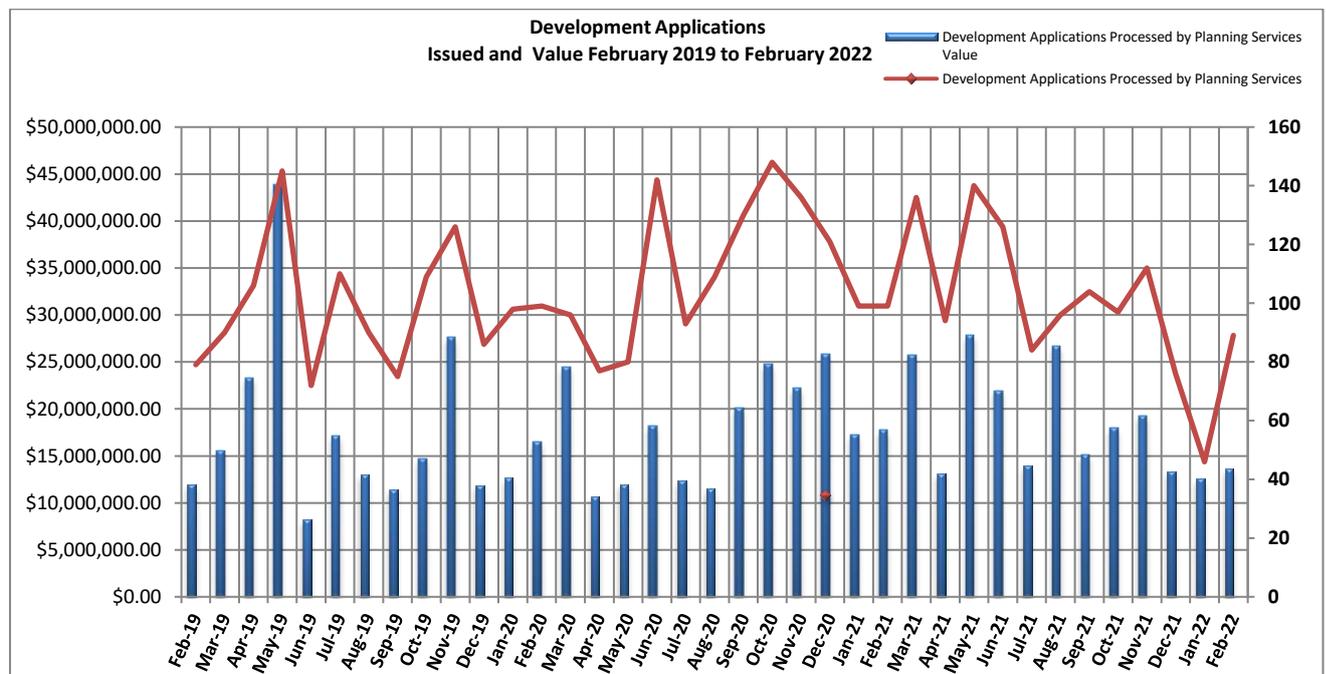
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	89	\$13,606,554

Of the 89 development applications, 17 were for new dwelling developments in housing opportunity areas, proposing a total of 18 additional dwellings.

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



The number of development applications received during February 2022 was 93.

The number of development applications current at the end of February was 213. Of these, 24 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 217 building permits were issued during the month of February with an estimated construction value of \$26,019,889.

### **Issues and options considered**

Not applicable.

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

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

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk management considerations**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

### **Financial / budget implications**

A total of 89 development applications were determined for the month of February with a total amount of \$48,956.69 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or LPS3 and the Regulations.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to town planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ044-04/22 during February 2022;**
- 2 subdivision applications described in Attachment 2 to Report CJ044-04/22 during February 2022.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf220412.pdf](#)*

## **CJ045-04/22 DRAFT AMENDMENTS TO THE PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011 – CITY OF JOONDALUP SUBMISSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	103360, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft amendments to <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> Attachment 2 Summary of proposed amendments Attachment 3 City of Joondalup submission
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.

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### **PURPOSE**

For Council to consider and endorse the City of Joondalup's submission on the draft amendments to the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### **EXECUTIVE SUMMARY**

The State Government, through the Department of Planning, Lands and Heritage (DPLH), is seeking comment on draft amendments to the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations). The draft amendments are as follows:

- Reducing the number of panels from five to three - one covering the Perth CBD and inner metropolitan area, another one to cover the outer Perth metropolitan area and Peel region (including Joondalup), and a final panel to cover all other regional areas. These will be known as 'District DAPs'.
- Removing the mandatory monetary threshold of \$10 million for District DAPs. The minimum \$2 million 'opt-in' threshold is retained.
- Providing for fixed term Presiding Members and Deputy Presiding Members (3 to 5 years) for the District DAPs to be employed by the DPLH. The third specialist member will initially be drawn from a pool, however, may change to the same arrangements as the Presiding and Deputy Presiding Members in the future.
- There are no changes proposed for local government representation on a District DAP.
- Creating a Special Matters DAP to consider matters of State and regional importance. The Special Matters DAP will be able to consider and determine projects of State or regional importance, or certain types of applications in precincts of State or regional importance.

- General process and administrative reforms to improve transparency, consistency and efficiency. These include changes to delegation, meeting arrangements and excluded applications.

The draft amendments respond to two initiatives of the Action Plan for Planning Reform to have an outcomes-focussed and streamlined assessment process and provide a consistent and transparent DAP process.

In inviting comments, a submission form has been provided as part of the consultation materials. The City's comments have been prepared in line with the submission form. The draft amendments that will improve consistency and transparency in the DAP process and decision-making are supported. However, there are concerns with some of the proposed changes, particularly in relation to the proposed Special Matters DAP and there being no change to the minimum \$2 million threshold for District DAPs.

It is recommended that Council endorses Attachment 3 as the City of Joondalup submission and forwards the submission to the DPLH.

## **BACKGROUND**

The State Government began rolling out its current planning reform agenda in 2018 with the release of 'Modernising Western Australia's Planning System' green paper. The outcomes of the green paper were then outlined in the 'Action Plan for Planning Reform', released by the Minister for Planning in August 2019. These reform initiatives in the Action Plan were augmented in 2020 as part of the State Government's response to the impacts of the COVID-19 pandemic.

The following two initiatives in the Action Plan for Planning Reform focus specifically on reforms to improve the Development Assessment Panel (DAP) system:

- Development assessment processes are streamlined and outcomes-focussed.
- DAP processes are more consistent and transparent.

As an initial stage to implementing these initiatives, the *Planning and Development Amendment Act 2020* (Amendment Act) provides the ability for changes to the current DAP system by introducing a District DAP for one or more districts, and a Special Matters DAP to be created to determine matters of State and regional importance.

In May 2021, the State Government invited comments on 'Phase 2' of planning reform, seeking further feedback on initiatives contained in the Action Plan for Planning Reform. This included changes to the operation of DAPs in line with the Amendment Act. Council considered and endorsed the City's submission on 'Phase 2' of planning reform at its meeting on 17 August 2021 (CJ111-08/21 refers).

## **DETAILS**

The draft amendments to the DAP Regulations are outlined as Attachment 1. The proposed draft amendments to the DAP Regulations are the final phase in addressing the initiatives of the Action Plan for Planning Reform relating to DAP reform.

A summary of the proposed amendments, previous comments made in the City's submission on 'Phase 2' of planning reform, and technical officer assessment is provided as Attachment 2.

Several of the proposed amendments to the DAP Regulations are generally supported and align with the City's previous submission, including:

- a reduction in number of panels and establishment of District DAPs
- the removal of the mandatory threshold for DAPs
- the permanent appointment of the Deputy and Presiding Members
- changes to meeting arrangements and further procedural guidance to improve accessibility to meetings and information and centralising the administrative function with DPLH.

There are a number of proposed amendments that do not align with the City's previous comments and are not considered to be consistent with the initiatives of the Action Plan for Planning Reform, including the following:

- Retaining the \$2 million 'opt-in' threshold. As outlined in the City's submission on Phase 2 planning reform, it is recommended this is increased to \$4 million.
- The criteria and operation of the Special Matters DAP.

The specifics of these amendments and alignment with the City's previous comments are outlined as Attachment 2. The City's draft submission on the proposed changes to the DAP Regulations is provided as Attachment 3.

### **Issues and options considered**

The options available to Council in considering the draft submission on the amendments to the DAP Regulations are to either:

- endorse the draft submission and forward to the DPLH
- endorse the draft submission with modifications and forward to the DPLH  
or
- not endorse the draft submission and provide no submission.

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

**Legislation**                      *Planning and Development Act 2005.*  
    *Planning and Development (Development Assessment Panels) Regulations 2011.*  
    *Planning and Development (Local Planning Schemes) Regulations 2015.*  
    *Local Planning Scheme No. 3.*

### **Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Strong leadership.

**Strategic initiative**        Participate in State and Federal policy development processes affecting local government.

**Policy**                          Not applicable.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The proposed operation of the Special Matters DAP means that the local government will not receive a development application fee for these applications, which would normally be \$34,771 (including the City's design review fee). Despite the City no longer receiving a fee for these applications, resources are still required to assess a proposal and prepare a report for Council to endorse a submission. The City will also be responsible for clearing the conditions of any approval given by the Special Matters DAP.

### **Regional significance**

The DAP Regulations applies across the Western Australian planning system.

### **Sustainability implications**

Not applicable.

### **Consultation**

The State Government consultation on the amendments to the DAP Regulations commenced on 18 March 2022 and closes on 22 April 2022.

### **COMMENT**

The draft amendments to reduce the number of DAPs and improve transparency and accessibility of DAP meetings and decisions is supported. There are a number of proposed amendments that do not align with the City's previous comments on DAP reform and further modifications are recommended, including the minimum 'opt-in' threshold and criteria and procedure for the Special Matters DAP.

It is recommended that Council endorses Attachment 3 as the City of Joondalup's submission.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Jones, **SECONDED** Cr Hamilton-Prime that Council **ENDORSES** the City of Joondalup's submission on the draft amendments to the *Planning and Development (Development Assessment Panels) Regulations 2011* shown as Attachment 3 to Report CJ045-04/22 and forwards the City of Joondalup's submission to the Department of Planning, Lands and Heritage.

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf220412.pdf](#)

## **CJ046-04/22      OUTDOOR YOUTH RECREATION FACILITIES – PERCY DOYLE RESERVE**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	02056, 101515
<b>ATTACHMENTS</b>	Attachment 1      Business Case Attachment 2      Schematic Options Attachment 3      Community consultation outcomes report Attachment 4      Financial Evaluation Attachment 5      Options evaluation and shortlisting
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to:

- Consider a business case for outdoor youth recreation facilities at Percy Doyle Reserve.
- Endorse a recommended scope of works to progress to concept design.
- List an amount of \$200,000 for consideration by Elected Members during the development of the 2022-23 budget to fund the concept design and supporting technical analyses.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 February 2021 (CJ018-02/21 refers), Council requested the Chief Executive Officer to initiate development of a business case for the provision of a dedicated skate and/or BMX facility at Percy Doyle Reserve.

A business case has been prepared which includes:

- identification of project objectives
- detailed options evaluation against project objectives, informed by community consultation
- financial evaluation
- risk assessment.

The options evaluation, informed by community consultation outcomes in addition to financial, social and environmental considerations, identifies two preferred options for future facilities. Common to these two preferred options is a design approach that provides diverse facilities suitable for young people, families, visitors, riders, and non-riders. This would be achieved through delivery of a suitably sized skate park, suited for beginners to advanced users, which is co-located with incidental and complementary facilities that provide an inclusive, welcoming, and activated space that encourages active surveillance by the diverse people in the area. Incidental and complementary facilities would include:

- multi-purpose court
- nature play
- climbing frames
- barbeque and picnic spaces
- spectator spaces and seating
- potential inclusion of local scale BMX facilities
- supporting amenities such as CCTV, lighting and toilets.

The recommended scope of works reflects the current vacant nature of the site, and therefore includes facilities to establish an activated parkland which would anchor the future skate facility. The range of facilities within the recommended scope of works acknowledges that to provide safe, activated places for young people, skate facilities should not be isolated from other forms of community play. As part of establishing a parkland context for the skate facility, the recommended scope provides facilities for other community members, including families and seniors, which are not currently provided within Percy Doyle Reserve.

The estimated financial impacts modelled for the two preferred options are as follows:

- Option 5: \$5.7 million capital costs (excluding escalation) with an overall 20-year cost of over \$13 million (including depreciation), corresponding to an operating cost per ratepayer per year of \$7.18 including depreciation and \$3.70 excluding depreciation.
- Option 2: \$4.3 million capital costs (excluding escalation) with an overall 20-year cost of over \$9.6 million (including depreciation), corresponding to an operating cost per ratepayer per year of \$5.19 including depreciation and \$2.71 excluding depreciation

It is important to note that, given the selected site is not an established parkland or provided with amenities/infrastructure, the estimated costs are largely made up of costs associated with site preparation works as well as additional, complementary facilities beyond skate and/or BMX that contribute to creating a safe and activated space.

The capital and operating costs are within the City's financial capacity and grant funding will be sought to contribute to the capital costs.

Council's endorsement of the recommended scope of works will allow the project to progress to concept design, technical analysis and further community consultation to confirm the nature and layout of facilities at the site as well as allowing more detailed costings to be completed on a concept.

Following the preparation of a concept and community consultation more detailed costings of the project will be undertaken. The project will then be brought back to Council for a decision on whether to proceed and funding to be included in the five-year Capital Works Program.

## BACKGROUND

At its meeting held on 16 August 2016 (C46-08/16 refers), Council resolved to request the Chief Executive Officer to provide a report on the provision of a skate park within Percy Doyle Reserve to provide a recreational facility for youth of the district.

At its meeting held on 16 May 2017 (CJ067-05/17 refers), Council resolved to:

- not to proceed with the planning and development of a skate facility at Percy Doyle Reserve at that time
- request the Chief Executive Officer to initiate the development of a BMX, Skate and Outdoor Youth Recreation Strategy for the City of Joondalup
- consider Percy Doyle Reserve as a potential site for a future facility as part of the development of such a strategy
- list for consideration in the draft 2017-2018 budget an amount of \$55,000 for consultancy and \$5,000 for community consultation to enable development of the strategy.

Various consultant reports were commissioned to provide background information, analysis and technical inputs to inform the development of the strategy. This included the following:

- A technical report by Convic reporting on community consultation undertaken regarding skate, BMX and other forms of outdoor youth recreation, the current condition and use of existing facilities in the City, and suitability of various sites across the City of Joondalup for future facilities.
- A secondary report on the condition of Kinross skate park by Skate Sculpture.
- Additional condition reports of the City's existing BMX facilities by Common Ground.

The technical and consultation reports provided by consultants were used to inform the development of the City of Joondalup Outdoor Youth Recreation Strategy, which focusses on meeting the outdoor recreation needs of young people in the City of Joondalup. The strategy was adopted by Council in February 2021 (CJ017-02/21 refers).

The strategy included priority implementation actions to "provide new/upgraded facilities to meet demonstrated demand", including preparation of a business case for a dedicated skate facility in the southern area of the City.

At its meeting in February 2021 Council also resolved to progress a business case for a skate and/or BMX facility at Percy Doyle Reserve in response to the critical infrastructure need for a dedicated skate facility to serve the southern suburbs of the City (CJ018-02/21 refers).

The report presented to Council in February 2021 included a summary of site considerations at Percy Doyle that would influence a skate park at the site. These include the following:

- The Percy Doyle Reserve Masterplan project, scheduled for 2030-31, which may be challenged by additional facilities that pre-empt future site arrangements, limiting potential site efficiencies when the masterplan is undertaken.
- Presence of heavy limestone cap rock, which have cost implications for facilities and construction.
- Location of underground services, which have cost implications for facilities and construction if relocation is required.
- Lack of incidental facilities, including toilets, which has cost implications for the project.

The detailed business case provides a methodical approach to review these influences in more detail as part of investigating the feasibility of the project.

## DETAILS

The business case, provided as Attachment 1, has been prepared in accordance with the City of Joondalup Project Management Framework to evaluate the feasibility of and determine justification for the City to proceed with outdoor youth recreation facilities at Percy Doyle Reserve.

The business case has been informed by:

- identification of project objectives
- detailed options evaluation against project objectives, informed by community consultation
- financial evaluation
- risk assessment.

The business case summarises and integrates the outcomes of feasibility investigations undertaken, providing commentary regarding project feasibility against defined project objectives.

Project objectives are as follows:

- 1 **Scope:** A dedicated skate facility is delivered in response to a critical gap in infrastructure in the southern part of the City.
- 2 **User and Community Satisfaction:** Location and type of facility meets the needs of users and surrounding residents.
- 3 **Utilisation:** The dedicated skate park will be highly used.
- 4 **Financial:** Recurring financial impacts of the new facilities are affordable.
- 5 **Environment:** Facility design and construction maintains local environmental values.

The business case is supported by a suite of documentation including:

- schematic options (provided as Attachment 2, and summarised below)
- community consultation outcomes report (provided as Attachment 3, and summarised in the “community consultation” section of this report)
- financial evaluation (provided as Attachment 4, and summarised in the “financial implications” section of this report)
- options evaluation and shortlisting (provided as Attachment 5, and summarised below)
- risk assessment (provided within Attachment 1, and summarised in the “risk management considerations” section of this report).

### Options

The role of the options evaluation is to define the future scope of works for the feasibility assessment undertaken by the business case. The options provide examples of what differing scales of skate and/or BMX facilities on the site could look like. The options are not intended to be design options themselves to select between, but rather inform a defined scope of works on which to prepare a concept design.

The evaluation of the options, compared to the option of “do nothing”, evaluates feasibility of different scales of facilities, and informs a recommended scope of works as the basis for budget estimates should the project be considered feasible.

Three options were initially shortlisted for evaluation and used as the basis of community consultation. These were as follows:

- Option 1 - Community Youth Playscape includes:
  - Skate plaza.
  - Skate open flow bowl.
  - Half multi-purpose court.
  - Nature play.
  - Hang out nodes.
  - Shelter.
  - Barbeque.
  - Toilets.
  
- Option 2 - Integrated Youth and Community Recreation Precinct includes:
  - Skate plaza.
  - Skate open flow.
  - Skate bowl (intermediate).
  - Intermediate and beginner dirt jump lines.
  - Nature play.
  - Half multi-purpose court.
  - Hang out nodes.
  - Shelter.
  - Barbeque.
  - Toilets.
  
- Option 3 - Youth Recreation Precinct includes:
  - Skate plaza.
  - Skate open flow.
  - Skate bowl (advanced).
  - Asphalt pump track catering to beginner/intermediate/advanced users.
  - Climbing frames and/or exercise stations.
  - Full multi-purpose court.
  - Hang out nodes.
  - Shelter.
  - Barbeque.
  - Toilets.

These three initial options underpinned the community consultation. The community consultation exercise then resulted in several other ideas being proposed by the community which the project team felt were important to evaluate with the business case; the additional options proposed by the community or developed in response to community comments were as follows:

- Option 4 - Youth Ride Zone. This option was developed by a local young person and includes:
  - Skate open flow.
  - Skate bowl (intermediate).
  - Asphalt pump track catering to beg/int/adv users.
  - Beginner and intermediate jump lines.
  - Natureplay.
  - Half multi-purpose court.
  - Hang out nodes.
  - Shelter.
  - Barbeque/picnic area.
  - Toilets.

- Option 5 – Community and Youth Ride / Play Precinct informed by the range of facilities preferred by participants and includes:
  - Skate plaza.
  - Skate open flow.
  - Skate bowl (advanced).
  - Asphalt pump track catering to beg/int/adv users.
  - Beginner and intermediate jump lines.
  - Full multi-purpose court.
  - Natureplay.
  - Intermediate climbing frames/parkour training.
  - Hang out/spectator/seating areas.
  - Barbeque/picnic area.
  - Toilets.
  
- Option 6 - Signature Skate Hub. This option responds to community comments suggesting “whatever is provided it must be first and foremost a significant skateboard park facility” and “the business case should be confined to considering a top of the range skateboard facility” and includes:
  - Skate plaza.
  - Skate open flow.
  - Skate bowl (advanced).
  - Hang out/spectator/seating areas.
  - Barbeque/picnic area.
  - Toilets.

The following table summarises the scope for each option:

Scope of each option	<u>Options prepared by City</u>			<u>Additional options from Community</u>		
	<i>Option1</i>	<i>Option2</i>	<i>Option3</i>	<i>Option4</i>	<i>Option5</i>	<i>Option6</i>
	Community Youth Playscape	Integrated Youth & Community Recreation Precinct	Youth Recreation Precinct	Youth Ride Zone	Community & Youth Ride / Play Precinct	Signature Skate Hub
<u>Initial works</u>						
1 Design and preliminaries	✓	✓	✓	✓	✓	✓
2 Demolition and earthworks	✓	✓	✓	✓	✓	✓
<u>Core facilities</u>						
3 Skate Plaza	✓	✓	✓	✓	✓	✓
4 BMX track			✓	✓	✓	
5 BMX jumps		✓		✓	✓	
6 Half court	✓	✓		✓		
7 Full court			✓		✓	
8 Natureplay	✓	✓		✓	✓	
9 Climbing frame			✓		✓	
<u>Landscaping in facilities</u>						
10 Hard landscaping	✓	✓	✓	✓	✓	✓
11 Soft landscaping	✓	✓	✓	✓	✓	✓
<u>Other amenities and infrastructure</u>						
12 Amenities	✓	✓	✓	✓	✓	✓
13 Parking, lighting, signage	✓	✓	✓	✓	✓	✓
14 CCTV	✓	✓	✓	✓	✓	✓
15 Landscaping residual space	✓	✓	✓	✓	✓	✓
<u>Other</u>						
16 Services	✓	✓	✓	✓	✓	✓
17 Public art contribution	✓	✓	✓	✓	✓	✓
18 City contingency	✓	✓	✓	✓	✓	✓

Schematic layouts for the six options evaluated are provided in Attachment 2 to Report CJ046-04/22.

The six facility arrangement options included skate and/or BMX facilities, as specified in Council's resolution, in addition to required incidental facilities and optional complementary facilities to determine what scale of facilities would be most appropriate and feasible for the site. The scale of facilities included within the options acknowledge that the site is not currently supported by existing parkland amenities and infrastructure and therefore requires provision of facilities and works beyond skate and/or BMX facilities to establish a safe, activated space. These supporting amenities and infrastructure are as follows:

- Site surveys and preparation – the selected site requires services relocation, services connection, earthworks, and the like.
- Amenities such as toilets, shelters, seats, BBQs are essential to ensure facilities cater for casual patrons, such as parents, spectators – the selected site does not currently include any amenities.
- Additional infrastructure such as parking, lighting, CCTV, and landscaping – the selected site does not currently include any of the necessary infrastructure or landscaping.

- Additional facilities are recommended (nature play, multi-purpose playing court) to ensure that the site caters not just for skateboard users so as to maintain a functional, safe place (discussed further in the “risk management considerations” of this report).
- Additional project management resources to provide the required capacity to deliver the project in the context of the City’s other project commitments and delivery of the capital works program.

### Options evaluation

The options evaluation process, described in detail in Attachment 5, uses a multi-criteria assessment to compare the six options with the additional option of “do nothing”, and ranked the options in order of preference against the project objectives.

The following table summarises the outcomes of the multi-criteria assessment of all options; attachment 5 provides detail on the evaluation and scoring approach.

		Option 1 Community Youth Playscape	Option 2 Integrated Youth and Community Recreation Precinct	Option 3 Youth Recreation Precinct	Option 4 Youth Ride Zone	Option 5 Community and Youth Ride and Play Precinct	Option 6 Signature Skate Hub
<b>Multi-criteria assessment</b> (refer to the Options Evaluation Report for methodology, scoring and weighting approaches, and assumptions)							
<b>Objective/Criteria</b>	Financial - facilities are affordable (modelled annual operational impact)	0.09	0.06	0.04	0.04	0.00	0.08
	Social - site meets needs of users and residents (average score against site suitability factors developed from community feedback)	0.14	0.18	0.14	0.14	0.21	0.07
	Social - facilities will be utilised (average score against facility suitability factors developed from community feedback)	0.22	0.37	0.37	0.18	0.44	0.22
	Environment – facilities maintain local environmental values (number of trees affected)	0.04	0.04	0.00	0.04	0.00	0.00
<b>Scores</b>	Total weighted score	0.48	0.64	0.55	0.40	0.65	0.37
	Ranking	4	2	3	5	1	6

The options evaluation identifies that Options 2 and 5 are preferred. Common to the two preferred options is a design approach that provides diverse facilities suitable for young people, families, visitors, riders, and non-riders, indicating that facilities in addition to those contemplated by the Council resolution, including basketball and natureplay, are desirable at the site.

Based upon the two preferred options, the recommended functional design outcome for facilities at Percy Doyle Reserve, informed by community consultation and the options evaluation, is a suitably sized skate park, suited for beginners to advanced users, which is co-located with incidental and complementary facilities that provide an inclusive, welcoming, and activated space that encourages active surveillance by the diverse people in the area.

The scope of facilities associated with the preferred design approach are shown in the following table:

Facility type	Rationale for inclusion
Skate park with bowl	Meet the need for a dedicated skate facility in the City's southern suburbs as identified in <i>Outdoor Youth Recreation Strategy</i> .
Multi-purpose court	Provide a diverse, inclusive, activated space as recommended by options evaluation and risk assessment (greater surveillance).
Natureplay and climbing frames	Provide a diverse, inclusive, activated space as recommended by options evaluation and risk assessment (greater surveillance).
Barbeque and hang out spaces	Required incidental facility for skate facilities.
Spectator spaces and seating	Required incidental facility for skate facilities.
CCTV, lighting, toilets, etc	Required incidental facility for skate facilities.
Potential BMX facilities (pump and/or jumps)	<p>Alleviate potential conflict between skateboards and bikes on skate facility; provide a safe place for ride sports.</p> <p>Note: facilities are not proposed to meet district demand for BMX and should therefore be sized and designed accordingly.</p>

The recommended scope is consistent with similar, contemporary play and skate spaces delivered by other local governments in Western Australia, including the following:

- Bina Parkland, City of Stirling.
- Briggs Park, Shire of Serpentine Jarrahdale Shire.
- Veterans Memorial Park, City of Rockingham.
- Wellington Square, City of Perth.
- Mills Park, City of Gosnells.

Aerial imagery of each of the above examples is provided within the Business Case document (Attachment 1 refers).

The recommended scope, with the exception of potential small-scale BMX facilities, is consistent with the general functionality of open spaces in the City of Joondalup which host existing skate parks, including the following:

- MacNaughton Park, Kinross, which includes a skate facility, children's playspace, car parking, basketball, barbeque, picnic facilities, oval and clubroom amenities.
- Mirror Park, Ocean Reef which includes a skate facility, a playspace, car parking, oval and amenities.

It is noted that the design of MacNaughton Park and Mirror Park skate parks reflect trends in skate from the time of their construction and facilities at Percy Doyle would have a more contemporary design. However, the functionality of the parks within which they are located is not significantly different from what would be delivered by the recommended scope of works.

Issues and options considered

Council has the option to either:

- Option 1 endorse the recommended scope of works and list for consideration an amount of \$200,000 in the 2022-23 budget to fund the concept design and supporting technical analysis
- Option 2 endorse an alternative scope of works and list for consideration funds accordingly in the 2022-23 budget to fund the concept design and supporting technical analysis  
or
- Option 3 not progress further with outdoor youth facilities at this site.

Option 1 is recommended. The recommended scope of works reflects the current vacant nature of the site, and therefore includes facilities to establish an activated parkland which would anchor the future skate facility. The range of facilities within the recommended scope of works acknowledges that, to provide safe, activated places for young people, skate facilities should not be isolated from other forms of community play. As part of establishing a parkland context for the skate facility, the recommended scope provides facilities for other community members, including families and seniors, which are not currently provided within Percy Doyle Reserve. The capital and operating costs associated with the recommended scope of works is within the City's financial capacity.

Option 2 is not recommended. The options evaluation and risk assessment both demonstrate the importance of promoting active surveillance of the site by attracting a diversity of users to address concerns of anti-social behaviour, which is not well achieved by the other options when compared to the recommended scope of works.

Option 3 is not recommended. As identified in the City's *Outdoor Youth Recreation Strategy*, there is a critical gap in the provision of dedicated skate facilities to service the southern suburbs of the City, which is resulting in congestion issues for the City's other skate facilities.

Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

Understanding the demographic context of local communities to support effective facility planning.

Employ facility design principles that will provide for longevity, diversity and inclusiveness where appropriate, support decentralising the delivery of City services.

**Policy** Not applicable.

### Risk management considerations

The draft business case includes a risk assessment (Attachment 1 refers).

A high-risk level is identified for the risk event of 'insufficient site capacity of Percy Doyle to accommodate facilities'. Other risks evaluated in the business case in response to community consultation outcomes, although not identified as being high risk, include anti-social behaviour and the risk of noise emissions and subsequent potential impact to operating hours of the facility.

#### *Risk management of insufficient site capacity*

Contributing factors to this classification are the likelihood of financial and reputational impacts should the project result in traffic and parking issues for the broader site, impacting on the use of, and community satisfaction with, existing and new facilities at Percy Doyle Reserve.

The business case recommends that a traffic and parking study is to be undertaken for Percy Doyle to identify if additional parking is required to manage the cumulative parking impact, and budget accordingly. As the demand for parking within Percy Doyle cannot be attributed to outdoor youth facilities alone and arises from the full range of recreational facilities and attractors in the area, the cost implications of additional parking at Percy Doyle have not been included within the financial evaluation for the business case, however the concept design would be supported by a traffic and parking study to inform whether further traffic and parking related works are necessary. The resultant costs of these works (if required) would then be acknowledged in the more detailed costings of the project which will be based on the concept design. These detailed costings will then be provided to Council when considering whether to proceed with the project following completion of the concept design and community consultation.

#### *Risk management of anti-social activities*

Anti-social activities (including graffiti and vandalism of the site as the most likely behaviours that might be anticipated) is identified as a medium risk. The risk assessment notes key mitigating controls, including the following:

- The inclusion of complementary facilities to activate the space and provide active and passive surveillance through the facility being used by families and other community members, in addition to young people. This will dissuade those looking to engage in anti-social behaviour from doing so in a highly activated, visible location.
- Providing engaging facilities for young people and a hub for youth outreach services supports reducing general anti-social behaviour by young people.

The risk evaluation supports inclusion of facilities in addition to Council's resolution, including basketball, natureplay, and picnic areas, as attracting a diversity of users and families to the space as a key mitigating approach to risks of anti-social activity at the site.

The cost uplift associated with the inclusion of optional, complementary recreation facilities not listed in the Council resolution with options ranging from \$251,000 for the option with least cost, up to \$693,800 for the options with greatest cost. For all options including optional complementary facilities, the inclusion of such facilities reflects less than 15% of the capital estimates.

### *Risk management of noise and impact on operating hours*

With respect to noise emissions, assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) become more restrictive in the evening and overnight (such as after 7.00pm) and are therefore more difficult to achieve compliance with.

The site identified within Percy Doyle Reserve, when compared at a general level to other open spaces in the southern suburbs of the City, provides the greatest opportunity to provide skate facilities that meet evening assigned noise levels without relying on imposing operating hour restrictions to comply.

Site characteristics that assist the site's compliance with the evening assigned noise levels include:

- substantial separation distance to the east (a minimum distance of over 100 metres to the nearest dwelling)
- major roads along the western and northern boundary, which increase the assigned noise levels relevant to the site
- buildings along the southern portion of the site which support intercepting noise emissions
- strong visual separation from dwellings, reducing perception of noise impacts.

The concept design phase will be underpinned by consideration of noise, with a design requirement anticipating operating hours to 10.00pm. Acoustic consultants will be engaged as part of the concept design process to design features in line with those operating hours, with modelling undertaken to assess performance against the Noise Regulations and make recommendations commensurate with the facility location within a significant, regional sporting precinct.

### Financial / budget implications

The financial evaluation identifies that the costs associated with the two preferred options (Option 2 and Option 5) are within the financial capacity of the City.

It is however noted that this report does not contend that the financial projections will come to pass exactly as stated but are intended to provide an early indication.

The financial projections will be updated and refined at each key stage of the project so that the confidence of the assumptions improves. At this early stage in the project, the financial estimates have a great deal of uncertainty but do provide broad estimates to guide Council in its decision to proceed to the next stage of the project.

The projections are best estimates at this point in time but there is a level of risk and uncertainty in all the projections. The actual costs and income will vary, due to the following:

- Detailed design and specification (high level options have been prepared so far).
- Capital replacement estimates.
- Tender.
- Economic factors and escalation.

The following table summarises the outcomes of the financial evaluation of all options. The relevant technical reports should be reviewed to provide detail on the evaluation approach.

	Option 1 Community Youth Playscape	Option 2 Integrated Youth and Community Recreation Precinct	Option 3 Youth Recreation Precinct	Option 4 Youth Ride Zone	Option 5 Community and Youth Ride and Play Precinct	Option 6 Signature Skate Hub	
<b>Financial Evaluation</b> (refer to the Financial Evaluation Report for methodology and assumptions)							
<b>Capital costs</b>	<b>Recreation facilities</b>	<b>\$1,020,900</b>	<b>\$1,392,800</b>	<b>\$1,368,800</b>	<b>\$1,647,600</b>	<b>\$1,929,600</b>	<b>\$799,500</b>
	Skate facilities	\$516,500	\$707,000	\$799,500	\$643,500	\$799,500	\$799,500
	BMX facilities	n/a	\$118,000	\$318,300	\$436,300	\$436,300	n/a
	Basketball facilities*	\$125,000	\$125,000	\$211,000	\$125,000	\$211,000	n/a
	Complementary play facilities*	\$379,400	\$442,800	\$40,000	\$442,800	\$482,800	n/a
	<b>Project and site costs</b>	<b>\$628,000</b>	<b>\$815,800</b>	<b>\$869,700</b>	<b>\$815,800</b>	<b>\$899,700</b>	<b>\$750,900</b>
	Design, preliminaries, project management	\$384,900	\$506,800	\$570,700	\$506,800	\$570,700	\$451,900
	Demolition, earthworks, services relocation and installation	\$243,100	\$309,000	\$299,000	\$309,000	\$329,000	\$299,000
	<b>Required incidental amenities</b>	<b>\$1,264,200</b>	<b>\$1,358,600</b>	<b>\$1,761,800</b>	<b>\$1,361,200</b>	<b>\$1,950,500</b>	<b>\$1,701,200</b>
	Landscaping	\$468,900	\$416,300	\$522,200	\$416,300	\$522,200	\$620,200
	Public art contribution	\$27,400	\$35,300	\$39,600	\$37,900	\$47,300	\$32,200
	Parkland amenities	\$384,400	\$492,300	\$665,300	\$492,300	\$846,300	\$665,300
	Parking, lighting, signage	\$111,600	\$142,800	\$262,800	\$142,800	\$262,800	\$111,600
	CCTV	\$271,900	\$271,900	\$271,900	\$271,900	\$271,900	\$271,900
	<b>Contingency</b>	<b>\$582,600</b>	<b>\$713,400</b>	<b>\$800,000</b>	<b>\$764,900</b>	<b>\$955,900</b>	<b>\$650,300</b>
<b>Total (excluding escalation)</b>	<b>\$3,495,700</b>	<b>\$4,280,600</b>	<b>\$4,800,300</b>	<b>\$4,589,500</b>	<b>\$5,735,700</b>	<b>\$3,901,900</b>	
<b>Operating impacts</b>	Annual operating deficit (including depreciation)	\$283,000	\$342,000	\$376,000	\$378,000	\$473,000	\$302,000
	20 year cashflow (deficit)	\$8,658,000	\$10,567,000	\$11,716,000	\$11,600,000	\$14,593,000	\$6,949,000
	Impact per ratepayer per year (including depreciation)	\$4.30	\$5.19	\$5.71	\$5.73	\$7.18	\$4.59
	Impact per ratepayer per year (excluding depreciation)	\$2.27	\$2.71	\$3.10	\$2.98	\$3.70	\$2.55

The major contributor to the full project cost relates to broader site and amenity costs required to establish skate facilities specifically within Percy Doyle in accordance with Council's resolution. The subject site is not currently supported by existing parkland amenities and infrastructure and therefore requires provision of facilities and works beyond the outdoor youth recreation facilities themselves (such as a skate park or BMX track) to establish a safe, activated space, including:

- site surveys and preparation – the selected site requires services relocation, services connection, earthworks
- amenities such as toilets, shelters, seats, BBQs are considered to be essential to ensure facilities cater for casual patrons such as parents and spectators – the selected site does not currently include any amenities
- additional infrastructure is vital such as parking, lighting, CCTV, and landscaping – the selected site does not currently include any of this infrastructure

- additional facilities are proposed (basketball, climbing frames, and natureplay) to ensure that the site caters not just for ride sports users to maintain a functional, safe place
- additional project management resources to provide the required capacity to deliver the project in the context of the City's other project commitments and delivery of the capital works program.

The estimated financial impacts modelled for the two preferred options are as follows:

- Option 5: \$5.7 million capital costs (excluding escalation) with an overall 20-year cost of over \$13 million (including depreciation), corresponding to an operating cost per ratepayer per year of \$7.18 including depreciation and \$3.70 excluding depreciation.
- Option 2: \$4.3 million capital costs (excluding escalation) with an overall 20-year cost of over \$9.6 million (including depreciation), corresponding to an operating cost per ratepayer per year of \$5.19 including depreciation and \$2.71 excluding depreciation.

The actual project cost will be confirmed following development of a concept design aligned with the recommended scope of works. Grant funding will be sought to reduce the net costs borne by the City.

The modelled financial impacts are consistent with the benchmark of Bina Parkland, Balga, in the City of Stirling which reflects a contemporary hub of outdoor youth facilities, including skate, BMX, and playground facilities.

There are no funds listed within the current five year capital works budget, nor is the project currently listed within the Strategic Financial Management Plan. If endorsed, following preparation of a concept design and undertaking community consultation, the project will be listed in the five year capital works budget and grant funding to contribute to capital costs will be sought.

#### *Possible staging of facilities*

Consideration could be given to phasing the development and is recommended to be factored into the scope for the concept design for Council's future consideration.

The community need and rationale for the project is initially, first and foremost, to provide skate facilities, therefore the skate park element could be delivered initially, with consideration then given to the other elements over a number of years. This could help to build up the usage and operation of the facility in incremental steps and could also help further evaluate that the need for the ancillary items is necessary.

The other benefit of phasing is that the maintenance costs would be progressively increased. However, depending on what works are delivered in initial stages and which are deferred, such a phasing approach may not provide benefits of providing active surveillance through diversity and activation of the site as identified as a key risk mitigation with regard to anti-social behaviour.

From a financial perspective, staging is normally only considered necessary if an organisation has to manage cash carefully to avoid short-term issues (such as borrowing) or has cash deficits, this is not the case with the City. For organisations such as the City that has adequate cash reserves and a recurring operating cash surplus it would normally be financially preferable to implement all costs in one go if the intent was to implement all items eventually anyway as this avoids the risk of further escalation costs.

Cumulative impacts of phasing have been illustrated in greater detail in the financial evaluation report provided as Attachment 4 to Report CJ046-04/22.

All amounts quoted in this report are exclusive of GST.

### Regional significance

The facilities framework within the *Outdoor Youth Recreation Strategy* establishes a hierarchy of facilities which includes regional, dedicated and incidental level facilities. The outdoor youth recreation facilities proposed at Percy Doyle Reserve are intended to operate as dedicated facilities to service the southern suburbs of the City. As such the project does not have a regional significance.

### Sustainability implications

#### *Social*

Outdoor youth recreation facilities at Percy Doyle Reserve will, in-part, respond to critical issues related to current provision of facilities to meet the outdoor recreation needs of youth in the City of Joondalup as identified within the City's *Outdoor Youth Recreation Strategy*. It is considered to be a necessary response to meet the social and sporting needs of young people in the City.

The existing provision of facilities available to young people within the City of Joondalup is extensive, including educational facilities, community centres, leisure centres, public open space, organised and unstructured sporting opportunities and active and informal kick-about spaces, however facilities that support outdoor youth recreation for BMX and skate pursuits are more limited.

The City's dedicated facilities for outdoor youth recreation, in particular Mirror Park Skate Park in Ocean Reef, Kinross Skate Park, and Shepherd's Bush BMX Track in Kingsley, are over capacity and do not typically service the City's southern suburbs. The proposed facilities at Percy Doyle would alleviate issues with this congestion and cater for the need identified in the southern part of the City.

#### *Economic*

The recommended scope of work for facilities at Percy Doyle is recognised as a one off to satisfy the need for dedicated facilities in the southern part of the City identified in the City's *Outdoor Youth Recreation Strategy*. As such the residual need for outdoor youth recreation facilities throughout the City is able to be addressed through smaller scale incidental facilities at established public open spaces at a lesser cost. By transitioning from low scale, limited quality, dispersed single-activity facilities for skate and BMX to higher quality shared use facilities, the City will achieve greater efficiency in long term operating costs. This provides for greater economic sustainability in the long term, while enhancing the quality and availability of facilities available to young people.

### Consultation

Community feedback was sought on the initial shortlist of three options and is provided within the Community Consultation Outcomes report provided as Attachment 3 to Report CJ046-04/22.

The consultation process was established to directly engage community stakeholders likely to be affected by any future facilities, including:

- residents in close proximity to the potential site
- young people who are the target demographic for use of any facilities
- clubs and organisations that use facilities within Percy Doyle Reserve.

Targeted stakeholder groups were invited and encouraged to participate in the consultation process by way of:

- 650 letters sent to residents and ratepayers of properties within 400 metres of the subject site
- 22 direct emails sent to clubs and community organisations that use facilities within Percy Doyle Reserve, and Sorrento Marmion Duncraig Residents and Progress Association
- contact with youth networks through youth social media accounts, and engagement with young people as part of the City's youth outreach program
- digital project information available on the City's primary website, Y-lounge website, and Social Pinpoint Digital engagement platform.

Community feedback was received through various consultation mediums, the breakdown of which is summarised below.



Community comments provided through the varied feedback opportunities related to advantages and disadvantages of different facility types, general commentary about site constraints and impacts, and level of importance of decision-making factors.

Common themes that were captured from this feedback are as follows:

- Expressed community need for facilities for young people.
- Potential future users want a diversity of ride styles.
- Strong community demand for both BMX and skate facilities.
- Expressed need for separate BMX/MTB facilities to reduce skate/bike conflict.
- Concerns regarding potential adverse impacts of facilities on local amenity.
- Concerns that increased scope beyond a signature skate facility could jeopardise the quality of skate facilities provided.
- Other general suggestions for inclusion in scope.

Reflecting that the consultation process was developed to elicit qualitative commentary on the options, the consultation outcomes report includes additional information regarding how comments informed the project deliverables. In response to community feedback, the City:

- developed three additional options to consider as part of the options evaluation within the business case
- developed criteria in response to key themes raised in feedback, and used these criteria to evaluate the options
- used community feedback to score the options against the criteria developed and “weight” the relative importance of evaluation criteria, enabling the preferred options considered in the business case to respond to community feedback
- while commentary indicating lack of support for any youth facilities at the site was a minor component of overall feedback, concerns raised by participants were used as inputs to the risk assessment component of the business case.

Further community consultation is recommended following preparation of a concept design to seek feedback on the project prior to detailed design and construction.

## COMMENT

The project is recommended to be feasible and for approval to progress to concept design on the following basis:

- The project should not be seen as a precedent for other skate park facilities in the City, and the facilities framework of the *Outdoor Youth Recreation Strategy* should guide future provision, in particular the need for incidental (local, small, multi-purpose) facilities across the City.
- The project would provide facilities in response to a critical gap in skate facilities for young people in the southern suburbs identified in the *Outdoor Youth Recreation Strategy*.
- The project delivers a community parkland and play/picnic space within Percy Doyle Reserve, therefore the investment provides value for all community members, not just young people who would utilize the skate and any BMX components. This includes local families and seniors who would use the complementary play, picnic, barbeque, path and seating facilities.
- The option of “do nothing” was least preferred in a multi-criteria evaluation of options, indicating that the project is feasible when considering and balancing social, economic, and environmental objectives.
- Grant funding will be sought to contribute to capital costs.

### Recommended scope of works

The recommended scope of works is considered to provide the best outcome for the community given it caters for a diverse range of skill levels and ride styles as well as providing broader community benefit for families, non-users and visitors through additional facilities such as natureplay and a basketball court. The recommended scope also works to reduce risk associated with traffic and parking, anti-social behaviour and potential noise impacts at the site.

A concept design, including community consultation, will confirm the specific nature of facilities provided at the site.

The scope of works is anticipated to include the following:

- A concept design for outdoor youth facilities within Percy Doyle Reserve inclusive of:
  - Skate park with bowl.
  - Local scale BMX facilities.
  - Multi-purpose court.
  - Natureplay.
  - Climbing frames.
  - Barbeque and picnic spaces.
  - Spectator spaces and seating.
  - CCTV, lighting, toilets, and access.
  
- Technical reporting and analysis of the concept design including:
  - Parking and traffic study.
  - Acoustic assessment.
  - Site survey.
  - Staged delivery of facilities.
  - Costing.

#### Next steps for the project

Council's endorsement of the business case and direction to progress to concept design will enable the following next steps for the project:

- 1 Site background studies undertaken (such as site survey).
- 2 Concept design procurement process.
- 3 Preparation of concept design, including acoustic modelling, traffic and parking study and project costings.
- 4 Community consultation on concept design.
- 5 Present concept design for Council endorsement and list funding in capital works program.
- 6 Proceed to tender for detailed design and construct.
- 7 Council appointment of contractor.
- 8 Detailed design.
- 9 Construction phase.
- 10 Facility opening.

#### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr Hamilton-Prime that Council:**

- 1 ENDORSES the business case for outdoor youth recreation facilities at Percy Doyle Reserve as provided in Attachment 1 to Report CJ046-04/22;**
- 2 PROGRESSES the project for outdoor youth facilities within Percy Doyle Reserve to concept design ~~and further community consultation~~ with facilities based on the following scope of works:**
  - 2.1 Skate park with bowl;**
  - 2.2 Local scale BMX facilities;**
  - 2.3 Multi-purpose court;**
  - 2.4 Natureplay;**
  - 2.5 Climbing frames;**
  - 2.6 Barbeque and picnic spaces;**
  - 2.7 Spectator spaces and seating;**
  - 2.8 CCTV, lighting, toilets, and access;**
- 3 LISTS an amount of \$200,000 for consideration by Elected Members during the development of the 2022-23 budget to fund the concept design and supporting technical analyses.**

**C39-04/22**

**PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK**

**MOVED Cr Raftis, SECONDED Cr Poliwka** that Item CJ046-04/22 - Outdoor Youth Recreation Facilities - Percy Doyle Reserve BE REFERRED BACK to the Chief Executive Officer to consider incorporating the project into the overall Percy Doyle Master Plan.

**The Procedural Motion as Moved by Cr Raftis and Seconded by Cr Poliwka was Put and LOST (4/8)**

**In favour of the Procedural Motion:** Crs Jones, Kingston, Poliwka and Raftis.

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

**The Motion as Moved Cr Fishwick, Seconded Cr Hamilton-Prime was Put and CARRIED (8/4)**

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

**Against the Motion:** Crs Jones, Kingston, Poliwka and Raftis.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf220412.pdf](#)

**AMENDED BY COUNCIL RESOLUTION C030-03/23 (28 MARCH 2023)**

## CJ047-04/22 LOCAL PLANNING STRATEGY REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	109808, 101515
<b>ATTACHMENTS</b>	Attachment 1 Local Planning Strategy Review – Project Approach Attachment 2 Local Planning Strategy Review – Scope of Works Attachment 3 Housing Review – Stakeholder Strategy Attachment 4 Phase 1 – Housing Review Scope of Works
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to consider:

- the project approach for the review of the City's Local Planning Strategy
- the scope of works associated with the review of the City's Local Planning Strategy
- the draft Stakeholder Strategy for the housing component of the Local Planning Strategy review
- the scope of works associated with Phase 1 of the housing review.

### EXECUTIVE SUMMARY

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council agreed to bring forward the review of the housing component of the Local Planning Strategy to allow resource planning/procurement and project planning to commence in the 2021-22 financial year.

In order to appropriately scope and plan for a review of the housing component, an understanding of the broader scope of the local planning strategy review is also required.

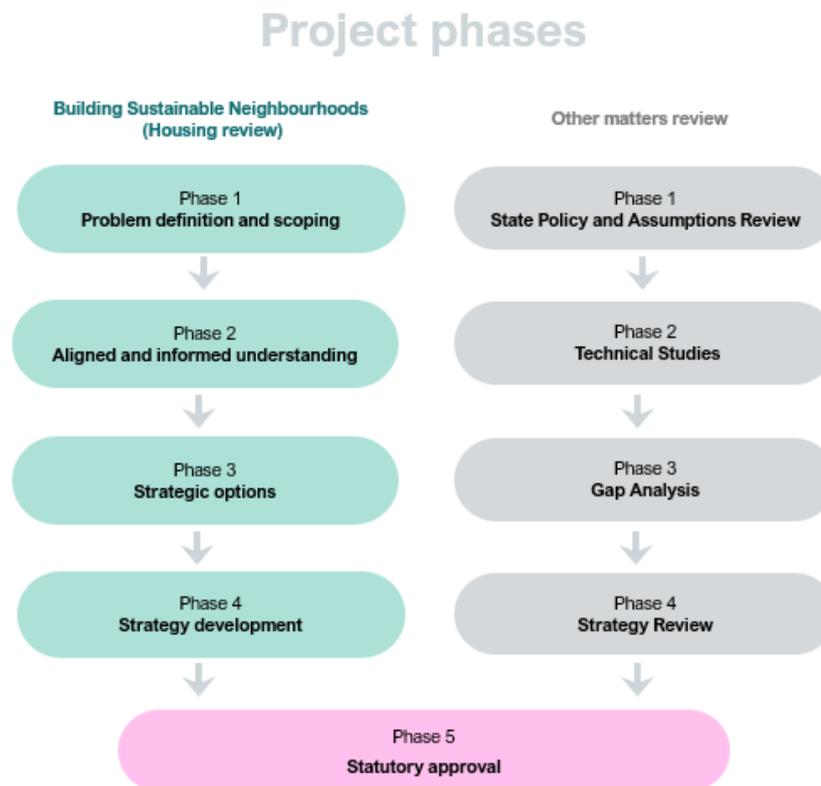
An initial project scope and stakeholder strategy has been developed based on key learnings resulting from previous projects and consultation on the matter of housing strategy and infill in the City. Critical learnings influencing the recommended scope include the following:

- There is a need to engage differently with the community on the housing review.
- Scoping of the project will be critical to provide confidence for future decision-making that takes account of the greater good of the community.
- Key decision makers need to be part of the journey.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) establish the statutory process under which the review will be carried out. To align the requested review of the City's housing component of the local planning strategy with the LPS Regulations, the project will undertake a review of the local planning scheme in accordance with Part 6, Division 1 of the Regulations.

This regulated process includes the preparation of a “report of review”, which reports on the appropriateness and currency of the scheme, strategy, and any structure plans and local development plans.

The recommended scope involves two sub-projects: a “housing review” and an “other matters review”, the outcomes of which will be consolidated into a single statutory process that formally reviews the City’s local planning scheme and strategy as outlined in the image below:



The two sub-projects will run concurrently, following a phased approach. The first phase of each will be an initial review and confirmation of issues to inform the detail of the project scope, in particular the technical investigations required. The “housing review” will be a full review of housing and density issues across the entire City of Joondalup. It will not be limited to matters of infill nor will it assume the existence of the City’s existing Housing Opportunity Areas. The indicative scope for the project, following the phased approach, is provided at Attachment 1.

The first phase of the housing review will focus on involving community and decision-makers in scoping the project. Phase 1 (problem definition and scoping) will include community consultation as a critical input to identifying and confirming the housing issues being experienced across the Joondalup community. A comprehensive understanding and investigation of the issues will enable the tailoring of a project scope and technical studies to those issues.

Effective and authentic community consultation will be a critical component of all phases of the housing review. To guide consultation, a project stakeholder strategy has been prepared, and is provided at Attachment 3. The stakeholder strategy establishes the framework for engaging with community and stakeholders for the housing review. The strategy will be supported by detailed community consultation plans prepared to guide the specific consultation activities to be undertaken in each phase of the project.

Council endorsement of the project approach and scope for the local planning strategy review, the housing review stakeholder strategy and the scope for Phase 1 of the housing review will allow the project to commence, with a community consultation plan for the housing review as the first deliverable to be provided to a future Council meeting for endorsement.

## BACKGROUND

### Planning framework background

The *Planning and Development Act 2005* requires all local governments to maintain a local planning scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) requires that a local government prepare a local planning strategy for each planning scheme.

Local planning schemes and local planning strategies are both critical planning documents that provide the guiding and statutory planning frameworks under which a local government considers and controls development.

All processes associated with preparing, reviewing, and amending local planning schemes and strategies are specified in the LPS Regulations. This includes the requirement for endorsement and approval of the Western Australian Planning Commission (local planning strategies) and the Minister for Planning (local planning schemes). The processes established in the legislation and the LPS Regulations typically result in timeframes associated with reviewing and amending schemes and strategies extending over several years.

### Local planning strategy

A local planning strategy is a statement of strategic direction that sets the overall vision for future planning of a local government. It is not a statutory document, but its vision for the future direction of the City is implemented through the City's planning scheme and associated policies.

Local planning strategies include recommendations from any subordinate strategies (like Local Housing Strategies and Local Commercial Strategies) and provides the rationale for any zoning or classification of land under the local planning scheme.

Accordingly, a local planning strategy will typically precede or be prepared concurrently with a local planning scheme. Local planning strategies need to be endorsed by the Western Australian Planning Commission (WAPC).

The City's current local planning strategy was endorsed by the WAPC in November 2017 and incorporates the recommendations of the City's *Local Housing Strategy* and *Local Commercial Strategy*.

Since the adoption of the City's current Local Planning Strategy, the standard format of these documents has been modified by the State Government, with a single local planning strategy now prepared to encompass matters of housing and commercial development, rather than standalone housing or commercial strategies.

### Local planning scheme

Local planning schemes are statutory documents and establish the rules that apply to development and land use within a local government.

In order to standardise local planning schemes, the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) outline the way in which local planning schemes operate and how they are prepared and amended. The LPS Regulations outline 'model' provisions and 'deemed' provisions. The 'model' provisions are required to be incorporated into local planning schemes as they are reviewed. The 'deemed' provisions apply automatically to all existing local planning schemes. Local content is typically addressed through local planning policies rather than within the statutory scheme.

The City of Joondalup's current local planning scheme is *Local Planning Scheme No. 3* (commonly referred to as LPS3 or the Scheme) and consists of a Scheme Text and Scheme Maps. LPS3 came into effect in October 2018 replacing the 20-year old District Planning Scheme No. 2.

### State planning documents

A key aspect of the legislation governing local schemes and strategies is the need for these documents to comply with state policy; the Minister for Planning and/or the Western Australian Planning Commission has the power to instruct local governments to modify planning documents to align with state and regional policy.

The following key State Government documents influencing the City's local planning framework include:

- *Directions 2031 and Beyond* (2010).
- *Perth and Peel @ 3.5 million* (2018).
- State Planning Policies.

*Directions 2031 and Beyond* is a State Government, high-level strategic land use planning document for Perth and Peel. It provides the basis for the detailed planning and delivery of housing, infrastructure and services necessary to accommodate future growth in the Perth and Peel regions. The document makes a number of assumptions being:

- a more compact city is desirable
- we must work with the city we have
- we must make more efficient use of land and infrastructure
- we must prioritise land that is already zoned.

*Directions 2031 and Beyond* sets out targets that local government needs to achieve in terms of job creation and development of new dwellings.

*Perth and Peel @ 3.5 million* (PP3.5) is a suite of State Government strategic documents that outlines the future growth of the Perth and Peel regions as a compact, consolidated and connected city that can accommodate a population of 3.5 million by 2050. The overarching PP3.5 document builds on the vision laid down in *Directions 2031 and Beyond* and also provides a link across four regional planning frameworks for the Central, North-West, North-East and South Metropolitan Peel sub-regions.

The four planning frameworks provide guidance on where development, employment and infrastructure should occur within the four sub-regions. The frameworks guide future amendments to the *Metropolitan Region Scheme*, local planning schemes and structure plans.

Of most relevance to the City is the *North-West Sub-regional Planning Framework* which comprises the cities of Joondalup and Wanneroo. The key features of the *North-West Sub-Regional Framework* are as follows:

- The population of Wanneroo and Joondalup is anticipated to almost double to more than 740,000 by 2050.
- 48,590 new homes will be provided in Joondalup and Wanneroo through infill development. 20,670 of these will be provided in the City of Joondalup.
- 122,390 new homes will be provided as greenfield development.
- Extension of the northern suburbs passenger railway from Butler to Yanchep.
- Investigation of a new eastern railway line.
- A 'proposed high-priority transit corridor' linking the Joondalup Activity Centre, Wanneroo town centre and Whitford Activity centre.

- An employment self-sufficiency of the sub-region from the 2031 target of 59.5% by 2050.
- A total of 30,181 jobs for the Joondalup Activity Centre by 2050.

The Western Australian Planning Commission has a number of state planning policies that have been prepared under the *Planning and Development Act 2005* that apply state-wide and as such are titled as state planning policies. These policies are the highest level of planning policy control and guidance in Western Australia. All decisions on planning proposals must have due regard for these state level policies. The policies are concerned with broad planning controls and can be made for matters which may relate to a specific type of development or which relate to a specific region or area of the state. A state planning policy must receive approval of the Minister for Planning as well as the Governor and be published in the Government Gazette. State planning policies of particular relevance to housing within the City of Joondalup include the following:

- *State Planning Policy 7 – Design of the Built Environment (SPP7)* is an overarching policy that sets out the objectives, measures, principles and processes that apply to the design and assessment of the built environment. It applies to all levels of the planning hierarchy — from large-scale structure planning, and major public works projects to development applications and subdivision considerations, and is used to inform and guide landowners, proponents, designers, reviewers, referral agencies and decision-makers to achieve good design outcomes in the built environment.
- *State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)* is a policy prepared and adopted by the Western Australian Planning Commission that builds on the hierarchy of Activity Centres established in *Directions 2031 and Beyond*. The policy seeks to broaden the role of centres from single-purpose centres into activity centres which incorporate retail, commercial, health, education, entertainment, cultural, health, education, entertainment, cultural, recreational and community facilities and importantly higher density residential development.
- *State Planning Policy 7.2 – Precinct Design (SPP7.2)* was gazetted and became operational on 19 February 2021. SPP7.2 guides the preparation and assessment of planning proposals that require a high level of planning and design. This includes areas with higher levels of density and infill, urban corridors, station precincts, activity centres and heritage precincts.
- Residential development throughout Western Australia is controlled by State Planning Policy 7.3 – Residential Design Codes (R-Codes). The R-Codes are given statutory effect through inclusion (by reference) in the City's *Local Planning Scheme No. 3*. The R-Codes provide controls for all residential development (for example single houses, grouped dwellings, multiple dwellings, ancillary dwellings) and also provide controls for the residential components of mixed-use developments and activity centres.

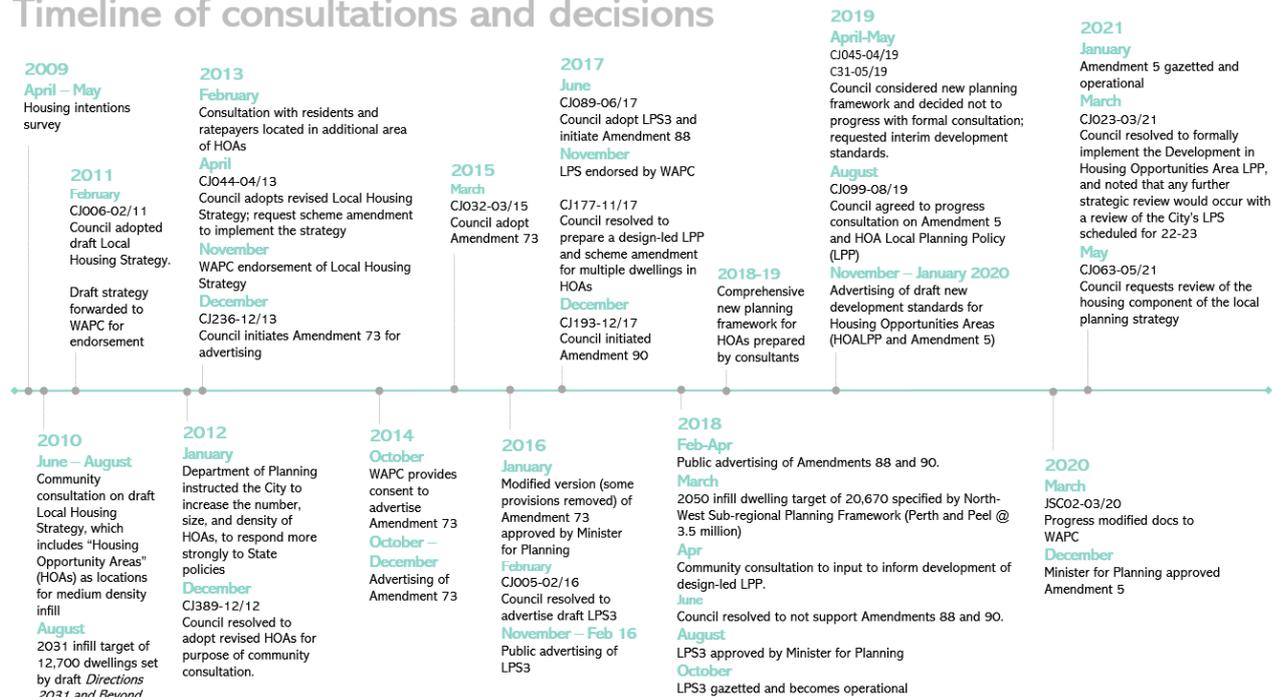
In addition to the state planning policies currently in operation, the Department of Planning, Lands and Heritage has been developing the draft Medium Density Code. The purpose of the draft Medium Density Code is to improve the design quality of medium density house in Western Australia and, if adopted, will become a part of the R-Codes Volume 1 and will apply to single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings coded R30 – R60. The draft Medium Density Code was advertised for public comment between November 2020 and April 2021. Council endorsed a submission on the draft document at its meeting held on 20 April 2021. The final content and timing of the draft Medium Density Code is not yet known, however will influence the way residential development is designed and built throughout parts of the City of Joondalup.

## Project background

A review of the City's *Local Planning Strategy* was scheduled for the 2022-23 financial year. At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council agreed to bring forward the review of the housing component of the Local Planning Strategy to allow resource planning/procurement and project planning to commence in the 2021-22 financial year.

The review project follows a number of preceding projects, community consultations, and decisions with respect to housing and infill in the City of Joondalup, as listed in the following timeline.

## Timeline of consultations and decisions



The most recent project was the introduction of new development standards for Housing Opportunity Areas. These new development standards are implemented via Amendment No. 5 to LPS3 (gazetted on 29 January 2021) and the *Development in Housing Opportunity Areas Local Planning Policy* (implemented on 2 July 2021).

Previous projects and consultation, including the City's most recent design policy for infill development, have not alleviated concerns amongst some community members that the current planning framework for infill housing is under-delivering liveability outcomes. Ongoing community advocacy around these issues and Council's subsequent resolution at its 15 May 2021 meeting has led to the need for the project to be undertaken ahead of schedule.

## DETAILS

### Project fundamentals

Key learnings from previous projects have informed the project approach and scope of the local planning strategy review. Critical learnings include the following:

- There is a need to engage differently with the community on the housing review.
- Scoping of the project will be critical to provide confidence for future decision-making that takes account of the greater good of the community.
- Key decision makers need to be part of the journey.

The significant influence of state policy and planning legislation, which can limit the extent to which community feedback can be acted upon in decision-making, presents a key challenge for community consultation. Council is not the final decision maker, and State Government, through the Western Australian Planning Commission and the Minister for Planning, has the ability to instruct modifications to local planning schemes and strategies to align with state and regional planning frameworks. In the preparation of the City's current local housing strategy, this included instructions for the City to increase the density and boundaries of the housing opportunity areas. This limits the ability of Council to seek feedback of the community on some matters that the community cannot influence. Despite such limitations in seeking feedback, communications and consultation should seek to provide transparency and authenticity and it will be important to properly inform the community about "non-negotiables" and state requirements that influence the project. This includes informing the community about project decisions, even if feedback is not sought because a matter cannot be changed or influenced by community feedback. Project communications will need to clearly articulate where the community can and will influence a decision, and those things that cannot be influenced and why that is.

In relation to the housing review particularly, to provide confidence in the outcomes, the scope should fully investigate and respond to concerns raised by a full range of stakeholder interests, including where those interests may not align. Scoping of the project, and the issues to be explored, should be informed by an understanding of the issues of importance across the community, including stakeholders who have not engaged previously. Engaging with the community to inform project scope provides an opportunity to manage the expectations of stakeholders and to provide certainty to the community that the project will consider issues of concern. It is likely that the review will need to balance divergent or opposing views. A strong understanding of the issues from the perspective of all stakeholders will be important to ensure the review outcomes provide a liveable, sustainable framework for the greater good of the community and future generations.

One of the key success factors for this project will be collaboration by State Government, City staff, Elected Members, and consultation with the community. Early agreement will be needed on project fundamentals. There will also need to be agreement on project objectives, project scope, the purpose and method of community engagement, and agreement on other issues that will arise at specific times or at specific project milestones. To achieve this, the project will need alignment, collaboration and open and frequent communication between the State and the local government. The project would benefit from engagement with and input from Elected Members at more frequent "turnstile" moments, with Council endorsement at key project milestones to provide oversight and transparency.

### **Local Planning Strategy review – project approach**

As outlined above, in order to appropriately scope and plan for a review of the housing component, an approach and understanding of the broader local planning strategy review is also required, noting a review of housing cannot be undertaken in isolation of the rest of the strategy.

The outcomes of a local planning strategy (or housing) review have minimal statutory weight by themselves and would therefore have limited scope to influence decision-making on development proposals. To become effective outcomes of a local planning strategy (or housing) review need to be implemented via changes to a local planning scheme and policies.

As such, in identifying a recommended scope for the housing review, in addition to factoring in the broader local planning strategy review, the scope also considers the implementing step of scheme review and amendment.

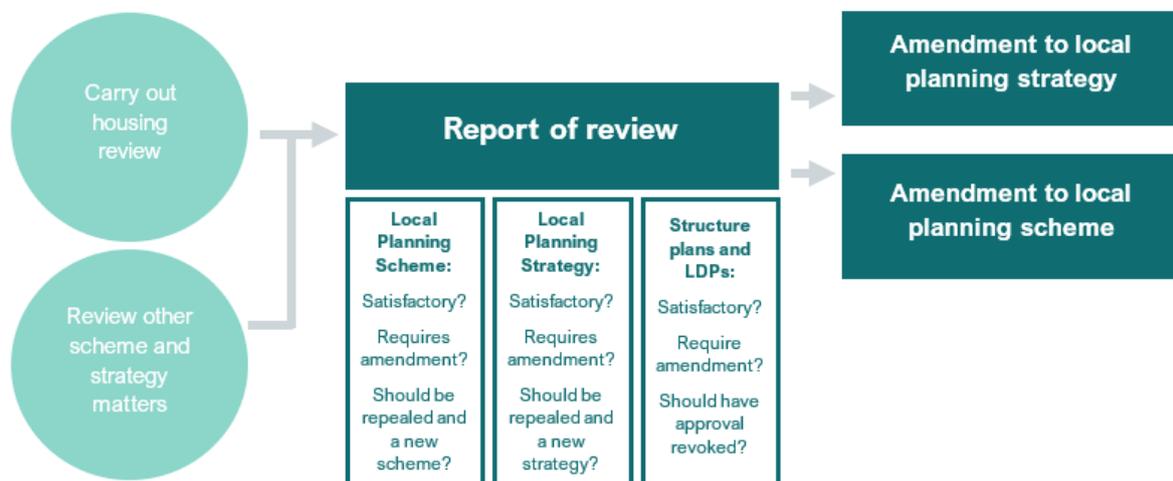
This results in an approach which aligns the review of the local planning strategy with Part 6, Division 1 of the LPS Regulations (Attachment 1 refers).

This regulated process includes the preparation of a “report of review”, which reports on the appropriateness and currency of the scheme, strategy, and any structure plans and local development plans. The report of review identifies if the scheme and strategy are satisfactory, require amendment, or should be repealed and replaced. The LPS Regulations do not include a process to review a local planning strategy independent of the scheme. Therefore, the project will review the *City of Joondalup Local Planning Strategy and Local Planning Scheme No. 3*.

The review will involve two sub-projects: a “housing review” and an “other matters review”, as inputs to the key statutory deliverable of a “report of review” as shown in the following pathway diagram.

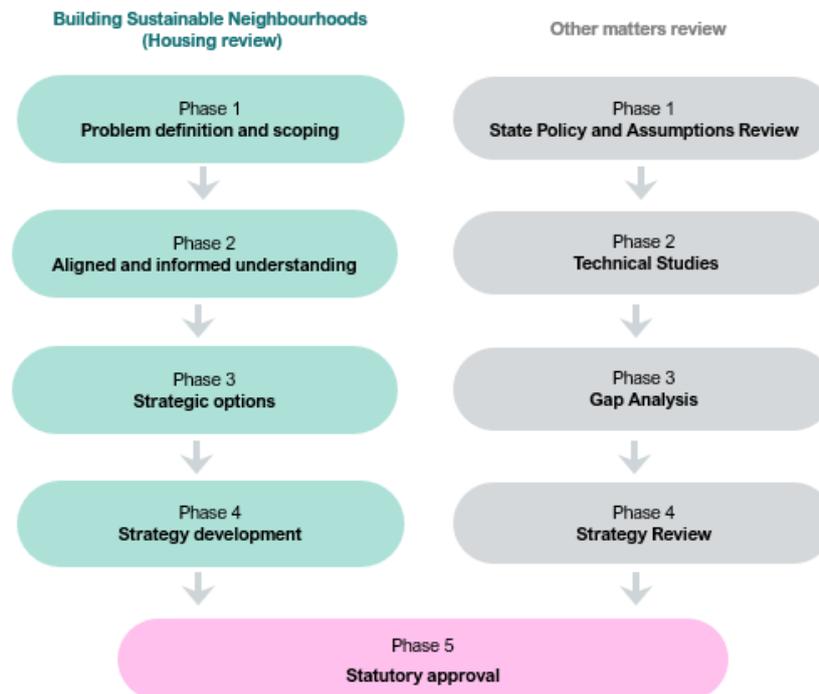
### Regulatory Pathway

#### Part 6, Division 1 – Review of local planning scheme



The two sub-projects will run concurrently, following a phased approach. The first phase of each will include an initial review and confirmation of issues to inform the detail of the project scope, in particular the technical investigations required. The project phases are illustrated in the following diagram and is expanded upon within the proposed scope for the project provided at Attachment 2 to Report CJ047-04/22.

## Project phases



The current scheme and strategy are fairly contemporary and, beyond the housing element, are not anticipated to be significantly out of date. Therefore, the “other matters review” will primarily focus on identifying where policy change (at state level or in response to the separate housing review) or other newly available information would influence planning objectives, strategies, and actions in relation to the following:

- Joondalup City Centre.
- Commercial Centres.
- Transport.
- Employment.
- Heritage.
- Public open space.
- Environment.

### Local Planning Strategy review – housing component

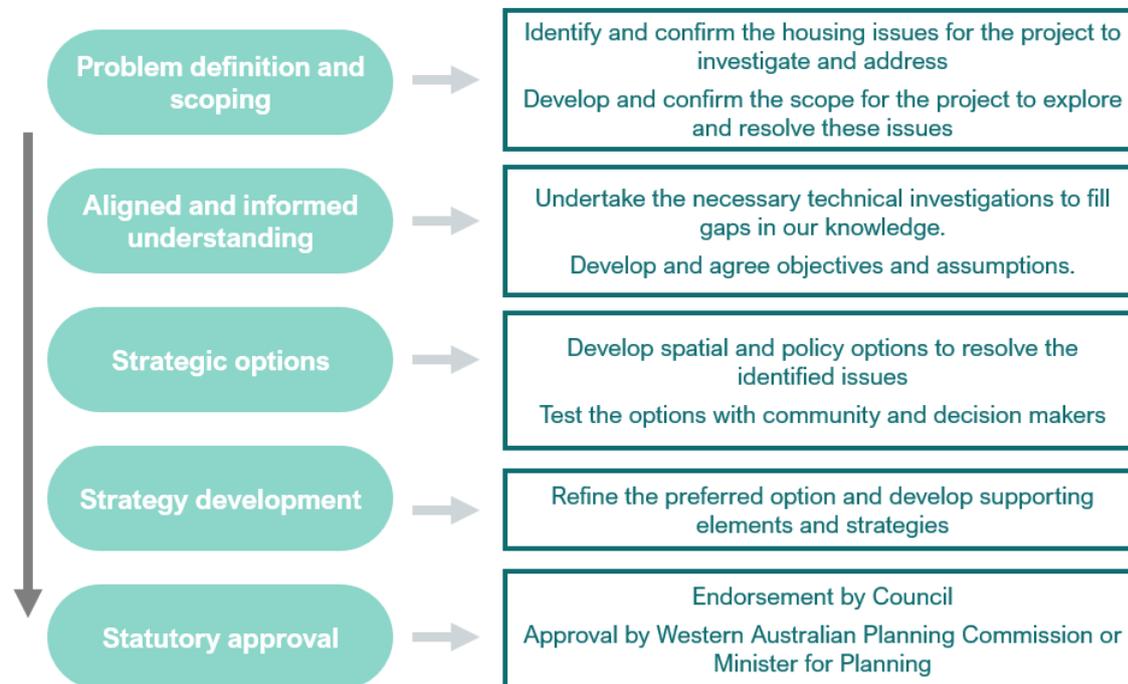
Consistent with Council’s resolution to bring forward a review of the housing component of the City’s local planning strategy, the first task of the broader local planning strategy review relates to housing.

#### Housing review – Building sustainable neighbourhoods

The “housing review” will be a full review of housing and density issues across the entire City of Joondalup. It will not be limited to matters of infill nor will it assume the existence of the City’s existing Housing Opportunity Areas.

Several key issues raised by community members in previous consultation processes relate to the importance of liveability and sustainability outcomes for future housing. As such project documents, communications and deliverables will be underpinned by the importance of liveability and sustainability and allows the housing review to be framed by a positive vision of achieving liveability through appropriate housing policy that addresses the needs of the City’s existing and future community.

The housing review is proposed to be completed over five phases. The anticipated tasks and outputs for each phase is summarised in the image below and provided in greater detail in Attachment 2:



Some tasks associated with Phase 1 (problem definition and scoping) have already commenced to inform the broader local planning strategy review scope and housing review stakeholder strategy. Other tasks can commence immediately following Council's endorsement of the project approach and associated scopes of work. The Phase 1 scope of work is provided as Attachment 4 and discussed in further detail below.

Phase 1 will enable the scope and approach of subsequent phases to be confirmed based on understanding and confirmation of housing issues for the review. Following completion of Phase 1, nominally, the subsequent phases will include the following:

- **Phase 2: aligned and informed understanding** will undertake the necessary technical investigations to fill gaps in knowledge, in response to the issues identified in Phase 1.
- **Phase 3: strategic options** will develop policy and spatial options available to address the issues identified, and test these options with community and decision-makers.
- **Phase 4: strategy development** will refine the preferred options arising from Phase 3, and develop any required supporting elements and strategies.
- **Phase 5: statutory approval** will, in conjunction with the outcomes of the 'other matters review' component of the broader local planning strategy review, follow the statutory processes of a "report of review" and any resulting amendments to the local planning strategy and scheme, which will require approval by the Western Australian Planning Commission and the Minister for Planning.

#### Housing review - Stakeholder Strategy

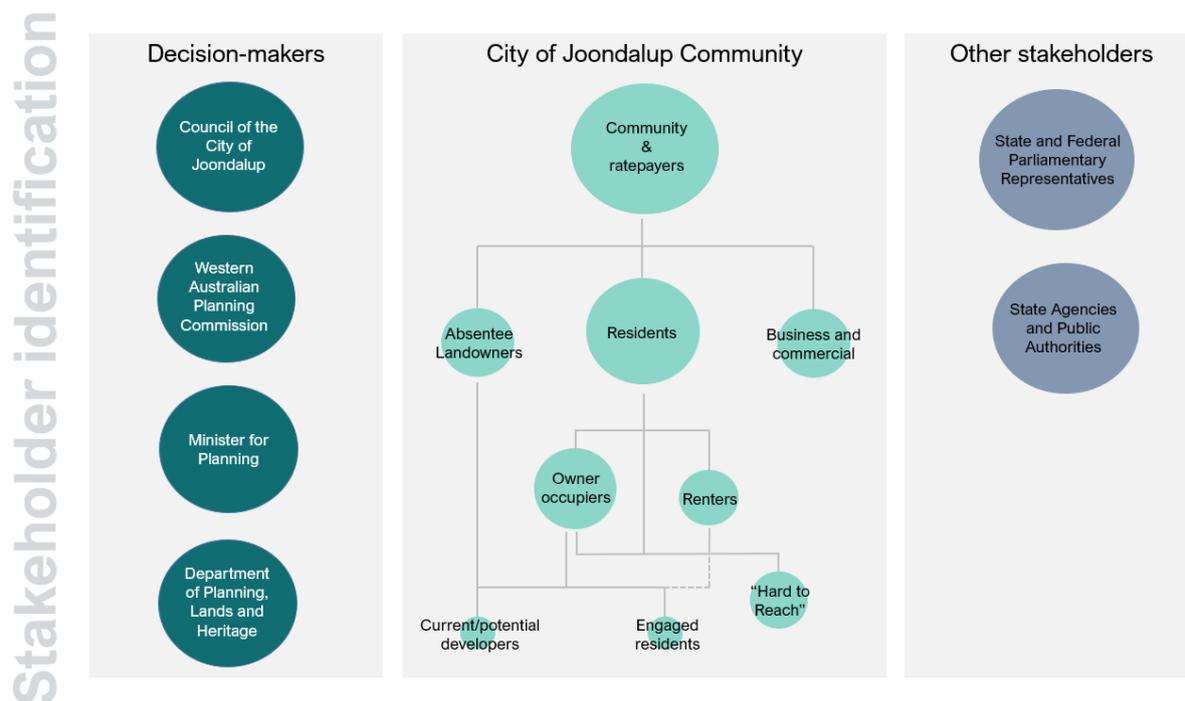
Effective and authentic community consultation will be a critical component of all phases of the housing review. To guide consultation, a draft project stakeholder strategy has been prepared, and is provided at Attachment 3 to Report CJ047-04/22.

The stakeholder strategy establishes the framework for engaging with community and stakeholders throughout the housing review. The strategy sets core principles and requirements for engagement. In addition to including broader principles from policy and practice, which are largely based on consultation to inform a decision-point, the engagement framework established in the stakeholder strategy includes principles that recognise how the housing review can and should benefit from engagement with community and stakeholders. These additional principles are for the project to:

- inform the community about the project and decisions made
- be informed by a representative range of stakeholders
- provide opportunities for authentic and meaningful participation in the project.

The strategy outlines the approach to communicate with stakeholders who hold interest or potential interest in the project. The document identifies potential stakeholders, their interest levels and influence, and the key strategies for engaging with each stakeholder type.

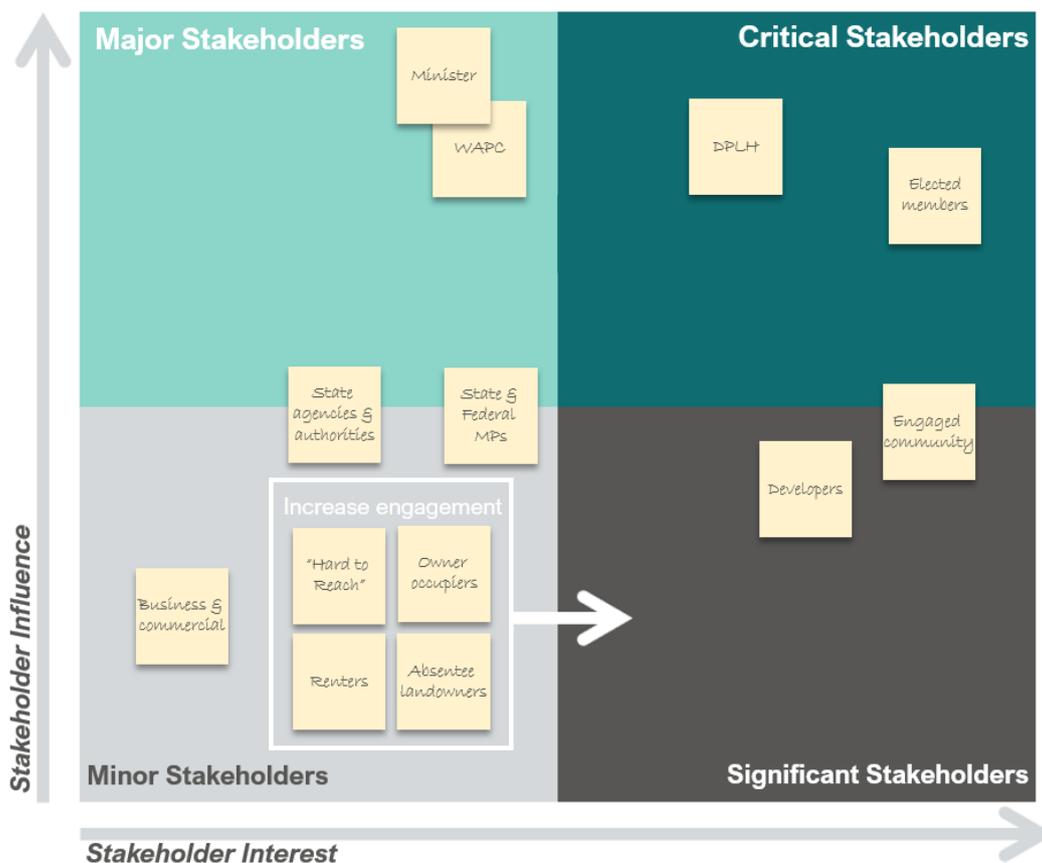
Identified stakeholder groups are shown in the diagram below. Previous consultation outcomes have indicated declining engagement across the community in previous consultations regarding housing. This reflects varied levels of interest in the subject across the community, therefore, as shown in the stakeholder identification, the “community and ratepayers” stakeholder group has been further broken down to identify the critical stakeholder groups to be engaged in the project to achieve the principle of representative engagement outcomes.



The visual below provides an influence-interest matrix; this is a tool which facilitates the mapping and analysis of stakeholders. Stakeholder mapping establishes the key project and engagement strategy for each identified stakeholder group based on their interest and influence in the project. These strategies provide context for the level of engagement for the project and specific consultation techniques recommended by the project stakeholder strategy and individual phase consultation plans.



Each identified stakeholder group has been mapped based on their level of interest and influence to identify the key strategy to facilitate their involvement in the housing review; this is presented in the matrix below.



The level of “interest” considers to what extent a particular stakeholder group is impacted by the project and to what extent the stakeholder group is currently engaged on the issues of housing and infill. As illustrated in the matrix, the analysis has identified that the overall interest of several groups of highly impacted community stakeholders is artificially lowered by current lack of engagement. A key strategy is to increase engagement of these groups so that all impacted residents are captured by the project as “significant” stakeholders.

In addition to analysing stakeholders, the stakeholder strategy establishes principles, objectives, and levels of engagement to provide the context for individual community consultation plans which will be prepared to guide community consultation associated with particular project phases.

The level of engagement established for the project responds to the “non-negotiables” which arise from the influence of state policy, and the fact that Council is not the final decision-maker.

The “non-negotiables” for the project are as follows:

- The City of Joondalup needs to produce a local planning strategy that shows how the City can meet the housing targets set for us by the State Government.
- The strategy developed by this project will need to demonstrate how it aligns with State Government policy with respect to allocation and distribution of density.
- Consultation processes and methods must be robust, defensible, and clear - and give the City the best chance of engaging with and hearing from a representative cross-section of the broader Joondalup community (including young people).
- The strategy needs to take account of the greater good of the Joondalup community – now and into the future, meeting the housing needs of a diverse and changing community. It cannot be tailored to respond only to the most engaged residents.
- The review will not be restricted to the current Housing Opportunity Area boundaries and will review density and housing across the entirety of the City of Joondalup.

The level of engagement will vary over the course of the project. Some project aspects can be influenced by participants therefore permitting a greater level of engagement. Conversely, the level of engagement will be framed by non-negotiable elements that participants cannot influence, in particular matters of state government planning processes and policy requirements.

The stakeholder strategy presents levels of engagement, based on the public participation spectrum of the International Association for Public Participation. The strategy anticipates that the engagement process can generally achieve a minimum level of “Consult” for the project, while identifying opportunities to reach the level of “Involve” for parts of the project where a greater level of engagement (and influence) can authentically be offered. An engagement level of “Inform” will be relevant to project aspects influenced by external decision-makers and state directions, and will endure across the entirety of the project, and not be restricted to identified consultation phases. Higher levels of engagement with the community are not possible as a result of the influence of state policy, and that Council is not the final decision maker therefore the engagement process cannot promise to act on all feedback received from the community.

In line with the varying levels of engagement relevant to this project, the engagement goals for the project are as follows:

- At all times, provide the community with balanced, objective, and accessible information to assist them in understanding housing issues in the City of Joondalup, the external and non-negotiable influences on the City’s planning framework regarding housing, the options being considered by decision-makers, and the rationale for decisions made regarding future housing and infill.
- To obtain data from the community to inform analysis and development of options, and to obtain public feedback on options for future housing and infill.
- To identify parts of the project that can be authentically influenced by community participation, where increased participation would not be unreasonably limited by external and non-negotiable influences, and, for those project aspects, to work directly with the community to ensure that public concerns and aspirations are understood and considered.

The stakeholder strategy identifies that detailed community consultation plans will be prepared for each phase of consultation associated with the housing review. These will be presented for Council endorsement prior to implementation.

**Housing Review – Phase 1 (Problem definition and scoping)**

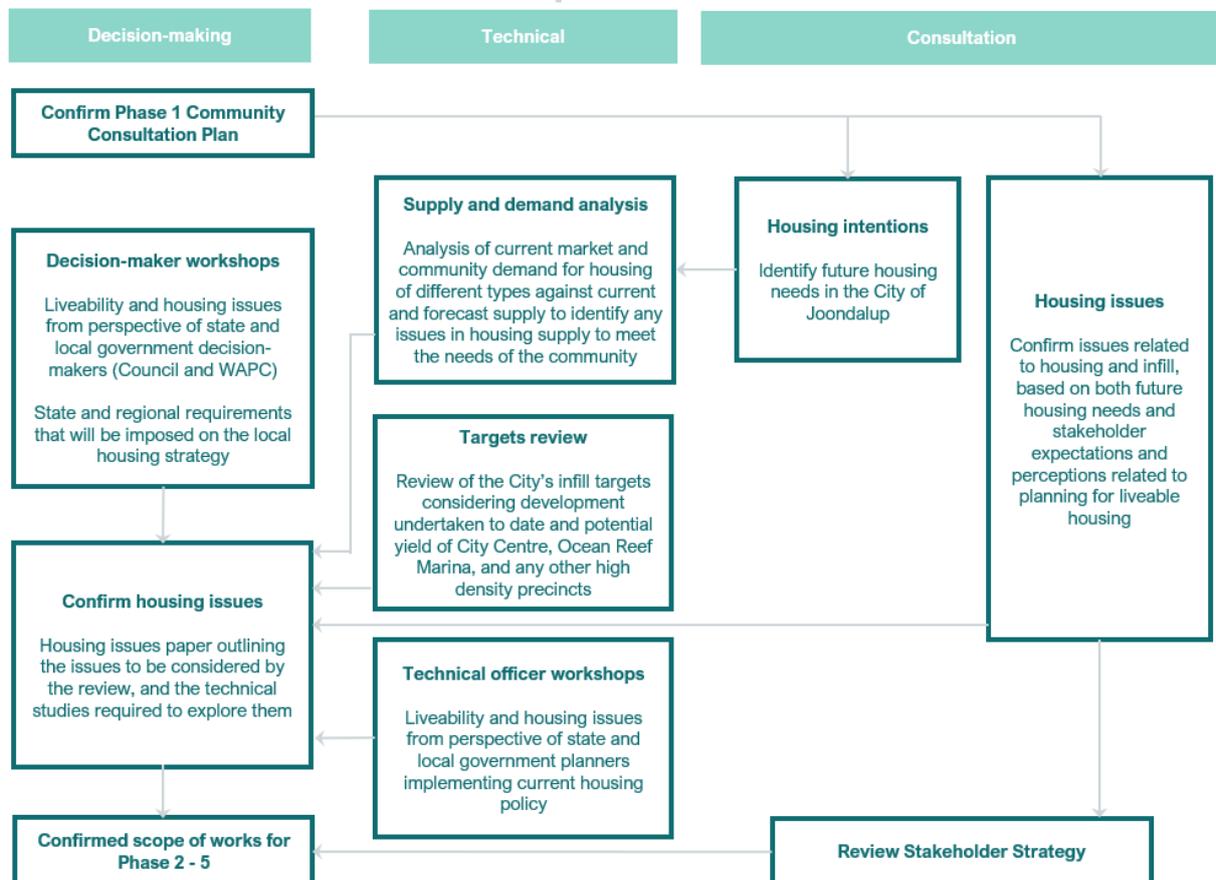
Phase 1 of the housing review is proposed to be the first package of work undertaken as part of both the housing review sub-project and the broader Local Planning Strategy review project. The scope of works associated with Phase 1 is provided as Attachment 4 to Report CJ047-04/22.

Phase 1 is proposed to be organised into three work streams associated with the key requirements of the phase, including the following:

- *Decision-making* – scope associated with engaging decision-makers in the review project.
- *Technical* – technical scope required to inform and deliver the review.
- *Consultation* – scope associated with stakeholder and community engagement to inform the review.

The proposed scope to deliver Phase 1, and its three work streams, is further elaborated in the scope diagram below:

**Problem definition and scoping  
Phase 1 Recommended Scope**



### *Decision-making stream*

The dedicated decision-making stream involves relevant decision-makers in confirming the housing review scope and outcomes along the way and gains the input of decision-makers into the process. It is anticipated this will include sessions with Elected Members, officers of the Department of Planning, Lands, and Heritage, and representatives of the Western Australian Planning Commission to generate an understanding of housing issues from the perspective of decision-makers and share knowledge about the roles of different decision-makers in the project.

### *Consultation stream*

The purpose of consultation in Phase 1 will be to:

- identify future housing needs in the City of Joondalup and
- confirm issues related to housing and infill, based on both future housing needs and stakeholder expectations and perceptions related to planning for liveable housing.

A community consultation plan for Phase 1 will be prepared and referred to Council for endorsement and will enable commencement of community consultation regarding housing issues.

### *Technical stream*

Alongside and informed by the consultation stream are initial technical tasks. This will include the following:

- Supply and demand analysis, informed by community feedback on housing intentions, to identify where there may be gaps in provision of certain housing types to meet the needs of the community. This will identify potential issues in relation to housing supply, for example housing affordability and diversity.
- Target and yield analysis, to redefine the City's existing infill targets taking into consideration:
  - to what extent the yield of higher density precincts (for example Joondalup City Centre) contribute to the targets, noting that the anticipated yield of these precincts may have increased since the adoption of the City's current local housing strategy
  - how much development has been undertaken since adoption of the City's *Local Housing Strategy* to contribute to targets
  - the residual infill targets remaining for the City to be met
  - relationship of targets to identified housing needs, acknowledging the importance of affordable and diverse housing options for aging in place, meeting needs of first homebuyers, and affordable housing
- Engagement with operational staff at the Department of Planning, Lands and Heritage to understand, development assessment, housing and liveability issues as an input to the issues and scope.

The outcomes from the three work streams will be brought into a Housing Issues Paper, which will identify the range of technical studies required in response to the issues identified. This will inform a detailed scope to be prepared and presented to Council for endorsement in order to carry out the subsequent phases of the housing review.

## Issues and options considered

Council has the option to:

- endorse the recommended project approach for the review of the City's *Local Planning Strategy* (Attachment 1) or not endorse the recommended approach
- endorse the scope of works associated with the review of the City's *Local Planning Strategy* (Attachment 2) or not endorse the scope of works
- endorse the draft Stakeholder Strategy for the housing component of the *Local Planning Strategy* review (Attachment 3) or not endorse the draft Stakeholder Strategy and
- endorse the scope of works with Phase 1 of the housing review (Attachment 4) or not endorse the recommended scope of works.

Direction from Council on all the above options is required for the project to progress.

## Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme**                        Quality Urban Environment.

**Objective**                        Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                              *Development in Housing Opportunity areas Local Planning Policy.*  
    *Residential Development Local Planning Policy.*

## Risk management considerations

Aligning the review of the of the local planning strategy with the regulated local planning scheme review process best manages the potential risks associated with proceeding with a significant strategic planning project outside of or separate to the regulated process. In particular, the risks of amendments to the City's local planning strategy not being supported by the State Government in the absence of a scheme review, and report of review.

A thorough issues and scoping phase will allow the project to fully understand the issues to be addressed from the perspective of decision-makers, practitioners, and stakeholders. This manages the risk of project outcomes not responding to stakeholder concerns, therefore reducing confidence for decision-making.

## Financial / budget implications

As part of the decision to bring forward the review of the housing component of the City's local planning strategy (CJ063-05/21 refers), Council listed for consideration the following funds in the 2021-22 budget:

- \$125,000 for internal resource to undertake project planning and management and
- \$250,000 for engagement of an external multi-disciplinary consultant team.

Consultancy costs associated with the delivery of Phase 1 will be within the funds allocated by Council.

Ongoing internal project management resource and consultancy costs for subsequent project phases may need to be approved in the 2022-23 and 2023-24 budgets.

### **Regional significance**

Perth is currently home to more than two million people and this is anticipated to grow to 3.5 million by 2050.

The State Government has a strategy for the future growth of Perth that aims to accommodate 47% of this population growth in existing suburbs. To achieve this, the State Government set targets for new dwellings for each metropolitan local government. For local governments like the City of Joondalup, which do not have many undeveloped areas left, the majority of this growth needs to be accommodated as infill development.

Any modifications to the City's local planning strategy as a result of the housing review will need to demonstrate how the City will meet the residential infill target set by the State Government.

### **Sustainability implications**

Phase 1 of the project will identify key issues to be explored and will enable the identification of a full range of technical studies to fully inform the project. This will allow the review of the City's local planning scheme and strategy to explore and evaluate social, economic, and environmental implications and identify policy changes where required.

### **Consultation**

Following Council endorsement of the stakeholder strategy, consultants will be engaged to prepare and deliver a community consultation plan for Phase 1 of the housing review. The community consultation plan will be prepared in accordance with the stakeholder strategy and will be presented to Council for endorsement prior to commencement of consultation activities.

### **COMMENT**

Local planning strategies and local planning schemes are two of the most critical documents in a local government's local planning framework.

The Planning and Development Act 2005 ensures local government's maintain contemporary planning schemes by requiring a review to be undertaken every five years.

Local planning strategies are typically reviewed ahead of or concurrent with scheme reviews as they are informing and guiding documents to local planning schemes.

The City's existing local planning strategy and local planning scheme are still relatively new, having effect from November 2017 and October 2018 respectively.

Notwithstanding, the City has commenced work on a review of the local planning strategy ahead of its scheduled review in response to Council's decision in May 2021.

The above and attached sets out the recommended approach for the project as well as providing a more detailed scope into the review of the housing component, and more specifically, outlines the scope associated with the first phase of the housing review. A draft Stakeholder Strategy is also included to guide consultation and engagement activities for the housing review.

The following project approach recommended has been selected as it:

- Follows a defined, regulated pathway which provides a higher level of control and rigour to decision-making.
- Acknowledges Council's decision to prioritise a review of the housing component and places this as the first work package to be commenced.
- Supports the early and ongoing engagement with community and stakeholders to input into the review.
- Enables Council to provide project direction at key milestones.
- Factors in all steps needed to give effect to any changes to the local planning strategy.
- Follows the most expedient pathway balanced against the need for engagement and as much certainty as possible.

Direction and endorsement from Council of the project approach and scope for the first package of works, including the draft Stakeholder Strategy, is now required for the project to progress further.

Council's endorsement will enable the following next steps to be commenced:

- engagement of consultants to prepare a community consultation plan for Phase 1 of the housing review
- preparation of the Phase 1 community consultation plan and presentation to Council for endorsement
- commencement of community consultation in accordance with endorsed Phase 1 community consultation plan
- commencement of technical analysis as listed in scope of works for Phase 1 of the housing review (including supply and demand analysis, yield and targets analysis)
- coordination of decision-makers engagement activities.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council:**

- 1 ENDORSES the project approach for the review of the City's *Local Planning Strategy* as provided in Attachment 1 to Report CJ047-04/22;**
- 2 ENDORSES the scope of works for the review of the City's *Local Planning Strategy* as provided in Attachment 2 to Report CJ047-04/22;**
- 3 ENDORSES the draft Stakeholder Strategy for the housing component of the *Local Planning Strategy* review as provided as Attachment 3 to Report CJ047-04/22;**
- 4 ENDORSES the scope of works for Phase 1 including problem definition and scoping of the housing review, as provided in Attachment 4 to Report CJ047-04/22.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf220412.pdf](#)

**CJ048-04/22 MINUTES OF REGIONAL COUNCIL MEETINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	41196, 101515
<b>ATTACHMENT</b>	Attachment 1 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 17 February 2022
	<i>(Please note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Ordinary Minutes of the Tamala Park Regional Council meeting held on 17 February 2022.

**DETAILS****Tamala Park Regional Council Ordinary Council Meeting – 17 February 2022**

An ordinary meeting of the Tamala Park Regional Council was held on 17 February 2022.

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

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

**Legislation / Strategic Community Plan / Policy Implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the minutes of the ordinary meeting of the Tamala Park Regional Council held on 17 February 2022 forming Attachment 1 to Report CJ048-04/22.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

To access this attachment on electronic document, click here: [RegionalMinutes220412.pdf](#)

**CJ049-04/22 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 FEBRUARY 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	109296, 101515
<b>ATTACHMENTS</b>	Attachment 1 Minutes of the Annual General Meeting of Electors held on 8 February 2022 (excluding Annual Report)
<b>AUTHORITY /DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to note the Minutes of the Annual General Meeting of Electors held on 8 February 2022 and to give consideration to the motions carried at that meeting.

**EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 8 February 2022 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, or if that is not practicable, at the first ordinary Council meeting after that.

**BACKGROUND**

The City's Annual General Meeting of Electors was held on 8 February 2022 in accordance with section 5.27 of the Act. The meeting was attended by 101 members of the public, with a total of 18 motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council; however, Council is required to consider them.

## DETAILS

### Issues and options considered

The Motions passed at the Annual General Meeting of Electors are set out below:

#### MOTION NO. 1

**MOVED Herman Esterhuizen, SECONDED Joyce Rubelli that the Electors of the City of Joondalup REQUEST that Council investigate the following traffic issues that currently, and in the future, impact Burns Beach as a suburb:**

- 1 controlling current traffic issues experienced on Burleigh Drive;**
- 2 future traffic problems that will be experienced due to the development of the Northern Residential Precinct;**
- 3 upgrading the exit at Toowoan Way onto Marmion Avenue to a south turn as well.**

#### Officer's comment

- 1 Controlling Traffic Issues experienced on Burleigh Drive.*

Burleigh Drive is an east / west access road which services the northern residential precinct and forms part of the Burns Beach approved structure plan. The road provides vehicle access between the foreshore areas of Burns Beach and Grand Ocean Entrance, the primary access road to the estate from Marmion Avenue. Constructed in 2018, Burleigh Road has been designed in accordance with the relevant and appropriate Australian Standards and subdivision guidelines.

A boulevard median treatment has been provided on Burleigh Drive along the western portion of the road. A single carriageway arrangement is in place along the eastern portion of the road. Burleigh Drive has also pedestrian pathways in place for pedestrian and cycling activities.

At present, the road along with many others in the area is subject to abnormal traffic flows owing to the nearby expansion of the sub-division, and while frustrating, does not represent the likely future state of the road use. As the northern residential precinct is still to be fully developed it is anticipated that the current traffic volumes on Burleigh Drive are likely to increase over time. Any action proposed should be undertaken with this in mind to ensure measures implemented are not considered disproportionate later on.

It would therefore be prudent to gauge the extent of the traffic concerns for Burleigh Drive by listing the road as part of the City's traffic count program for 2022-23 to confirm traffic speeds and traffic volumes before implementing any measures on either a temporary or permanent basis. The City implements countermeasures for traffic concerns through a set criterion known as the City Traffic Intervention Warrant System to ensure time, effort and funding is directed to those locations which warrant the most action.

2 *Future traffic problems that will be experienced due to the development of the Northern Residential Precinct.*

The development of Burns Beach northern residential precinct including the road network has been approved as part of the Burns Beach Structure Plan.

Further to point 1 above, the City does monitor the road network including major roads within all suburbs including Burns Beach. The purpose of periodic assessments is to confirm the operation and performance of the road network and involves the use of traffic count surveys, five year crash analysis plus, responding to residents' feedback on traffic matters. A traffic impact assessment is a typical requirement of all sub-divisions which are ultimately approved by the Western Australian Planning Commission.

While there is little doubt the traffic volumes and mix will differ from current levels in the future, this is to be expected in a subdivision which is still in the process of being built out. It is yet to be determined if traffic eventually will reach unacceptable levels. None the less, the City will continue to monitor road use as it does throughout the City.

3 *Upgrading the exit at Toowoan Way onto Marmion Avenue to a south turn as well.*

The approved structure plan for Burns Beach including the intersection of Toowoan Way and Marmion Avenue is for a left-in / left-out arrangement. The primary access from Marmion Avenue to the estate is via the dual lane roundabout at Grand Ocean Entrance which provides for controlled, safe, right turns manoeuvres. This would not be the case if right turn manoeuvres were permitted at the intersection of Toowoan Way and Marmion Avenue.

Preliminary advice received from Main Roads WA, as the road controlling authority for Marmion Avenue, is that this request would not be supported on road safety grounds.

Further, facilitation of this request would only increase the use of Burleigh Drive as a desirable alternate route to access Marmion Avenue heading south - in particular as an option for northern-most properties, an outcome which would be interpreted as counter to the concerns raised in point 1 and 2 above.

As such it is recommended that this motion not be supported.

Officer's recommendation

*That Council:*

- 1 *NOTES the concern regarding future traffic issues in Burns Beach due to the development of the Northern Residential Precinct and the City's ongoing monitoring of road usage in the area;*
- 2 *REQUESTS the Chief Executive Officer to:*
  - 2.1 *List Burleigh Drive on the City's traffic count program for 2022-23 to collect actual data on the road usage;*
  - 2.2 *Take appropriate actions in accordance with the City Traffic Intervention Warrant system, in relation to Part 2.1 above;*
- 3 *DOES NOT SUPPORT the request to upgrade the exit at Toowoan Way onto Marmion Avenue to a south turn as well.*

**MOTION NO. 2**

**MOVED Elisha Johnson, SECONDED Sarah Evans that the Electors of the City of Joondalup REQUESTS that Council:**

- 1 AGREES to enter into an agreement with the Kinross Community Garden to develop part of MacNaughton Reserve into a Community Garden, and in doing so acknowledging the far-reaching benefits that community gardens bring to the community by activating unused space, creating social connections and sharing knowledge and produce that is harvested as demonstrated by our friends at Duncraig Edible Garden;**
- 2 NOTES that the progress of this project is time critical as the Kinross Community Garden has received significant grant funding that must be expended and acquitted by 31 December 2022.**

Officer's comment

The City acknowledges the benefits that community gardens bring to the community. The development of community gardens in public open space areas can be a complicated and lengthy process as there is a need to ensure that public land the City has been entrusted in managing is being developed in a safe, sustainable, and accessible manner.

To assist interested groups seeking to establish a community garden on public land, the City developed a set of Community Garden Guidelines, which provide details for the community group as to the consideration and approval process. The process involves the development of an Expression of Interest supported by:

- a detailed concept design showing the proposed location, layout, and infrastructure of the proposed Community Garden
- a management plan which would include the proposed management structure and budget which would cover the development period as well as the first 12 months of operation.

The City works with interested parties to develop this Expression of Interest to ensure it meets the group's objectives as well as the City's requirements.

At this time, the Kinross Community Garden are yet to finalise a concept design and management plan document that fulfills the requirements of the City's Community Garden Guidelines. As a result, the City considers it is premature to enter into an agreement with the Kinross Community Garden at this time.

The City intends to continue working with the Kinross Community Garden group to continue to develop their plans for the proposed community garden at MacNaughton Park, Kinross.

In regard to the grant funding already secured by the group, the City typically encourages external grant funding to be sought for projects that take place on City land after required approvals are in place. However, acknowledging the work undertaken so far by the Kinross Community Garden to progress the project, the City will work with the group and funding providers to discuss possible grant extensions or reallocation for non-capital items that may be progressed prior to final approval for the community gardens as required.

Officer's recommendation

*That Council*

- 1 *DOES NOT SUPPORT entering into an agreement at this time with the Kinross Community Garden to develop part of MacNaughton Reserve into a Community Garden;*
- 2 *NOTES that the City will continue to work with the Kinross Community Garden group to progress its Expression of Interest to a point that it is viable for formal Council consideration.*

**MOTION NO. 3**

**MOVED Andrew Leyland, SECONDED Terry Schaafsma that the Electors of the City of Joondalup REQUESTS that Council Trials Weedseeker technology to achieve a reduction of the use of glyphosate products in locations not listed as sensitive areas. The Weedseeker technology has been reported to reduce the use of glyphosate by up to 90% leading to the benefits of both; significant savings for ratepayers, and a reduction in unnecessary chemical exposure.**

Officer's comment

Weedseeker technology refers to a herbicide delivery system that uses optics and computer circuitry to sense if a weed is present. When a weed enters the sensor's field of view, it signals a spray nozzle to deliver a precise amount of herbicide. The system was originally developed for use in broad acre arable farming prior to the crop being sown and applied via a boom spray system with multiple spray nozzles fitted on a wide bar. The technology reduces the amount of herbicide used as the spray nozzle is only activated when a target species is detected by the system. The system is also being used where tree crops are grown to remove weeds between rows of trees.

The City currently does not use spray booms to apply glyphosate. Glyphosate is applied as a spot spray either from a backpack or a tank fitted to a utility vehicle, with two spray wands that the operators control individually with an on/off flow control on each wand.

The City of Wanneroo has, through one of its contractors, trialled the use of this technology and has indicated to the City that the initial results were very promising. The City has requested the City of Wanneroo to share its findings with the City to inform future weed control treatment options for the City. The information will also be used to inform the review of the City's Weed Management Plan.

Officer's recommendation

*That Council NOTES that the outcomes of weedseeker trials already undertaken by other Local Governments will be used to inform future weed treatment options for the City of Joondalup as part of the City's ongoing commitment to reduce the use of glyphosate.*

**MOTION NO. 4**

**MOVED Roxanne Elliott, SECONDED Ivo Selent that the Electors of the City of Joondalup REQUESTS that Council prepare a full list of sensitive areas, other than those detailed in Part 4 to Report CJ184-12/21, the sensitive areas list should include but not be limited to:**

- 1 sensitive facilities detailed in the City's *Weed Management Plan 2016*, being schools and pre-schools; kindergartens, childcare centres, hospitals, community health centres and nursing homes;**
- 2 footpaths and kerblines surrounding community gardens, dual paths along coastal route, cafes and restaurants with outside seating.**

Officer's comment

At its meeting held on 14 December 2021, when considering a report on weed control trial outcomes (CJ184-12/21 refers), Council resolved, in Part 4 as follows

*"4 REQUESTS the Chief Executive Officer to prepare a tender for the control of weeds by non-chemical means, being any combination of steam or steam/hot water, mechanical and hand weeding, in sensitive areas such as the 50 metre exclusion zone (kerblines and footpaths) around schools, within the City's playspaces, and on hardstand areas within the Joondalup CBD with the successful tenderer being responsible to manage that combination to achieve the outcomes specified"*

The City's *Weed Management Plan 2016* already includes the following sensitive facilities:

- School or pre-school.
- Kindergarten.
- Childcare Centre.
- Hospital.
- Community Health Centre.
- Nursing Home.

Herbicide use adjacent to sensitive facilities is subject to the City's assessment of authorised chemicals process. Additional consideration is given to the timing of herbicide application in the vicinity of sensitive facilities to minimise potential impacts.

In addition to the above, at its meeting held on 21 July 2020 (CJ096/07-20 refers), Council considered a report in relation to the use of glyphosate and resolved, amongst other things, the following:

- "9 CEASES the use of glyphosate within playspaces on City parks and reserves;*
- 10 CEASES the use of glyphosate within 50 metres of schools, established childcare facilities and City community facilities that are hired by playgroups;*
- 11 REQUESTS the Chief Executive Officer to develop and implement a "no spray verge" list, with appropriate maintenance conditions, allowing residents, property owners, established childcare facilities and schools to register the verge(s) adjacent to their property as being exempt from chemical weed control;*
- 12 REQUESTS the Chief Executive Officer to notify schools and established childcare facilities of the ability to register the verge(s) adjacent to their property on the "no spray verge" list as detailed in Part 11 above;"*

Cafes and restaurant owners with outside seating, can, as per Part 11 above, register the verge adjacent to these facilities to be part of the no spray verge list.

The inclusion of other areas to be identified as sensitive facilities will be considered as part of the City's review of its *Weed Management Plan* which is currently underway.

#### Officer's recommendation

*That Council:*

- 1 *NOTES that the City's Weed Management Plan 2016 already includes a list of sensitive facilities;*
- 2 *NOTES that the inclusion of other sensitive facilities will be considered as part of the City's review of its Weed Management Plan.*

#### **MOTION NO. 5**

**MOVED Rebecca Pizzey, SECONDED Linda Smith that the Electors of the City of Joondalup REQUESTS that Council on an annual basis in July and January advertise through social media platforms, community news and the City's website the following:**

- 1 Pesticide Exclusion Register (no spray verge);**
- 2 Pesticide Use Notification Register;**
- 3 Pesticide Use Notification – Locations Map and Schedule.**

#### Officer's comment

The City's enhanced Pesticide Use Notification Register has been available to the public via the City's publicly accessible website since December 2020.

Information in relation to the ability for residents and organisations to register was widely advertised through a variety of communication channels including the following:

- Direct correspondence to persons listed on the City's existing Pesticide Use Notification Register.
- Direct correspondence to all schools and established childcare facilities.
- Updates to the City's website.
- Promotion through various media platforms (for example, social media, community newspaper).

The City will continue to use these platforms annually to promote these registers.

Officer's recommendation

*That Council SUPPORTS the City in advertising annually through social media platforms, community news and the City's website the following:*

- 1 *Pesticide Exclusion Register (no spray verge);*
- 2 *Pesticide Use Notification Register;*
- 3 *Pesticide Use Notification – Locations Map and Schedule.*

**MOTION NO. 6**

**MOVED Jane Kung, SECONDED Mike Moore that the Electors of the City of Joondalup REQUESTS that Council in relation to the *Edgewater Quarry Master Plan*, instructs the administration to note and act on the following:**

- 1 to abide by the 2021 consultation results where the community clearly said that the Edgewater Quarry site should remain as public open space and be improved as public open space;**
- 2 to acknowledge that the area is a park and a conservation zone and should remain as such;**
- 3 that the community be meaningfully consulted with, on any future improvement proposals in an unbiased and transparent way;**
- 4 that any improvements should enhance and protect the surrounding bushland including St Clair Park;**
- 5 that any improvements are in the interest of the local and broader residents as well as the natural environment;**
- 6 that any improvements should be freely accessible to all members of the community for passive recreational use.**

Officer's comment

The Edgewater Quarry site is comprised of land that has been classified by the Department of Water and Environmental Regulation (DWER) as 'Possibly contaminated - investigation required'. The City is currently liaising with the DWER to finalise the scope of the required contamination investigations. The outcome of the investigations will inform future land use considerations for the site. It is proposed that once the contamination status of the Edgewater Quarry has been determined a report will be provided to the Major Projects and Finance Committee for consideration of future options for the site.

In regard to the comments in the Motion relating to the community consultation and stating that the site be improved as public open space, the consultation was based on the preferred concept plan which was demonstrated to be relatively cost neutral, based on an initial financial feasibility study. The preferred concept plan was a result of the Edgewater Quarry Community Reference Group (EQCRG) session outcomes facilitated by independent workshop facilitators. Consensus was reached by the EQCRG regarding their preferred outcome.

The preferred outcome was called the preferred concept plan for the purpose of progressing to community engagement. The costs associated with redeveloping the Edgewater Quarry as improved public open space were not included in the community consultation. It is estimated that the costs of providing improved public open space would be very high and it is considered that had these costs been included in the community consultation the outcomes may have been very different.

In regard to the comments in the Motion about the Edgewater Quarry being a 'conservation zone' this does not reflect the actual status of the site. A majority of the site is actually a degraded disused limestone quarry which has since been filled with materials of unknown sources, necessitating contaminated site investigations.

It should be noted that the majority of the 17 hectare Edgewater Quarry site is Crown Land with a management order to the City of Joondalup. A small portion, 1.8 hectares of the site is owned by the City in freehold. The State Government may at any time amend the management arrangements for the land and may decide to develop the land themselves.

#### Officer's recommendation

*That Council NOTES that the outcome of contamination investigations at the Edgewater Quarry will inform the future land use options for the site.*

#### **MOTION NO. 7**

**MOVED Corinne Gonser, SECONDED Bettina Gould that the Electors of the City of Joondalup REQUESTS that Council instructs the City to present a report by April 2022 on the petition tabled at the July 2021 Council Meeting (C60-07/21) and the report not be delayed until the *Weed Management Plan* is finalised.**

The details of the petition are as follows:

- 1 petition in relation to supporting glyphosate use advisory signage being left in place for a minimum of 24 hours:
  - 1.1 glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate as undertaken within City of Joondalup managed land;
  - 1.2 glyphosate advisory signage being left in place to protect health despite the very small cost to Special Area Rate (SAR) payments each year.

#### Officer's comment

The City, as per its Weed Management Plan, undertakes an integrated weed management approach to weed control in natural areas, parks, and urban landscaping areas utilising a range of treatment methods, including the use of a variety of approved herbicides, in order to reduce weed infestations to manageable levels or if possible, to eradicate infestations. The majority of weed control within the City of Joondalup is managed through the use of physical weed control methods, including mowing, whipper snipping, mulching and manual removal. The City estimates that its proportion of non-chemical methods of weed control is already in excess of 90%.

The City takes its responsibility when using herbicides very seriously and to that end follows the guidance of the peak expert body - the Australian Pesticides and Veterinary Medicines Authority (APVMA), as well as fully complying with the instructions for use related to the product (this is particularly worth noting as Australia has the most stringent labelling and instructions for use requirements in the world). The City has, and will continue to, monitor and abide by any direction given by the Australian Pesticides and Veterinary Medicines Authority in relation to the use of glyphosate.

At its meeting held on 21 July 2020 (CJ096-07/20 refers), Council considered a report in relation to a petition received requesting the Council cease the use of glyphosate and implemented a number of improved or new communication options for residents to avail themselves of if they wished to, including the following:

- City residents wishing to be advised in advance of scheduled spraying activities occurring within 100 metres of their residence and/or up to five park or reserve locations can apply to be added to the City's [Pesticide Notification Register](#). Residents listed on this register will receive notification at least 24 hours prior to spraying commencing.
- A [Pesticide Use Notification – Locations Map and Schedule](#) of the previous and following weeks scheduled spraying activities is provided on the City's website each Friday afternoon.
- City residents and/or property owners wishing to exclude the verge immediately abutting their property/residence from chemical weed control can apply to be added to the City's [Pesticide Exclusion Register](#).

At this meeting Council also adopted (amongst other things) the following:

- The use of marker dye with all glyphosate applications across the City of Joondalup.
- To cease the use of glyphosate within playspaces on City parks and reserves.
- To cease the use of glyphosate within 50 metres of schools, established childcare facilities and City community facilities that are hired by playgroups.
- Glyphosate advisory signage being left in place for a minimum of 24 hours following the application of glyphosate.

Following the implementation of Council's decisions, it was noted that the glyphosate advisory signs had been removed from their locations and placed in areas where no spraying has occurred, and some of the relocated signs have been placed in playspaces, photographed and then placed on social media. Additionally, the extended time for which the signs were displayed caused confusion as to when the application of glyphosate actually took place, potentially creating anxiety with for users unfamiliar with Council's decision on this matter.

Around 50 signs had gone missing in the time the City undertook 24 hour notification signage, whereas none went missing under the original notification period (as per the signage requirements under the *WA Health (Pesticide) Regulations 2011*).

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council considered a report in relation to a number of items carried at the Annual General Meeting of Electors held on 23 March 2021 including Motion 10 where Council resolved as follows:

*"11.6 BY AN ABSOLUTE MAJORITY REVOKES part 15 of its decision of 21 July 2020 (CJ096-07/20 refers) as follows: "15 SUPPORTS glyphosate use advisory signage being left in place for a minimum of 24 hours following the application glyphosate undertaken within City of Joondalup managed land;*

11.7 *SUPPORTS glyphosate and other chemical use advisory signage being left in place for duration as required by the Australian Pesticides and Veterinary Medicines Authority or for two hours after its application, whichever is greater;*"

At its meeting held on 20 July 2021 (C60-07/21 refers), a 40 signature Petition of Electors was received requesting that Council:

*"Supports glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate as undertaken with City of Joondalup managed land.*

*I am a resident/ratepayer in a Specified Area Rates (SAR) area and I support 24 hour Glyphosate advisory signage being left in place to protect health despite the very small extra cost to my SAR payments per year."*

Council resolved that this petition (amongst others), be RECEIVED and REFERRED to the Chief Executive Officer and a subsequent report be presented to Council for consideration.

At this same meeting, a Notice of Motion calling for the re-implementation of signage for a minimum of 24 hours following the application of glyphosate was raised for Council's consideration (C63-07/21 refers). This motion was subsequently lost and as the petition request was the same, the lead petitioner was notified of Council's decision in relation to advisory signage being left in place for a minimum of 24 hours.

At its meeting held on 21 September 2021 (CJ134-09/21 refers), Council was provided with an update on the status of outstanding petitions. In relation to the 40 signature petition received at its meeting held on 20 July 2021 (C60-07/21 refers), Council was advised that:

"12 *in relation to a petition requesting the City support glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate as undertaken within City of Joondalup managed land, and glyphosate advisory signage being left in place to protect health despite the very small cost to Special Area Rate (SAR) payments each year:*

12.1 *at its meeting held on 17 August 2021 (C63-07/21 refers) Council did not support this request and the prior Council decision of 18 May 2021 (CJ063-05/21 refers) remains in effect;*

12.2 *the lead petitioner has been advised accordingly;"*

Council resolved as follows:

"12 *in relation to a petition requesting the City support glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate as undertaken within City of Joondalup managed land, and glyphosate advisory signage being left in place to protect health despite the very small cost to Special Area Rate (SAR) payments each year, the petition is to be referred to the Chief Executive Officer and a subsequent report to be presented to a future Council meeting;"*

When chemical weed control is undertaken, City staff and/or contractors, comply with the specifications of approved herbicide labels and permits issued, including signage displayed in accordance with the *Health (Pesticide) Regulations 2011 Signage Requirements*.

At its meeting held on 15 March 2022 (CJ034-03/22 refers), Council was informed that the City is currently reviewing the Weed Management Plan which is scheduled to be considered by Council in 2022-23. The substance of the petition tabled at the July 2021 Council Meeting (C60-07/21) will be considered as part of this process.

Officer's recommendation

*That Council NOTES that the substance of the petition tabled at Council Meeting held on 20 July 2021 (C60-07/21) will be considered as part of the City's review of its Weed Management Plan.*

**MOTION NO. 8**

**MOVED Beth Hewitt, SECONDED Mary O'Byrne that the Electors of the City of Joondalup REQUESTS that Council:**

- 1 instructs the Chief Executive Officer that further contracts with WALGA are not to be placed, unless there has been an audit conducted of WALGA by the Office of the Auditor General to verify that WALGA provide best value to the City.**

Officer's comment

The City does not place contracts with WALGA as suggested by the motion. Instead, there are times when the City will seek quotes from suppliers that are on a list, provided by WALGA, whereby the City would be exempt from seeking tenders for the supply in question. The City uses the WALGA list as appropriate. These suppliers are often specialist suppliers or providers of local government goods and services and being able to access these suppliers can contribute to optimum procurement outcomes for the City. There are also times the City will receive quotes or tenders from suppliers that are on the list in response to a general call for quotes or advertised request for tenders.

To have a policy of not accepting quotes or tenders from suppliers that are on the WALGA preferred supplier list would not be recommended by the administration.

With regards to the auditing of WALGA by Auditor General, as WALGA are not a government body themselves, it is highly unlikely that the Auditor General would undertake their financial audit. It is equally as unlikely that the Auditor General would review the procurement arrangements of an association that is not required by legislation to be audited by the Auditor General.

Officers are still obliged to ensure any procurement decision or recommendation reflects the best value for the City, irrespective of whether the supplier is on the WALGA Preferred Supplier panel or not. The presence of the supplier on the panel does provide some level of confidence that the supplier has been independently assessed by a third party, however officers will still undertake their own assessment of value for money before proceeding with any procurement decision.

Officer's recommendation

*That Council DOES NOT SUPPORT the Motion requesting that Council instruct the Chief Executive Officer not to place further contracts with WALGA.*

**MOTION NO. 9**

**MOVED** Robyn Murphy, **SECONDED** Mary O'Byrne that the Electors of the City of Joondalup **REQUESTS** that Council instruct the City in relation to questions submitted in writing to Council by residents and ratepayers of the City of Joondalup be printed in the Agenda in full and not be edited, amended or summarised by the City's administration without prior reference to and discussion with the questioner.

Officer's comment

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* prescribe the requirements and standards local governments need to adhere to in regard to the content of minutes. These requirements detail that questions raised at meetings, and the subsequent response, are to be summarised in the minutes of meetings, which does not suggest the need for a verbatim record. Therefore, in situations where questions are supported by preamble, context or other form of statement, the City's administration may summarise the question and response, so long as the intent of the questioning and any response is not affected.

Further, the length of preamble and statements preceding public questions varies in length and in order to be consistent these are not included.

Notwithstanding, the audio recording of each Council meetings is available on the City's website should members of the public be interested in hearing the brief introductory preamble of community members when asking questions or statements during public question and statement time; and this audio is a full account of what is said by people addressing Council.

Officer's recommendation

*That Council DOES NOT SUPPORT the request that Council instruct the City to print questions and responses in full in the Council Agenda or Minutes and not edit, amend or summarise those questions and their responses without prior reference to and discussion with the questioner.*

**MOTION NO. 10**

**MOVED** Mary O'Byrne, **SECONDED** Robyn Murphy that the Electors of the City of Joondalup **REQUESTS** that Council instruct the City that future Electors Annual General Meetings be held on a date and time that is set aside for this purpose and not be time constrained by being scheduled prior to a Briefing or Council Meeting, to enable sufficient time for statements, questions and motions from residents and ratepayers.

Officer's comment

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting (AGM) of Electors be held on a day to be determined by Council, but not more than 56 days after the local government accepts the annual report.

A report was presented to Council on 16 November 2021, for Council to determine the meeting date for the 2021 AGM of Electors (CJ161-11/21 refers). At that meeting, Council determined that the most appropriate date and time for the AGM was Tuesday 8 February 2022, commencing at 5:30pm.

### Officer's recommendation

*That Council NOTES the setting of the date and time for the Annual General Meeting of Electors is a matter to be determined by Council, in accordance with section 5.27 of the Local Government Act 1995.*

### **MOTION NO. 11**

**MOVED Geoffrey Boyland, SECONDED Mike Moore that the Electors of the City of Joondalup REQUESTS that the Council instruct the City to proceed with the residential down coding of the areas west of the freeway in Housing Opportunity Area 1 as per Council's resolutions in June and December of 2017.**

### Officer's comment

At its meeting held on 27 June 2017 (CJ086-06/17 refers), Council resolved to initiate Amendment No. 88 to *District Planning Scheme No. 2 (DPS2)* to amend the residential density code of a portion of Housing Opportunity Area (HOA) 1 bounded by Mitchell Freeway, Davallia Road, Beach Road and Warwick Road, Duncraig, from R20/40 and R20/60 to R20/30.

At its meeting held on 12 December 2017 (CJ193-12/17 refers), Council resolved to initiate Amendment No. 90 to DPS2 to amend the residential density code of the portion of HOA1 west of Davallia Road, Duncraig, from R20/40 and R20/60 to R20/30. Together, the Scheme Amendments No. 88 and 90 proposed to down code the area of HOA1 west of the Mitchell Freeway.

Scheme Amendments No. 88 and 90 were advertised at the same time for a period of 60 days closing on 23 April 2018. A total of 511 submissions were received from people inside and outside the scheme amendment area. For Amendment No. 88 there were 376 submissions of support, 102 submissions of objection and 33 neutral submissions. For Amendment No. 90 there were 362 submissions of support, 91 submissions of objection and 58 neutral submissions.

At its meeting held on 26 June 2018 (CJ90-06/18 refers), Council resolved not to support Amendments No. 88 and 90 to DPS2 as Council had already agreed to pursue a strategic approach to addressing issues with infill development across all HOAs (CJ177-11/17 refers).

An expert consultant team was engaged in mid-2018 to develop a comprehensive new planning framework for infill development within the City. Council considered the new planning framework at its meetings held on 16 April 2019 and 21 May 2019. At its meeting held on 21 May 2019 (CJ052-05/19 refers) Council resolved to progress a simpler planning framework comprising a new local planning policy and scheme amendment, and to consult with the community before any formal initiation of the comprehensive new framework for infill development.

Following this decision, the *Development in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment were developed and advertised for public comment. At its meeting held on 16 March 2021 (CJ023-03/21 refers), Council agreed to formally implement the *Development in Housing Opportunity Areas Local Planning Policy* and agreed that any further strategic review of HOAs be undertaken in accordance with a review of the City's *Local Planning Strategy* which was scheduled to commence in the 2022-23 financial year.

At the Annual General Meeting of Electors held on 23 March 2021 a motion was passed requesting the City immediately commence a full strategic review of the City's Planning Framework including a review of the *Local Planning Strategy*, *Local Housing Strategy* and *Local Commercial Strategy*. In response to this motion, Council at its meeting held on 18 May 2021 (CJ063-05/21 refers), revoked its earlier decision to commence the review of the City's *Local Planning Strategy* in the 2022-23 financial year and requested that a review of the housing component (*Local Housing Strategy*) of the *Local Planning Strategy* be brought forward to allow the project to commence in the 2021-22 financial year. Work has commenced on this project in line with Council's resolution.

Progressing with a scheme amendment to change the coding of one part of one HOA separate to broader housing review is not considered to be consistent with orderly and proper planning and would also conflict with the direction set by Council at its meeting dated 18 May 2021 to undertake a more holistic consideration of the City's approach to housing.

#### Officer's recommendation

*That Council:*

- 1 *DOES NOT SUPPORT the initiation of a scheme amendment to Local Planning Scheme No. 3 to recode the area of Housing Opportunity Area 1 west of the Mitchell Freeway from R20/40 and R20/60 to R20/30 as Council has already requested a comprehensive review of the City's strategic planning framework which includes a review of all Housing Opportunity Areas;*
- 2 *NOTES a decision on the timing for a review of the housing component of the City's Local Planning Strategy was made at the Council meeting held on 18 May 2021 (CJ063-05/21 refers) where Council resolved, in part, as follows:*

*"6.2 REQUESTS that a review of the housing component (Local Housing Strategy) of the City's Local Planning Strategy, currently planned to commence in the 2022-23 financial year, be brought forward to allow resource planning/procurement and project planning to commence in the 2021-22 financial year...";*
- 3 *NOTES a review of the City's housing component of the City's Local Planning Strategy will include a review of the Housing Opportunity Areas and scoping for this project has already commenced.*

#### **MOTION NO. 12**

**MOVED** Fay Gilbert, **SECONDED** Suzanne Apps that the Electors of the City of Joondalup **REQUESTS** that Council instructs the City to investigate and review the disadvantages and potential safety issues with retaining the requirement for speakers to publicly state their home addresses at Council meetings in the upcoming development of the new live streaming policy. This review should include:

- 1 **restricting access to the Public Statement and Public Question registers on the night;**
- 2 **alternatives to requiring home addresses to be stated prior to speaking at a meeting.**

### Officer's comment

The requirement for speakers to publicly state their home addresses at City of Joondalup Briefing Sessions and Council meetings is provided for:

- in the procedures for the conduct of Briefing Sessions adopted at the Council Meeting held on 21 April 2020
- in the *Meeting Procedures Local Law 2013* (Clause 5.7) for Council meetings.

At the Council meeting held on 15 February 2022 (CJ011-02/22 refers) it was resolved *inter alia*:

*"That Council:*

- *APPROVES the development of a new policy to allow for the recording and live video streaming of Council meetings;*
- *LISTS for consideration in the 2022-23 annual budget an amount of \$40,000 for the installation of equipment to allow for the live video streaming of Council meetings".*

It should be noted that with regard to access to the Public Statement and Public Question Registers these are overseen by members of staff at the entrance to the Chamber. The Registers are not permitted to be photographed; copied; or borrowed by any other member of the public. Their purpose is solely administrative in nature and the record of registrants is not available as a public document.

While it is recognised that live streaming is a beneficial mechanism in which the community is provided with greater access to Council debate and the decision-making process, proper implementation of live streaming tools needs to take into account many factors, including the privacy of viewers, presenters, and other individuals who may appear on-screen.

In the development of the proposed policy the following matters related to privacy will be examined:

### **Copyright and Disclaimers**

The Council will need to give consideration to stating and ensuring that all live streamed recordings remain the property of the City of Joondalup and be subject to copyright under the *Copyright Act 1968*. The Council will need to consider whether any part of live streamed recordings may be reused, reproduced, distributed or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the City.

### **Who is to be Recorded?**

The Council will need to give consideration to the standard positioning of the cameras and the cohort visually captured during the meeting:

While video-streaming would be expected to convey images of Elected Members and City Officers who are speaking in response to questions, consideration will need to be given with regard to:

- whether positioning of the cameras should exclude capturing visual images of members of the gallery or other staff present at a public meeting
- whether positioning of the cameras should exclude capturing visual images of members of the public who address the meeting during deputations; public question time; and statement time.

It is considered that in developing the policy every care should be taken to maintain privacy and the cameras filming and recording the meeting be primarily focussed on the Elected Members and speakers (if determined as such), noting that some members of the public may be incidentally filmed and recorded in the footage. Comments made by members of the public from the gallery may also be live streamed and recorded and publicly available on the retained meeting footage.

### **Individual Consent**

Where a meeting is to be live streamed and recorded, the Council will need to give consideration to provision of reasonable notice, including where practicable, on the agenda for the meeting, and on any invitations and/or promotional material for the meeting including on the City's website/social media channels with regard to consent, and management thereof.

### **Policy Development**

In development of the Policy related to live streaming of meetings, consideration will be given to balancing the benefits of disclosure of full addresses (primarily for the purpose of identification as a resident/elector and for correspondence) by members of the public against risks.

The Policy will examine the following in relation to privacy concerns related to disclosure of full addresses:

- The *City of Joondalup Meeting Procedures Local Law 2013*.
- Procedures for the conduct of Briefing Sessions and Council / Committee meetings.
- Requirements to register for deputations; public question time and public statement time.

### Officer's recommendation

*That Council NOTES that the development of a policy to allow for the recording and live video streaming of Council meetings will give consideration to inclusion of privacy principles related to members of the public attending meetings.*

### **MOTION NO. 13**

**MOVED Jane Kung, SECONDED Mike Moore that the Electors of the City of Joondalup REQUESTS that Council instructs the City to make the following requirement for developers who are demolishing houses and subdividing residential blocks in the City of Joondalup:**

- 1 where asbestos fencing is present on the block, the developer is required to remove the fencing and replace it with a safe option.**

### Officers Comment:

Left undisturbed, asbestos cement building products pose little risk to health, so there is no need to remove asbestos fencing materials that are in good condition. The greatest risk to occupants is where asbestos is being removed. The *Health (Asbestos) Regulations 1992* does not provide the City with any legislative authority to require the removal of an asbestos fence in good condition.

Further to the above, the *Dividing Fences Act 1961* provides for the repair and replacement of fencing between landowners, such as two adjoining residential property owners. The City does not administer this legislation and dividing fences are primarily a civil matter between adjoining owners who have shared responsibility for the dividing fence. The *Planning and Development Act 2005* and the *Building Act 2011* provide for the control of subdivision and demolition. This legislation does not provide for the removal or replacement of dividing fences through the subdivision or demolition process. Additionally, the Western Australian Planning Commission is responsible for approving all subdivision applications, including the setting of conditions required to be fulfilled as part of the subdivision process.

In view of the above it is considered that the legislation which controls the demolition of houses and subdivision of residential blocks does not allow local government to require developers to remove asbestos fencing as part of these processes.

Officers Recommendation:

*That Council DOES NOT require developers who are demolishing houses and subdividing residential blocks to remove and replace asbestos fencing where it is present.*

**MOTION NO. 14**

**MOVED Beth Hewitt, SECONDED Mary O'Byrne that the Electors of the City of Joondalup REQUESTS that Council instructs the City that all motions from the Electors Annual General Meetings are addressed fully and separately with individual reports and are voted on separately when presented to Council.**

Officer's comment

This elector's motion is identical to a motion that was raised at the Annual General Meeting of Electors held on 23 March 2021. When considering this motion at its meeting held on 18 May 2021, Council resolved to:

*"In relation to Motion No. 12 carried at the Annual General Meeting of Electors, NOTES:*

- 1 the requirements and time limitations under the Local Government Act 1995 in addressing motions passed at electors' meetings and the City's current processes in place; and*
- 2 how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the Local Government Act 1995 and the procedures set out in the City's Meetings Procedures Local Law 2013."*

It has been the City's practice over numerous years that a single report is prepared presenting the minutes of the Annual General Meeting, as well as consideration of the motions passed. This report provides an officer's comment in respect of each elector's carried motion, and a suggested recommendation for Council to consider. Each motion is considered and given attention individually and this practice also ensures that motions passed by the electors are addressed in a timely manner and in accordance with the above legislative constraints. This practice is commonly utilised by other Western Australian local governments.

Notwithstanding, it is for the Council of the day, in receiving this single report, to either accept the recommendations presented by City officers or to resolve another form of action it may desire. Similarly, it is also open to Council to consider each part of a motion separately and vote accordingly in accordance with the procedures under the City's *Meeting Procedures Local Law 2013*.

Where Council wishes to receive more information in addressing a motion put forward at an elector's meeting, it is within its right to call for a more detailed report when the single report addressing AGM motions is subsequently presented.

In view of this, how electors' motions are addressed from a procedural sense, rests with Council when the Annual General Meeting of Electors report is subsequently presented.

#### Officer's recommendation

*That Council REAFFIRMS its decision of 18 May 2021 (CJ063-05/21 refers) that NOTED:*

- 1 *the requirements and time limitations under the Local Government Act 1995 in addressing motions passed at electors' meeting and the City's current processes in place;*
- 2 *how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the Local Government Act 1995 and the procedures set out in the City's Meeting Procedures Local Law 2013.*

#### **MOTION NO. 15**

**MOVED** Mary O'Byrne, **SECONDED** Beth Hewitt that the Electors of the City of Joondalup **REQUESTS** that Council instructs the City to:

- 1 **set up an online facility for the submission of Petitions (e-Petition) and continues with hard copy petitions and that provision is made for both hard copy and e-petition to be concurrent on the same subject matter and counted as one if submitted at the same time;**
- 2 **amend its relevant Local Law(s) so that the authenticity of petitions overall is safeguarded;**
- 3 **establish a concurrent Petition Status Page so residents can see how their petition is progressing and the historical outcome of previous petitions.**

#### Officer's comment

Petitions inform the Council of the views of a section of the community and serve as one way of placing community concerns before Council. The subject of petitions must be a matter on which Council has the power to act and petitions must adhere to the City's petition requirements set out in clause 5.11 of the *City of Joondalup Meeting Procedures Local Law 2013*, as detailed below:

#### **5.11 Petitions**

- (1) *A petition must –*
  - a. *be prepared, as far as practicable, in the form prescribed in Schedule 1;*
  - b. *be addressed to the Council and forwarded to an Elected Member or the CEO;*
  - c. *be made by at least 25 electors of the district;*
  - d. *state the request on each page;*
  - e. *contain a summary of the reasons for the request;*
  - f. *contain the legible names, addresses and signatures of the electors making the request, and the date each electors signed;*

- g. state the name of the person upon whom, and an address at which, notice to the petitioners can be given;*
- h. be respectful and temperate in its language; and*
- i. comply with any form prescribed by the Act or any other written law, such as the Local Government (Constitution) Regulations 1998 if, for example, it is –*
  - i. a proposal to change the method of filling the office of the Mayor; or*
  - ii. a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.*

To be accepted, petitions require at least 25 signatures, and although anyone can sign a petition, only those who are City of Joondalup electors will be recorded in the official signature count for that petition. The City does not currently accept online or electronic petitions (e-Petitions), as there is a requirement for electors to sign the petition document in accordance with clause 5.11(1)(f) above.

Clause 5.11(1)(f) of the *City of Joondalup Meeting Procedures Local Law 2013* requires that petitions contain 'legible signatures.' Initial investigations suggest that electronic signatures could meet this requirement in accordance with section 4(b) and 10(1) of the *Electronic Transactions Act 1999*, as detailed below:

#### **4. Simplified outline**

- *The following requirements imposed under a law of the Commonwealth can be met in electronic form:*
  - (b) a requirement to provide a signature.*

#### **10. Signature**

##### *Requirement for signature*

- (1) If, under a law of the Commonwealth, the signature of a person is required, that requirement is taken to have been met in relation to an electronic communication if: -*
  - (a) in all cases – a method is used to identify the person and to indicate the person's intention in respect of the information communicated; and*
  - (b) in all cases – the method used was either: -*
    - (i) as reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement; or*
    - (ii) proven in fact to have fulfilled the functions described in paragraph (a), by itself or together with further evidence.*

The City of Stirling currently allows for the submission of e-Petitions via its website. In addition, the Legislative Council of Western Australia is currently trialling the use of e-petitions from 1 January 2022 to 31 March 2023.

If Council were of the opinion that e-Petitions should be available to members of the community as a means to voice their concerns, then it is recommended that the City investigates the development of an e-Petition application on its website to enable residents to submit petitions online and sign a petition that has been proposed.

The development of an e-Petition module on the City's website is likely to allow a level of control to meet the requirements of the *Electronic Transactions Act 1999* however, further investigations would need to be undertaken before a final decision is made.

The financial implications of an e-Petition module on the City's website and ongoing costs are unknown at this stage and there are currently no funds listed in the Council's annual budget for the investigation and development of an e-Petition application.

#### Officer's recommendation

*That Council REQUESTS the Chief Executive Officer to prepare a report on the development of an e-Petition application on the City's website to enable residents /ratepayers to submit petitions online and sign a petition that has been proposed.*

#### **MOTION NO. 16**

**MOVED Ziggy Murphy, SECONDED Andy Murphy that the Electors of the City of Joondalup REQUESTS that Council develop a policy that ensures that the City of Joondalup remains an inclusive pro-choice city and does not promote discrimination in any form.**

#### Officer's comment

At the Annual General Meetings of Electors held on 8 February 2022 the mover and seconder of the motion declined to speak to the motion, and as such, the City has had to interpret the intent of the motion.

It is considered that the motion likely relates to:

- the effect of vaccine mandates on electors, ratepayers, residents and business within the City of Joondalup
- the effect of vaccine mandates on the City of Joondalup's functions and services
- the establishment of a policy or advocacy position against vaccine mandates.

These and other issues relating to vaccine mandates are addressed in the Officers' Comments on motions passed at the Special Electors Meeting held on 10 March 2022 and considered elsewhere in the Agenda for the Ordinary Council Meeting of 19 April 2022.

While some community members have a pro-choice approach, this is just one part of the wide spectrum of views across the community; and the City will continue to be guided by, and comply with, the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19.

The City of Joondalup, like many businesses and premises within Western Australia, has a legislative obligation to comply with the relevant Directions that have been introduced by the State Government. The safety, health and well-being of the community as a whole, is a City's priority during the pandemic.

While Council policies are a major component of the governance framework for the City of Joondalup and all local governments, they should ultimately support the strategic direction of the local government and guide the organisation's decision-making process.

The management of vaccine mandates is not considered to be within the Council's responsibilities and as such, the value of a policy statement/position is questioned.

It is not considered to be the role of local government to challenge State Government public health Directions in response to the COVID-19 virus, and as such it is not considered that a policy ensuring “that the City of Joondalup remains an inclusive pro-choice city and does not promote discrimination in any form” is appropriate.

Officer’s recommendation

*That Council NOTES the City of Joondalup will continue to be guided by the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19;*

**MOTION NO. 17**

**MOVED Mark Harrison, SECONDED Raphael Roussel that the Electors of the City of Joondalup REQUESTS the advisory signage for glyphosate advises the public of the number of days that are required to pass before 50% of the applied glyphosate has decayed and of the initial concentrate applied, that is of the half life of glyphosate. This to enable the public to be informed of the latent site contamination and its effective persistence beyond the initial 24 hours.**

Officer’s comment

When chemical weed control is undertaken, City staff and/or contractors, comply with the specifications of approved herbicide labels and permits issued, including signage displayed in accordance with the *Health (Pesticide) Regulations 2011 Signage Requirements*. Deviation from the Regulations is not supported, nor recommended.

Officer’s recommendation

*That Council NOTES that the City will continue to display signage in accordance with the Health (Pesticide) Regulations 2011 Signage Requirements.*

**MOTION NO. 18**

**MOVED Mike Moore, SECONDED Jane Kung that the Electors of the City of Joondalup REQUESTS that at the Annual General Meetings of Electors residents and ratepayers are given the opportunity to speak for motions.**

Officer’s comment

In accordance with the regulation 18 of the *Local Government (Administration) Regulations 1996* the procedures to be followed at electors’ meetings are to be determined by the person presiding over the meeting.

The procedures for the 2022 electors’ meeting were approved by the Mayor, as presiding member of the Council, and included that the mover and seconder to motions had two minutes to address the motion, including the right of reply.

It is considered that six minutes to address a motion (in favour of) and pertinent matters that relate to it should be sufficient.

Further, as the *Local Government (Administration) Regulations 1996* provides that the procedures to be followed at electors' meetings are to be determined by the person presiding over the meeting, the Council has no legislative basis upon which to instruct the Mayor or the City the procedures that should be adopted.

#### Officer's recommendation

*That Council NOTES regulation 18 of the Local Government (Administration) Regulations 1996 which establishes that the procedures to be followed at electors' meetings are to be determined by the person presiding over the meeting, and that the Council cannot instruct the presiding person or the City to endorse a procedure in regard to the opportunity to speak for motions.*

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

#### **Legislation**

Section 5.33 of the *Local Government Act 1995* states:

#### **Decisions made at Electors' Meetings**

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

#### **Strategic Community Plan**

##### **Key theme**

Governance and Leadership.

##### **Objective**

Active democracy.

##### **Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

##### **Policy**

Not applicable.

#### **Risk management considerations**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with section 5.33 of the *Local Government Act 1995*. It should be noted that technically the City has not met its compliance obligations under section 5.33 of the Act and self-disclosed this to the Director General of the Department of Local Government, Sport and cultural Industries in March 2022.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**COMMENT**

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council; however, Council is required to consider them.

The motions carried at the Annual General Meeting of Electors held on 8 February 2022 are presented to Council in accordance with the requirements of the legislation.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

- 1 in relation to Motion No. 1 carried at the Annual General Meeting of Electors:**
  - 1.1 NOTES the concern regarding future traffic issues in Burns Beach due to the development of the Northern Residential Precinct and the City's ongoing monitoring of road usage in the area;**
  - 1.2 REQUESTS the Chief Executive Officer to:**
    - 1.2.1 List Burleigh Drive on the City's traffic count program for 2022-23 to collect actual data on the road usage;**
    - 1.2.2 Take appropriate actions in accordance with the City Traffic Intervention Warrant system, in relation to Part 2.1 above;**
  - 1.3 DOES NOT SUPPORT the request to upgrade the exit at Toowoan Way onto Marmion Avenue to a south turn as well;**
- 2 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:**
  - 2.1 DOES NOT SUPPORT entering into an agreement at this time with the Kinross Community Garden to develop part of MacNaughton Reserve into a Community Garden;**
  - 2.2 NOTES that the City will continue to work with the Kinross Community Garden group to progress its Expression of Interest to a point that it is viable for formal Council consideration;**

- 3** in relation to Motion No. 3 carried at the Annual General Meeting of Electors:
- 3.1** NOTES that the outcomes of weedseeker trials already undertaken by other Local Governments will be used to inform future weed treatment options for the City of Joondalup as part of the City's ongoing commitment to reduce the use of glyphosate;
- 4** in relation to Motion No. 4 carried at the Annual General Meeting of Electors:
- 4.1** NOTES that the City's *Weed Management Plan 2016* already includes a list of sensitive facilities;
- 4.2** NOTES that the inclusion of other sensitive facilities will be considered as part of the City's review of its Weed Management Plan;
- 5** in relation to Motion No. 5 carried at the Annual General Meeting of Electors, SUPPORTS the City in advertising annually through social media platforms, community news and the City's website the following:
- 5.1** Pesticide Exclusion Register (no spray verge);
- 5.2** Pesticide Use Notification Register;
- 5.3** Pesticide Use Notification – Locations Map and Schedule;
- 6** in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
- 6.1** NOTES that the outcome of contamination investigations at the Edgewater Quarry will inform the future land use options for the site;
- 7** in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 7.1** NOTES that the substance of the petition tabled at Council Meeting held on 20 July 2021 (C60-07/21) will be considered as part of the City's review of its Weed Management Plan;
- 8** in relation to Motion No. 8 carried at the Annual General Meeting of Electors:
- 8.1** DOES NOT SUPPORT the Motion requesting that Council instruct the Chief Executive Officer not to place further contracts with WALGA;
- 9** in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 9.1** DOES NOT SUPPORT the request that Council instruct the City to print questions and responses in full in the Council Agenda or Minutes and not edit, amend or summarise those questions and their responses without prior reference to and discussion with the questioner;
- 10** in relation to Motion No. 10 carried at the Annual General Meeting of Electors:
- 10.1** NOTES the setting of the date and time for the Annual General Meeting of Electors is a matter to be determined by Council, in accordance with section 5.27 of the Local Government Act 1995;

- 11 in relation to Motion No. 11 carried at the Annual General Meeting of Electors:**
- 11.1 DOES NOT SUPPORT** the initiation of a scheme amendment to Local Planning Scheme No. 3 to recode the area of Housing Opportunity Area 1 west of the Mitchell Freeway from R20/40 and R20/60 to R20/30 as Council has already requested a comprehensive review of the City's strategic planning framework which includes a review of all Housing Opportunity Areas;
- 11.2 NOTES** a decision on the timing for a review of the housing component of the City's *Local Planning Strategy* was made at the Council meeting held on 18 May 2021 (CJ063-05/21 refers) where Council resolved, in part, as follows:
- “6.2 REQUESTS** that a review of the housing component (*Local Housing Strategy*) of the City's *Local Planning Strategy*, currently planned to commence in the 2022-23 financial year, be brought forward to allow resource planning/procurement and project planning to commence in the 2021-22 financial year...”;
- 11.3 NOTES** a review of the City's housing component of the City's *Local Planning Strategy* will include a review of the Housing Opportunity Areas and scoping for this project has already commenced;
- 12 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:**
- 12.1 NOTES** that the development of a policy to allow for the recording and live video streaming of Council meetings will give consideration to inclusion of privacy principles related to members of the public attending meetings;
- 13 in relation to Motion No. 13 carried at the Annual General Meeting of Electors:**
- 13.1 DOES NOT** require developers who are demolishing houses and subdividing residential blocks to remove and replace asbestos fencing where it is present;
- 14 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:**
- 14.1 REAFFIRMS** its decision of 18 May 2021 (CJ063-05/21 refers) that **NOTED:**
- 14.1.1** the requirements and time limitations under the *Local Government Act 1995* in addressing motions passed at electors' meeting and the City's current processes in place;
- 14.1.2** how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the *Local Government Act 1995* and the procedures set out in the City's *Meeting Procedures Local Law 2013*;
- 15 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:**
- 15.1 REQUESTS** the Chief Executive Officer to prepare a report on the development of an e-Petition application on the City's website to enable residents /ratepayers to submit petitions online and sign a petition that has been proposed;

- 16 in relation to Motion No. 16 carried at the Annual General Meeting of Electors, NOTES that:
- 16.1 the City of Joondalup will continue to be guided by the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19;
- 17 in relation to Motion No. 17 carried at the Annual General Meeting of Electors:
- 17.1 NOTES that the City will continue to display signage in accordance with the *Health (Pesticide) Regulations 2011 Signage Requirements*;
- 18 in relation to Motion No. 18 carried at the Annual General Meeting of Electors:
- 18.1 NOTES regulation 18 of the *Local Government (Administration) Regulations 1996* which establishes that the procedures to be followed at electors' meetings are to be determined by the person presiding over the meeting, and that the Council cannot instruct the presiding person or the City to endorse a procedure in regard to the opportunity to speak for motions;
- 19 NOTES the Minutes of the Annual General Meeting of Electors held on 8 February 2022 forming Attachment 1 to Report CJ049-04/22.

**AMENDMENT MOVED Cr Raftis, SECONDED Cr McLean that a new Part 2.3 be ADDED to the Motion to read as follows:**

**“2.3 REQUESTS the Chief Executive Officer develop a list of the City’s parks and reserves which it identifies as appropriate for potential development as community gardens within them;”**

**The Amendment was Put and**

**CARRIED (12/0)**

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

**C40-04/22**

**PROCEDURAL MOTION – THAT THE MOTION BE NOW PUT**

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

**The Procedural Motion was Put and**

**CARRIED (8/4)**

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

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

**The Original Motion as amended, being:**

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

- 1 in relation to Motion No. 1 carried at the Annual General Meeting of Electors:**
  - 1.1 NOTES the concern regarding future traffic issues in Burns Beach due to the development of the Northern Residential Precinct and the City's ongoing monitoring of road usage in the area;**
  - 1.2 REQUESTS the Chief Executive Officer to:**
    - 1.2.1 List Burleigh Drive on the City's traffic count program for 2022-23 to collect actual data on the road usage;**
    - 1.2.2 Take appropriate actions in accordance with the City Traffic Intervention Warrant system, in relation to Part 2.1 above;**
  - 1.3 DOES NOT SUPPORT the request to upgrade the exit at Toowoan Way onto Marmion Avenue to a south turn as well;**
- 2 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:**
  - 2.1 DOES NOT SUPPORT entering into an agreement at this time with the Kinross Community Garden to develop part of MacNaughton Reserve into a Community Garden;**
  - 2.2 NOTES that the City will continue to work with the Kinross Community Garden group to progress its Expression of Interest to a point that it is viable for formal Council consideration;**
  - 2.3 REQUESTS the Chief Executive Officer develop a list of the City's parks and reserves which it identifies as appropriate for potential development as community gardens within them;**
- 3 in relation to Motion No. 3 carried at the Annual General Meeting of Electors:**
  - 3.1 NOTES that the outcomes of weedseeker trials already undertaken by other Local Governments will be used to inform future weed treatment options for the City of Joondalup as part of the City's ongoing commitment to reduce the use of glyphosate;**
- 4 in relation to Motion No. 4 carried at the Annual General Meeting of Electors:**
  - 4.1 NOTES that the City's *Weed Management Plan 2016* already includes a list of sensitive facilities;**
  - 4.2 NOTES that the inclusion of other sensitive facilities will be considered as part of the City's review of its Weed Management Plan;**
- 5 in relation to Motion No. 5 carried at the Annual General Meeting of Electors, SUPPORTS the City in advertising annually through social media platforms, community news and the City's website the following:**
  - 5.1 Pesticide Exclusion Register (no spray verge);**

- 5.2 Pesticide Use Notification Register;
- 5.3 Pesticide Use Notification – Locations Map and Schedule;
- 6 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
- 6.1 NOTES that the outcome of contamination investigations at the Edgewater Quarry will inform the future land use options for the site;
- 7 in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 7.1 NOTES that the substance of the petition tabled at Council Meeting held on 20 July 2021 (C60-07/21) will be considered as part of the City’s review of its Weed Management Plan;
- 8 in relation to Motion No. 8 carried at the Annual General Meeting of Electors:
- 8.1 DOES NOT SUPPORT the Motion requesting that Council instruct the Chief Executive Officer not to place further contracts with WALGA;
- 9 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 9.1 DOES NOT SUPPORT the request that Council instruct the City to print questions and responses in full in the Council Agenda or Minutes and not edit, amend or summarise those questions and their responses without prior reference to and discussion with the questioner;
- 10 in relation to Motion No. 10 carried at the Annual General Meeting of Electors:
- 10.1 NOTES the setting of the date and time for the Annual General Meeting of Electors is a matter to be determined by Council, in accordance with section 5.27 of the *Local Government Act 1995*;
- 11 in relation to Motion No. 11 carried at the Annual General Meeting of Electors:
- 11.1 DOES NOT SUPPORT the initiation of a scheme amendment to *Local Planning Scheme No. 3* to recode the area of Housing Opportunity Area 1 west of the Mitchell Freeway from R20/40 and R20/60 to R20/30 as Council has already requested a comprehensive review of the City’s strategic planning framework which includes a review of all Housing Opportunity Areas;
- 11.2 NOTES a decision on the timing for a review of the housing component of the City’s *Local Planning Strategy* was made at the Council meeting held on 18 May 2021 (CJ063-05/21 refers) where Council resolved, in part, as follows:
- “6.2 REQUESTS that a review of the housing component (*Local Housing Strategy*) of the City’s *Local Planning Strategy*, currently planned to commence in the 2022-23 financial year, be brought forward to allow resource planning/procurement and project planning to commence in the 2021-22 financial year...”;

- 11.3 **NOTES** a review of the City's housing component of the City's *Local Planning Strategy* will include a review of the Housing Opportunity Areas and scoping for this project has already commenced;
- 12 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:
- 12.1 **NOTES** that the development of a policy to allow for the recording and live video streaming of Council meetings will give consideration to inclusion of privacy principles related to members of the public attending meetings;
- 13 in relation to Motion No. 13 carried at the Annual General Meeting of Electors:
- 13.1 **DOES NOT** require developers who are demolishing houses and subdividing residential blocks to remove and replace asbestos fencing where it is present;
- 14 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:
- 14.1 **REAFFIRMS** its decision of 18 May 2021 (CJ063-05/21 refers) that **NOTED**:
- 14.1.1 the requirements and time limitations under the *Local Government Act 1995* in addressing motions passed at electors' meeting and the City's current processes in place;
- 14.1.2 how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the *Local Government Act 1995* and the procedures set out in the City's *Meeting Procedures Local Law 2013*;
- 15 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:
- 15.1 **REQUESTS** the Chief Executive Officer to prepare a report on the development of an e-Petition application on the City's website to enable residents /ratepayers to submit petitions online and sign a petition that has been proposed;
- 16 in relation to Motion No. 16 carried at the Annual General Meeting of Electors, **NOTES** that:
- 16.1 the City of Joondalup will continue to be guided by the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19;
- 17 in relation to Motion No. 17 carried at the Annual General Meeting of Electors:
- 17.1 **NOTES** that the City will continue to display signage in accordance with the *Health (Pesticide) Regulations 2011* Signage Requirements;
- 18 in relation to Motion No. 18 carried at the Annual General Meeting of Electors:
- 18.1 **NOTES** regulation 18 of the *Local Government (Administration) Regulations 1996* which establishes that the procedures to be followed at electors' meetings are to be determined by the person presiding over the meeting, and that the Council cannot instruct the presiding person or the City to endorse a procedure in regard to the opportunity to speak for motions;

**19 NOTES the Minutes of the Annual General Meeting of Electors held on 8 February 2022 forming Attachment 1 to Report CJ049-04/22.**

It was requested that each Part of the Motion be voted upon separately. Mayor Jacob indicated he would put Parts 1 to 4 collectively, followed by Part 5, Part 6, Part 7, Part 8, Part 9, Part 10 and Part 11, followed by Parts 12 to 13 collectively, followed by Part 14, followed by Parts 15 to 16 collectively, followed by Part 17, followed by Parts 18 to 19 collectively.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

- 1 in relation to Motion No. 1 carried at the Annual General Meeting of Electors:**
  - 1.1 NOTES the concern regarding future traffic issues in Burns Beach due to the development of the Northern Residential Precinct and the City's ongoing monitoring of road usage in the area;**
  - 1.2 REQUESTS the Chief Executive Officer to:**
    - 1.2.1 List Burleigh Drive on the City's traffic count program for 2022-23 to collect actual data on the road usage;**
    - 1.2.2 Take appropriate actions in accordance with the City Traffic Intervention Warrant system, in relation to Part 2.1 above;**
  - 1.3 DOES NOT SUPPORT the request to upgrade the exit at Toowoan Way onto Marmion Avenue to a south turn as well;**
- 2 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:**
  - 2.1 DOES NOT SUPPORT entering into an agreement at this time with the Kinross Community Garden to develop part of MacNaughton Reserve into a Community Garden;**
  - 2.2 NOTES that the City will continue to work with the Kinross Community Garden group to progress its Expression of Interest to a point that it is viable for formal Council consideration;**
  - 2.3 REQUESTS the Chief Executive Officer develop a list of the City's parks and reserves which it identifies as appropriate for potential development as community gardens within them;**
- 3 in relation to Motion No. 3 carried at the Annual General Meeting of Electors:**
  - 3.1 NOTES that the outcomes of weedseeker trials already undertaken by other Local Governments will be used to inform future weed treatment options for the City of Joondalup as part of the City's ongoing commitment to reduce the use of glyphosate;**

**4 in relation to Motion No. 4 carried at the Annual General Meeting of Electors:**

- 4.1 NOTES that the City's *Weed Management Plan 2016* already includes a list of sensitive facilities;**
- 4.2 NOTES that the inclusion of other sensitive facilities will be considered as part of the City's review of its Weed Management Plan;**

**The Motion was Put and****CARRIED (12/0)**

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

- 5 in relation to Motion No. 5 carried at the Annual General Meeting of Electors, SUPPORTS the City in advertising annually through social media platforms, community news and the City's website the following:**
  - 5.1 Pesticide Exclusion Register (no spray verge);**
  - 5.2 Pesticide Use Notification Register;**
  - 5.3 Pesticide Use Notification – Locations Map and Schedule;**

**The Motion was Put and****CARRIED (8/4)**

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

- 6 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:**
  - 6.1 NOTES that the outcome of contamination investigations at the Edgewater Quarry will inform the future land use options for the site;**

**The Motion was Put and****CARRIED (12/0)**

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**7 in relation to Motion No. 7 carried at the Annual General Meeting of Electors:**

**7.1 NOTES that the substance of the petition tabled at Council Meeting held on 20 July 2021 (C60-07/21) will be considered as part of the City's review of its Weed Management Plan;**

**The Motion was Put and**

**CARRIED (9/3)**

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

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**8 in relation to Motion No. 8 carried at the Annual General Meeting of Electors:**

**8.1 DOES NOT SUPPORT the Motion requesting that Council instruct the Chief Executive Officer not to place further contracts with WALGA;**

**The Motion was Put and**

**CARRIED (8/4)**

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

**Against the Motion:** Crs Kingston, May, Poliwka and Raftis.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**9 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:**

**9.1 DOES NOT SUPPORT the request that Council instruct the City to print questions and responses in full in the Council Agenda or Minutes and not edit, amend or summarise those questions and their responses without prior reference to and discussion with the questioner;**

**The Motion was Put and**

**CARRIED (9/3)**

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

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**10 in relation to Motion No. 10 carried at the Annual General Meeting of Electors:**

**10.1 NOTES the setting of the date and time for the Annual General Meeting of Electors is a matter to be determined by Council, in accordance with section 5.27 of the *Local Government Act 1995*;**

**The Motion was Put and**

**CARRIED (8/4)**

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

**Against the Motion:** Crs Chester, Kingston, Poliwka and Raftis.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**11 in relation to Motion No. 11 carried at the Annual General Meeting of Electors:**

**11.1 DOES NOT SUPPORT the initiation of a scheme amendment to *Local Planning Scheme No. 3* to recode the area of Housing Opportunity Area 1 west of the Mitchell Freeway from R20/40 and R20/60 to R20/30 as Council has already requested a comprehensive review of the City's strategic planning framework which includes a review of all Housing Opportunity Areas;**

**11.2 NOTES a decision on the timing for a review of the housing component of the City's *Local Planning Strategy* was made at the Council meeting held on 18 May 2021 (CJ063-05/21 refers) where Council resolved, in part, as follows:**

**“6.2 REQUESTS that a review of the housing component (*Local Housing Strategy*) of the City's *Local Planning Strategy*, currently planned to commence in the 2022-23 financial year, be brought forward to allow resource planning/procurement and project planning to commence in the 2021-22 financial year...”;**

**11.3 NOTES a review of the City's housing component of the City's *Local Planning Strategy* will include a review of the Housing Opportunity Areas and scoping for this project has already commenced;**

**The Motion was Put and**

**CARRIED (9/3)**

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

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:****12 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:**

- 12.1 NOTES** that the development of a policy to allow for the recording and live video streaming of Council meetings will give consideration to inclusion of privacy principles related to members of the public attending meetings;

**13 in relation to Motion No. 13 carried at the Annual General Meeting of Electors:**

- 13.1 DOES NOT** require developers who are demolishing houses and subdividing residential blocks to remove and replace asbestos fencing where it is present;

**The Motion was Put and****CARRIED (12/0)**

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:****14 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:****14.1 REAFFIRMS** its decision of 18 May 2021 (CJ063-05/21 refers) that **NOTED:**

- 14.1.1** the requirements and time limitations under the *Local Government Act 1995* in addressing motions passed at electors' meeting and the City's current processes in place;

- 14.1.2** how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the *Local Government Act 1995* and the procedures set out in the *City's Meeting Procedures Local Law 2013*;

**The Motion was Put and****CARRIED (8/4)**

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

**Against the Motion:** Crs Chester, Kingston, Poliwka and Raftis.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:****15 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:**

- 15.1 REQUESTS** the Chief Executive Officer to prepare a report on the development of an e-Petition application on the City's website to enable residents /ratepayers to submit petitions online and sign a petition that has been proposed;

**16 in relation to Motion No. 16 carried at the Annual General Meeting of Electors, NOTES that:**

**16.1 the City of Joondalup will continue to be guided by the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19;**

**The Motion was Put and**

**CARRIED (12/0)**

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

**17 in relation to Motion No. 17 carried at the Annual General Meeting of Electors:**

**17.1 NOTES that the City will continue to display signage in accordance with the *Health (Pesticide) Regulations 2011 Signage Requirements*;**

**The Motion was Put and**

**CARRIED (8/4)**

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

**Against the Motion:** Crs Chester, Kingston, Poliwka and Raftis.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:**

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

**18.1 NOTES regulation 18 of the *Local Government (Administration) Regulations 1996* which establishes that the procedures to be followed at electors' meetings are to be determined by the person presiding over the meeting, and that the Council cannot instruct the presiding person or the City to endorse a procedure in regard to the opportunity to speak for motions;**

**19 NOTES the Minutes of the Annual General Meeting of Electors held on 8 February 2022 forming Attachment 1 to Report CJ049-04/22.**

**The Motion was Put and**

**CARRIED (11/1)**

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

**Against the Motion:** Cr Raftis.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf220412.pdf](#)

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ050-04/22 - Response to Motions Carried at Special Electors' Meeting - 10 March 2022.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston provided advice to the lead petitioner regarding the meeting and motions before the meeting.

## CJ050-04/22      RESPONSE TO MOTIONS CARRIED AT SPECIAL ELECTORS' MEETING - 10 MARCH 2022

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	75029, 101515
<b>ATTACHMENT</b>	Attachment 1      Minutes of the Special Meeting of Electors
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/ agency.

**PURPOSE**

For Council to note the Minutes of the Special Meeting of Electors held on 10 March 2022, and to give consideration to the motions carried at that meeting.

**EXECUTIVE SUMMARY**

At the Special Meeting of Electors held on Thursday 10 March 2022, the following motions were carried:

**MOTION 1**

*That the Electors of the City of Joondalup REQUEST that Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 1' with the content:*

- 1      *That no person shall or should be:*
  - 1.1      *prevented from performing work or receiving income on the basis of vaccination status;*
  - 1.2      *discriminated against on the basis of vaccination status;*
  - 1.3      *coerced or manipulated into the need for vaccination for any reason;*
  - 1.4      *deprived of any Statutory and Regulatory benefits on the basis of vaccination status;*

- 1.5 *restricted access to premises on the basis of vaccination status;*
- 1.6 *restricted in any form of community participation on the basis of vaccination status;*
- 1.7 *required to provide evidence for any reason of vaccination status; and/or*
- 1.8 *subject to anything under written law that a person who differs in vaccination status is not.*

## **MOTION 2**

*That the Electors of the City of Joondalup REQUEST that Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 2' with the content:*

- 1 *That the Local Government shall:*
  - 1.1 *not restrict any function, property, or service of the Local Government based on vaccination status; and;*
  - 1.2 *as far as practicable redeploy or reinstate employees of the local government that risk termination or have been terminated on the basis of vaccination status;*
  - 1.3 *honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and;*
  - 1.4 *establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccination status.*

## **MOTION 3**

*That the Electors of the City of Joondalup REQUEST that Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 3' with the content:*

- 1 *That the Local Government actively advocate for:*
  - 1.1 *the removal the COVID-19 mandatory vaccination policy and any associated directions made under the Public Health Act 2016 (WA); and;*
  - 1.2 *the repeal of any mandate or written law, or, anything done under any mandate or written law that conflicts with this position statement.*

## **MOTION 4**

*That the Electors of the City of Joondalup REQUEST that Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 4' with the content:*

- 1 *The Local Government in performing an advocacy role will seek the cooperation of:*
  - 1.1 *Other Local Governments across the State;*
  - 1.2 *Western Australian Local Government Association (WALGA);*

1.3 *Local Government Professionals WA; and*

1.4 *Other professional bodies, associations, and business entities.*

*The following Glossary of Terms and Definitions apply to all four motions that were carried:*

1 *Glossary of Terms and Definitions, as follows:*

1.1 *Access - means to enter, or remain at a premises;*

1.2 *Approved COVID-19 vaccine means:*

1.2.1 *any vaccine that has been approved by the Therapeutic Goods Administration (TGA) for use in Australia for the purpose of vaccinating persons against COVID-19 or any mutations and derivatives thereof; and/or*

1.2.2 *any other vaccine specified by the Chief Health Officer, or any other person authorised by the Chief Health Officer for that purpose, as an approved COVID-19 vaccine;*

1.3 *Premises - has the same meaning that it has in the Public Health Act 2016 (WA);*

1.4 *Vaccine - does not mean the medical terminology as defined in medical journals, but is the generic term in the context of COVID-19 as referred to by the Therapeutic Goods Administration and the Chief Health Officer and Government Officials, and publications and statements made and issued under their auspices;*

1.5 *Vaccination status - means whether a person is not vaccinated or has been vaccinated;*

1.6 *Not vaccinated - means that the person has not been administered with any dose of an approved COVID-19 vaccine;*

1.7 *Vaccinated - means that the person has been administered with any prescribed doses of an approved COVID-19 vaccine.*

This report considers those motions carried.

## **BACKGROUND**

On 8 February 2022, the City received a request from over 100 electors of the District to hold a Special Meeting of Electors. The request was signed by 277 electors, and called for a meeting to discuss the following matters:

- 1 The effect of mandatory vaccination on electors, ratepayers, residents and businesses in the district.
- 2 The effect of mandatory vaccination on the local government's affairs and the performance of the local government's functions.
- 3 Motions to be voted on for an advocacy position against mandatory vaccination for Council to consider adopting to provide leadership and guidance to the community in the district.

The meeting was advertised as follows:

- In the *PerthNow* newspaper on 24 February 2022.
- Weekly Facebook posts.
- Public notices on the City's website and public notice boards.

## **DETAILS**

### **Special Meeting of Electors**

In accordance with section 5.28 of the *Local Government Act 1995*, the City, on receipt of a request containing 100 or more signatures of electors, must hold a Special Meeting of Electors.

A Special Meeting of Electors was held on Thursday 10 March 2022 at 7.00pm in the Council Chambers, Boas Avenue, Joondalup. The requirements for attendance at the meeting were in accordance, and consistent, with Level 2 public health measures. This included the reduced capacity of the Council Chamber and foyer area to 50% as well as check in, physical distancing and mask wearing requirements.

The maximum public attendance in the Council Chamber was a total of 106 members of the public (81 in the Chamber and 25 in the adjoining lobby). The Special Electors' Meeting was also live audio streamed for members of the community unable to attend in person.

Five sets of questions were submitted in writing prior to the meeting. These questions were answered prior to the meeting and responses are included in the Minutes of the Special Meeting of Electors.

Three questions were submitted verbally at the meeting and aligned to the purpose of the Special Meeting of Electors. All questions were answered, and responses are included in the Minutes of the Special Meeting of Electors.

Fourteen statements were presented verbally at the meeting, responses of which are included in the Minutes of the Special Meeting of Electors.

### **Preliminary Comment**

106 members of the community attended the Special Meeting of Electors, with a further group of around 20 people outside that were unable to enter due to capacity limits. While no electors spoke in objection to the motions, the City recognises that there are a diverse range of views in the community in relation to the COVID-19 vaccine mandates.

Western Australia has a high vaccination rate of 95% first and 95% second dose, however without undertaking some form of referendum of electors within the City of Joondalup (which is not proposed) the Council is not in a position to know exactly what the views of all electors are in relation to the Covid-19 vaccine mandates.

Further, legislation around vaccine and other COVID mandates has been created by the State Government, the City, including staff, have legislative obligations to abide by and implement requirements as directed by the State Government and as determined by Section 2.7 of the *Local Government Act 1995* which outlines the functions of local government.

In addition, the City of Joondalup does not play a role in public health policy; that is the jurisdiction of State and Federal Governments and only the State Government has the legislative powers to set and amend public health directives. The City is legally bound to follow those directions and the repercussions of not doing so are significant.

In response to the request for Council to adopt an advocacy position statement called the '*COVID Vaccination Pro-Choice Statement*', it should be noted that local government can advocate on behalf of their community in relation to issues that are within the span of control or influence of local government.

City of Joondalup Council endorsed advocacy statements and strategic position statements allow the City to capitalise on planned and unplanned opportunities for external funding and, investment support for identified initiatives to benefit the community in Joondalup; and guide the development of future strategic planning documents where current gaps may exist.

Advocacy positions are carefully considered as part of the City's strategic community planning processes, including consultation, and aligned to the strategic intent of the City. As such it is not recommended the Council adopt an advocacy position statement regarding the issues raised at the Special Electors' meeting.

However, in acknowledging the issues raised by electors it is recommended that the Council agree for the City to write to the Premier and relevant State Government Ministers to convey the concerns of residents who attended the Special Electors' Meeting.

### **Motion 1**

In regard to motion 1, noting that 'vaccination status' is not a protected attribute under discrimination legislation, the City does not condone unlawful discrimination in any form, and when considering matters where legislative protections against discrimination have the potential to impact, has serious regard for the various forms of legislation that cover discrimination.

From an employment perspective, the City and its employees are obligated to follow the public health directions made by the State Government, and the penalties for not doing so are significant.

The City has taken its obligations to implement the public health directions seriously, and is very mindful of ensuring that any decisions affecting employment of its staff are both fair and reasonable in the circumstances, and that procedural fairness is afforded to any individual as part of that decision making process.

As an organisation that provides community services and facilities, the City has an obligation to assess the risk to the general community; comply with relevant legislation and directions; and prioritise community health and wellbeing.

With regard the motion's intent to extend the City's jurisdiction/influence to the employment conditions of businesses within its district, as a service organisation the City cannot influence, nor has any role in the employment conditions of individual businesses within the district.

*In response to Motion 1, it is recommended that Council:*

- 1 *SUPPORTS that no person should be discriminated against, within the legal definition of discrimination;*
- 2 *NOTES that the City of Joondalup is legally bound to follow the State Governments public health directions and the penalties of not doing so are significant;*
- 3 *DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 1'.*

## **Motion 2**

In regard to motion 2, a State of Emergency has been declared in Western Australia under the *Emergency Management Act 2005* and a Public Health Emergency under the *Public Health Act 2016*.

The State Government has introduced relevant Directions to prevent the spread of COVID-19 under this legislation and are part of law, made by elected members of the Western Australian Parliament. The City has a legislative obligation to comply with the relevant Directions.

Both the City and employees affected by the relevant Directions, are obliged to comply with those Directions. Just as the City would be accountable for not complying with a relevant Direction, employees who exercise the choice of not following vaccine mandates do so in the knowledge of the potential for impact on their employment status exercising that choice may have.

Before the City would take any action of terminating someone's employment (regardless of the reason for such action), it would ensure that such a decision was both fair and reasonable in the circumstances, and that any person affected had been afforded procedural fairness.

There are legislative protections against unfair dismissal that an employee may exercise against dismissal decisions made by an employer including the City.

*In response to Motion 2, it is recommended that Council:*

- 1 *DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 2'.*

## **Motion 3**

In regard to motion 3, Officers note that the Council does play an advocacy role in representing the views of its electors. It should be noted that 106 members of the community attended the Special Meeting of Electors', with a further group of around 20 people outside. While no electors spoke in objection to the motions, the City recognises that there are a diverse range of views in the community in relation to the COVID-19 vaccine mandates.

Further, Western Australia has a high vaccination rate of 95% first and 95% second dose, demonstrating that the majority of the community appears to be accepting of COVID-19 vaccinations.

In response to motion 3, it is recommended that Council write to the Premier and relevant State Government Ministers to convey the concerns expressed from the electors present at the Special Meeting of Electors, regarding the effects of mandatory vaccination on electors, ratepayers, residents and businesses in the district.

In relation to motion 3, it should be noted that the wording of the motion refers to *Public Health Act 2016*. While there is regard to the *Public Health Act 2016* in relation to mandatory vaccination policy, the *Proof of Vaccination Directions (No5)* that relate to access to specified vaccination venues such as hospitality, entertainment and other venues are made under the *Emergency Management Act 2005*.

*In response to Motion 3, it is recommended that Council:*

- 1 *DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 3';*
- 2 *NOTES the views of electors' present at the Special Meeting of Electors held on 10 March 2022 in regard to the Western Australian State Government COVID-19 vaccine mandates, and that Council WRITE to the Western Australian Premier, and relevant State Government Ministers:*
  - 2.1 *Advising that 277 electors petitioned for, and 106 members of the public attended, a Special Meeting of Electors' on Thursday 10 March 2022; and*
  - 2.2 *The Special Meeting of Electors expressed concern about the effects of mandatory vaccination on electors, ratepayers, residents and businesses in the district; and*
  - 2.3 *Requested that the City of Joondalup advocate to the State Government for:*
    - 2.3.1 *The removal of the COVID-19 mandatory vaccination policy and any associated directions made under the Public Health Act 2016(WA);*
    - 2.3.2 *The repeal of any mandate or written law, or anything done under any mandate or written law that conflicts with that*

#### **Motion 4**

In regard to motion 4, the City actively engages with other local governments across the State, the Western Australian Local Government Association (WALGA), and Local Government Professionals WA, in regard to the mandatory vaccination requirements put in place by the State Government. It is therefore not considered necessary that additional mechanisms be created to facilitate engagement with relevant associations and bodies related to local government in Western Australia.

*In response to Motion 4, that Council:*

- 1 *DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 4'.*
- 2 *NOTES that the City currently actively cooperates with other local governments across the State, the Western Australian Local Government Association, Local Government Professionals WA, and other professional bodies, association and/or business entities in regard to COVID-19 requirements.*

## Issues and options considered

The options open to Council are as follows:

- accept the Officer's recommendations as presented
- take some another course of action  
or
- do nothing.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** Section 5.28 of the *Local Government Act 1995*, requires a Special Electors' Meeting to be held on the request of not less than 100 electors or 5% of the number of electors, whichever is the lesser number. The request is to specify the matters to be discussed at the meeting and be in the form set out by the Regulations. These requirements were met.

In addition, under section 5.28 of the *Local Government Act 1995*, a special meeting is to be held on a day selected by the Mayor, but not more than 35 days after the day on which the request was received.

## Strategic Community Plan

**Key theme** Governance and Leadership

**Objective** Active democracy.

**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

**Policy** Not applicable.

## Risk management considerations

In accordance with section 5.33 of the *Local Government Act 1995*, decisions made at an Electors' Meeting, including a Special Meeting of Electors, are to be considered by the Council at the next ordinary council meeting or, if this is not practicable, at the first ordinary council meeting after that meeting.

## Financial / budget implications

Not applicable.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

This report is the result of motions moved at the Special Meeting of Electors held on 10 March 2022.

## COMMENT

Motions carried at the Special Meeting of Electors held on Thursday 10 March 2022 are required to be considered by Council. This report recommends that Council support the City writing to the Premier and relevant State Government Ministers to convey the concerns expressed from the electors present at the Special Meeting of Electors, regarding the effects of mandatory vaccination on electors, ratepayers, residents and businesses in the district. Some community members have a pro-choice approach, which is just one part of the wide spectrum of views across the community. The City continues to be guided by, and comply with, the Directions set down by the State Government and the Department of Health in relation to the ongoing management of COVID-19.

The City of Joondalup, like other businesses and premises within Western Australia, has a legislative obligation to comply with the relevant Directions that have been introduced by the State Government. The safety, health and well-being of the community as a whole is a City's priority during the pandemic.

While Council endorsed advocacy statements are a component of the governance framework for the City of Joondalup and all local governments, they should ultimately support the strategic direction of the local government and guide the organisation's decision-making process.

The management of vaccine mandates is not considered to be within the Council's responsibilities and as such, the value of a policy statement/position is questioned.

It is not considered to be the role of local government to challenge State Government health Directions in response to the COVID-19 virus.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 NOTES the Minutes of the Special Meeting of Electors held on 10 March 2022, forming Attachment 1 to Report CJ050-04/22;**
- 2 NOTES the City of Joondalup is committed, and obligated, to follow any public health direction made by the Western Australian Government, under advice from the Chief Health Officer;**
- 3 in response to Motion 1, that Council:**
  - 3.1 SUPPORTS that no person should be discriminated against, within the legal definition of discrimination;**
  - 3.2 NOTES that the City of Joondalup is legally bound to follow the State Governments public health directions and the penalties of not doing so are significant;**
  - 3.3 DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 1';**

- 4 in response to Motion 2, that Council:
- 4.1 DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 2';
- 5 in response to Motion 3, that Council:
- 5.1 DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 3';
- 5.2 NOTES the views of electors' present at the Special Meeting of Electors held on 10 March 2022 in regard to the Western Australian State Government COVID-19 vaccine mandates, and that Council WRITE to the Western Australian Premier, and relevant State Government Ministers:
- 5.2.1 advising that 277 electors petitioned for, and 106 members of the public attended, a Special Meeting of Electors on Thursday 10 March 2022;
- 5.2.2 the Special Meeting of Electors expressed concern about the effects of mandatory vaccination on electors, ratepayers, residents and businesses in the district;
- 5.2.3 requested that the City of Joondalup advocate to the State Government for:
- 5.2.3.1 the removal of the COVID-19 mandatory vaccination policy and any associated directions made under the *Public Health Act 2016* (WA);
- 5.2.3.2 the repeal of any mandate or written law, or anything done under any mandate or written law that conflicts with that;
- 6 in response to Motion 4, that Council:
- 6.1 DOES NOT adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement – Part 4';
- 6.2 NOTES that the City currently actively cooperates with other local governments across the State, the Western Australian Local Government Association, Local Government Professionals WA, and other professional bodies, association and/or business entities in regard to COVID-19 requirements.

C41-04/22

**EXTENSION OF TIME TO SPEAK**

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

**The Motion was Put and**

**CARRIED (10/2)**

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

**Against the Motion:** Crs Fishwick and Jones.

**C42-04/22                    EXTENSION OF TIME TO SPEAK**

**MOVED Cr Raftis, SECONDED Cr Hamilton-Prime** that Cr Raftis be permitted an extension of time to speak for a further five minutes.

**The Motion was Put and**

**LOST (5/7)**

**In favour of the Motion:** Crs Chester, Hamilton-Prime, Kingston, Poliwka and Raftis.

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May and McLean.

**C43-04/22                    EXTENSION OF TIME TO SPEAK**

**MOVED Cr Logan, SECONDED Mayor Jacob** that Cr Hamilton-Prime be permitted an extension of time to speak for a further five minutes.

**The Motion was Put and**

**LOST (4/8)**

**In favour of the Motion:** Crs Chester, Hamilton-Prime, Hill and Logan.

**Against the Motion:** Mayor Jacob, Crs Fishwick, Jones, Kingston, May, McLean, Poliwka and Raftis.

**The Motion as MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime was Put and  
CARRIED (9/3)**

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

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf220412.pdf](#)*

## **CJ051-04/22 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2022**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2022, totalling \$13,722,266.56.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2022 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ051-04/22, totalling \$13,722,266.56.*

### **BACKGROUND**

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

## DETAILS

The table below summarises the payments drawn on the funds during the month of February 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ051-04/22.

The vouchers for the month are appended as Attachment 3 to Report CJ051-04/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112254 - 112280 & 112285 -112303 & 112305 - 112310 & EF098251- EF098574 & EF098576 - EF098874 Net of cancelled payments Vouchers 3235A -3252A	\$8,957,357.71 \$4,750,761.97
	Bond Refund Cheques & EFT Payments 112281 - 112284 & 112304 & EF098247- EF098250 & EF098575 & EF098875 - EF098876 Net of cancelled payments.	\$14,146.88
<b>Total</b>		\$13,722,266.56

### Issues and Options Considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk Management Considerations**

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

### **Financial / Budget Implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

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

### **Consultation**

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

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2021-22 Revised Budget* as adopted by Council at its meeting held on 15 February 2022 (CJ028-02/22 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the Chief Executive Officer's list of accounts for February 2022 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ051-04/22, totalling \$13,722,266.56.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf220412.pdf](#)

## **CJ052-04/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2022**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 28 February 2022.

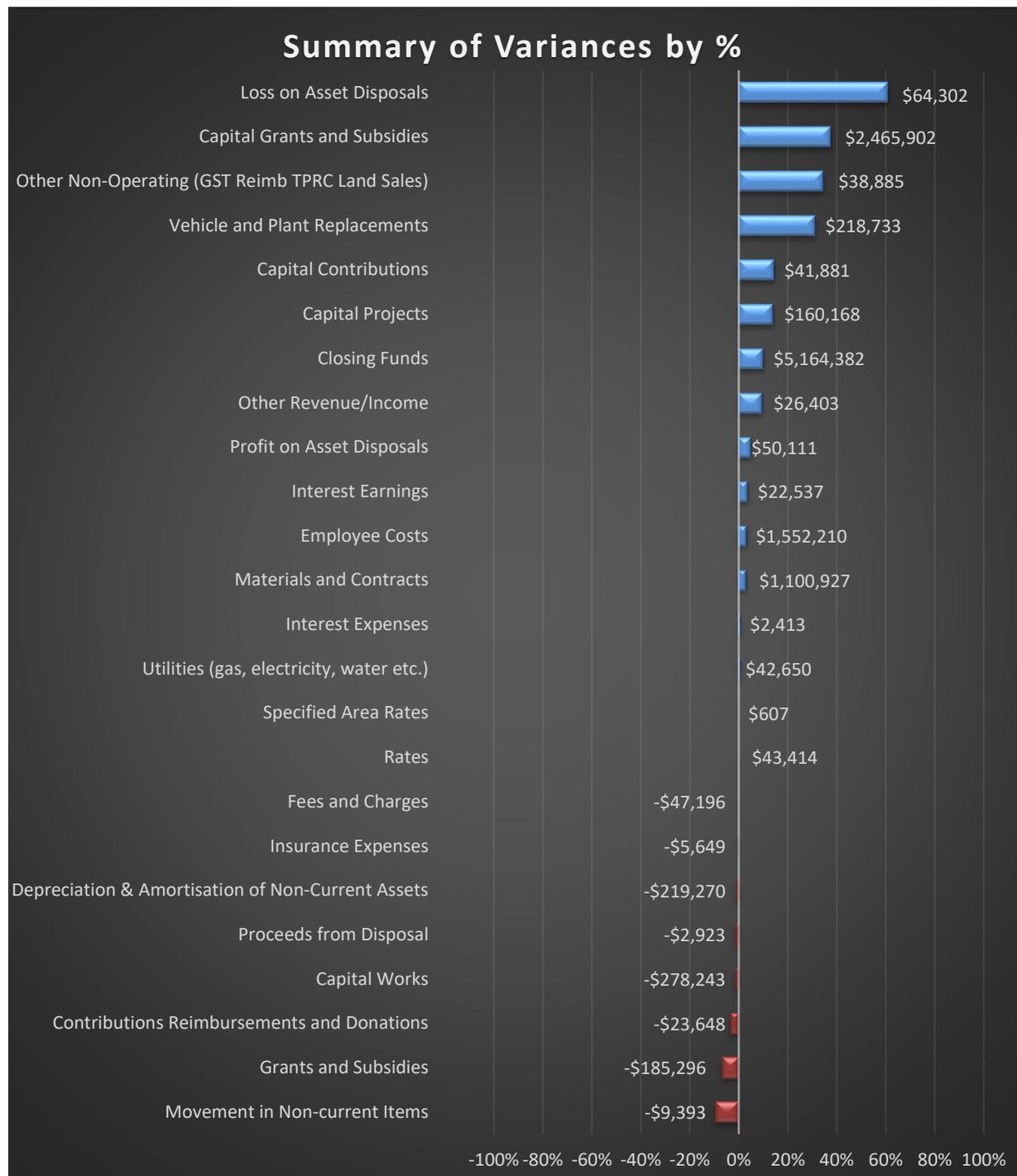
### **EXECUTIVE SUMMARY**

At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the 2021-22 Annual Budget. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers), 21 September 2021 (CJ139-09/21 refers), 12 October 2021 (CJ147-10/21 refers) and 16 November 2021 (CJ169-11/21 refers). Council subsequently revised the budget at its meeting held on 15 February 2022 (CJ028-02/22 and CJ029-02/22 refers). The figures in this report are compared to the revised budget.

The February 2022 Financial Activity Statement Report shows an overall favourable variance of \$5,164,382 from operations and capital, after adjusting for non-cash items.

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

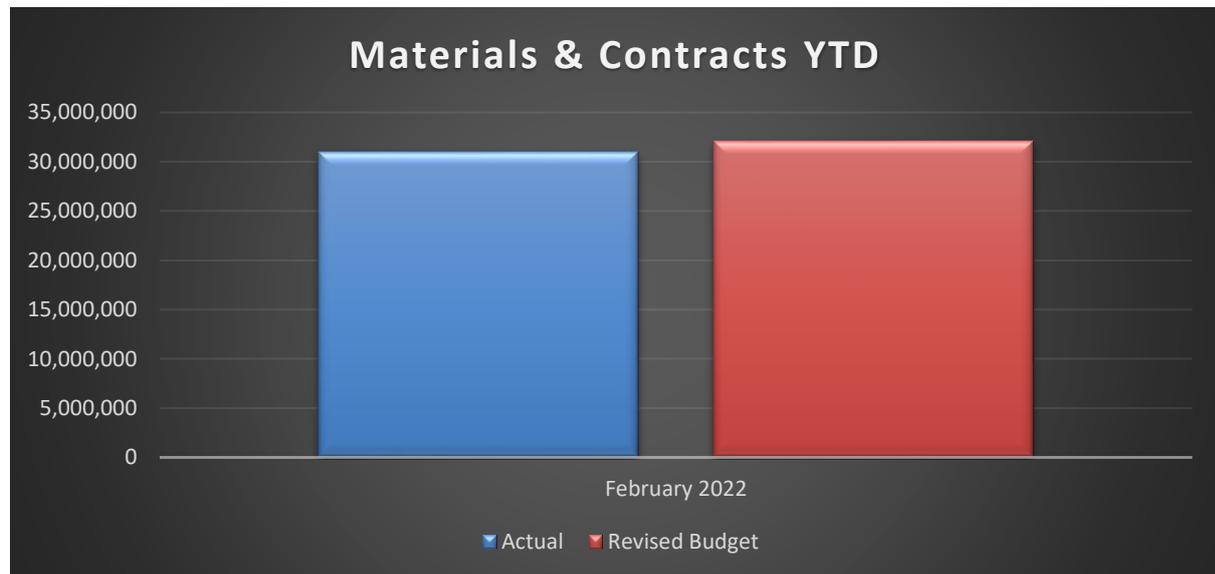
The key elements of the variance are summarised below:



The significant variances for February were:

**Materials and Contracts**

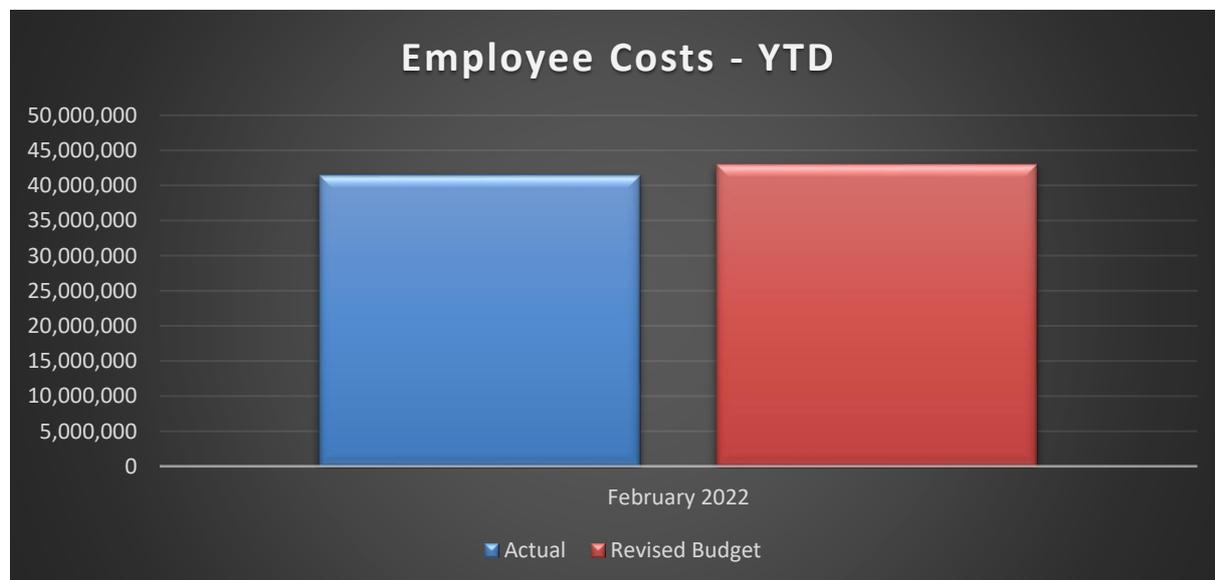
**\$1,100,927**



Materials and Contracts expenditure is \$1,100,927 below budget. This is spread across a number of different areas including External Service Expenses \$571,378, Waste Management Services \$333,111, Public Relations, Advertising and Promotions \$218,589, Other Materials \$185,731, Furniture, Equipment and Artworks \$150,887 and Members Costs \$56,772. This was partially offset by unfavourable variances on Computing (\$364,806) and Professional Fees and Costs (\$170,773).

**Employee Costs**

**\$1,552,210**



Employee Costs expenditure is \$1,552,210 below budget. Favourable variances predominantly arose from vacancies in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2022 forming Attachment 1 to Report CJ052-04/22.*

## BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

## DETAILS

### Issues and options considered

The Financial Activity Statement for the period ended 28 February 2022 is appended as Attachment 1.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

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

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

Not applicable.

##### Policy

Not applicable.

### Risk management considerations

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

### Financial / budget implications

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

## Sustainability implications

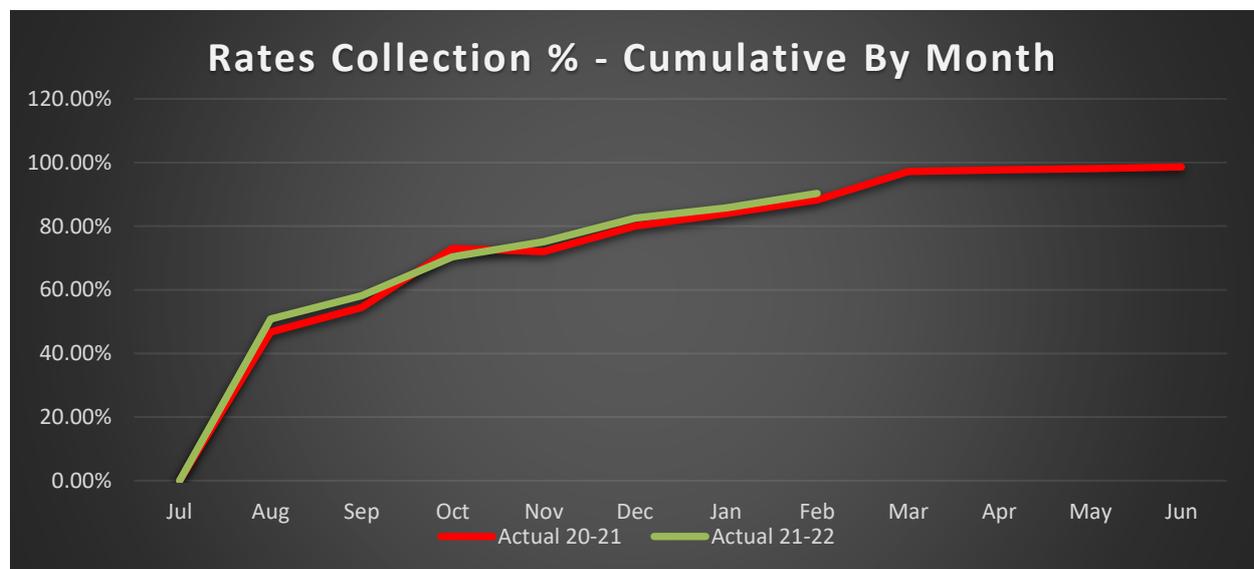
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

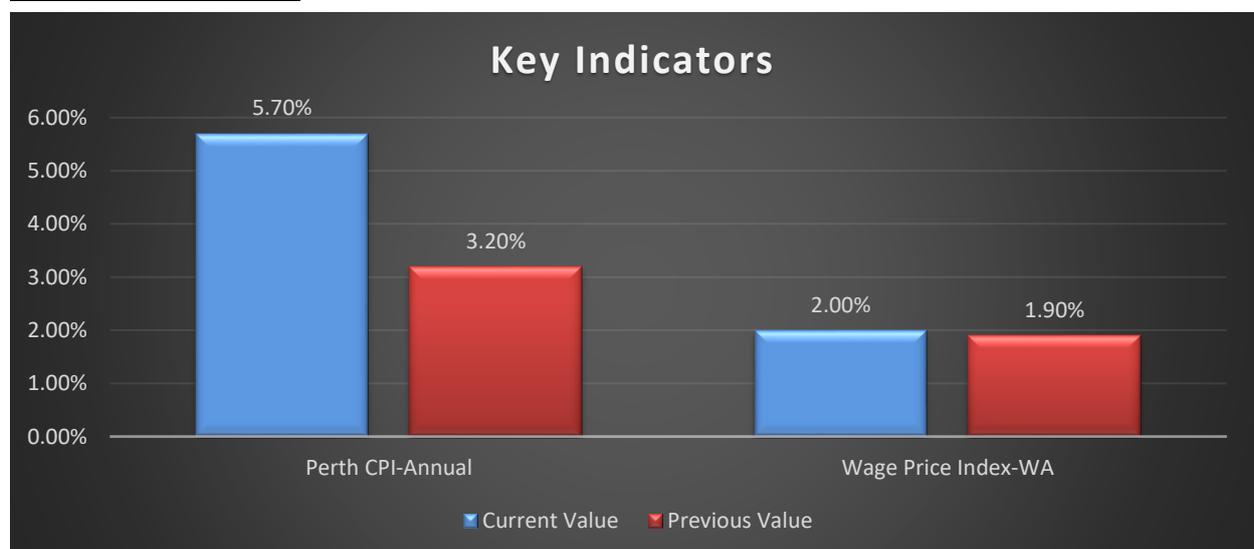
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is on par with the prior year at the end of February.

### Economic Indicators



During February the Western Australia Wage Price Index for the fourth quarter of 2021 was released. Western Australia recorded the slowest quarterly rise in wages of 0.5% and had the lowest annual wages growth of 2%. This underperformance came despite little disruption from COVID-19 in the fourth quarter as well as the lowest unemployment levels in recent years.

## **COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the Financial Activity Statement for the period ended 28 February 2022 forming Attachment 1 to Report CJ052-04/22.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf220412.pdf](#)

**Disclosures of Financial Interest**

<b>Name / Position</b>	<b>Cr Adrian Hill.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Hill's self-managed superannuation fund has a significant shareholding in Westpac Banking Corporation.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	National Australia Bank is an employer of Cr May.

<b>Name / Position</b>	<b>Cr John Raftis.</b>
<b>Item No. / Subject</b>	CJ053-04/22 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Raftis' superannuation fund has shareholdings in some of the tender applicants.

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ053-04/12 - Tender 016/22 Provision of Transactional Banking Services.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's wife holds shares in Westpac, the recommended party to provide the City with transactional services.

*Crs Hill, May and Raftis left the Chamber at 9.36pm.*

## **CJ053-04/22 TENDER 016/22 PROVISION OF TRANSACTIONAL BANKING SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110005, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## PURPOSE

For Council to accept the tender submitted by Westpac Banking Corporation for the provision of transactional banking services.

## EXECUTIVE SUMMARY

Tenders were advertised on 29 January 2022 through statewide public notice and published by Tenderlink for the provision of transactional banking services. Tenders closed on 22 February 2022. A submission was received from each of the following:

- Westpac Banking Corporation.
- Commonwealth Bank of Australia.
- National Australia Bank Limited.

The submission from Westpac Banking Corporation represents best value to the City. Westpac Banking Corporation demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing similar banking services to various WA local governments which include facilities that assist with revenue collection, payables and investments similar to the facilities held with the City. It is the City's incumbent service provider. It listed 17 WA local government clients including the Cities of Gosnells, Mandurah and Karratha with length of relationship ranging from two years to 42 years. Westpac Banking Corporation is well established with significant industry experience and proven capacity to provide the transactional banking services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Westpac Banking Corporation for the provision of transactional banking services as specified in Tender 016/22 for a period of five years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## BACKGROUND

The City has a requirement to engage a contractor to provide cost effective banking, associated services and provision of advice and guidance to effectively manage the City's income streams and borrowing requirements.

The scope of requirements is for the provision of transactional banking facilities, including deposit and withdrawal transactions, merchant services including EFTPOS, credit card refunds and bulk card transaction processing, investment and borrowing to meet the current and future requirements of the City. This includes integration of key banking services with current or future financial systems, including but not limited to; daily bank statement transaction upload to financial system, EFTPOS terminal integration, electronic direct debits, and the like.

The City has a contract in place with Westpac Banking Corporation for transactional banking services which expires on 31 May 2022.

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

## DETAILS

The tender for the provision of transactional banking services was advertised through statewide public notice and published by Tenderlink on 29 January 2022. The tender period was for three weeks, and tenders closed on 22 February 2022.

### Tender Submission

A submission was received from each of the following:

- Westpac Banking Corporation.
- Commonwealth Bank of Australia.
- National Australia Bank Limited.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ053-04/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ053-04/22.

A confidential tender summary is provided in Attachment 3 to Report CJ053-04/22.

### Evaluation Panel

The evaluation panel comprised four members, being:

- one with tender and contract preparation skills
- three with the appropriate operational expertise and or involvement in supervising contracts.

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

### Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable pass score was set at 50% as it is not considered a complex requirement.

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

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

## **Compliance Assessment**

The following offers received were assessed as fully compliant:

- Westpac Banking Corporation.
- Commonwealth Bank of Australia.

The offer from National Australia Bank Limited was assessed as non-compliant. National Australia Bank Limited submitted an offer subject to various exclusions and amendments to the City's conditions of contract relating to:

- variations to specification and conditions of contract
- sub-contractors
- conflict of interest
- governing law and jurisdiction
- payments
- acceptance of goods and services
- financial offsets
- guarantees and warranties
- indemnity
- others (superintendent, Australian Standards, additional works, samples of materials, price basis and variations, contractor to provide invoices, materials to be supplied by the City and access and inclusion plan).

This Submission was deemed to be non-conforming and was not considered further.

## **Qualitative Assessment**

Commonwealth Bank of Australia scored 75.8% and was ranked second in the qualitative assessment. It demonstrated a sound understanding of the required tasks. It has the experience and capacity required to provide the services.

Three WA local government client examples were supplied, and these were for the provision of banking services to the Cities of Perth, Kwinana and Bunbury. Though it expanded overview of services offered to other local government clients and compared similarity to the City's requirements, information on period and dates of service contracts to other local government clients was not supplied.

Westpac Banking Corporation scored 82.9% and was ranked first in the qualitative assessment. It has extensive experience providing similar banking services to various WA local governments which include facilities that assist with revenue collection, payables and investments similar to the facilities held with the City. It is the City's incumbent service provider. It listed 17 WA local government clients including the Cities of Gosnells, Mandurah and Karratha with length of relationship ranging from two years to 42 years. It demonstrated a thorough understanding and appreciation of the City's requirements. Westpac Banking Corporation is well established with significant industry experience and proven capacity to provide the transactional banking services to the City.

Given the minimum acceptable qualitative score of 50%, Westpac Banking Corporation and Commonwealth Bank of Australia qualified for stage two of the assessment.

## **Price Assessment**

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

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

For comparative purposes, card interchange and scheme fees pertaining to the various combinations of card schemes (Mastercard and Visa) and card types have been excluded wherever the tendered rates for a particular item from all tenderers indicate that these apply on top of the fees proposed. As these are not set by tenderers and apply equally to all, there is no comparative impact. Estimated interchange and scheme fees have, however, been included in respect of any particular item in the tendered rates where one tenderer has proposed a fee with the advice that interchange and scheme fees apply over and above, but other tenderers have not indicated that these apply in respect of the same fee.

The rates are fixed for the first year of the Contract but are subject to a price variation in years two to five and also six to seven (if the optional extension of one plus one year terms were exercised) of the Contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two to seven.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
Westpac Banking Corporation	\$188,555	\$192,327	\$196,173	\$200,097	\$204,098	\$981,250
* Commonwealth Bank of Australia	\$207,626	\$207,626	\$207,626	\$207,626	\$207,626	\$1,038,130
	<i>Year 1 - Transition Cost (internal and estimated direct costs):</i>					\$96,837
	<i>Credit Offered for Year 1 (fee waivers on selected product lines):</i>					(\$9,091)
						\$1,125,876

\* Commonwealth Bank of Australia offered a fixed-fee arrangement for the initial Contract term (years one to five).

During 2020-21, the City incurred \$406,288 (\$114,175 in respect of bank transaction charges; \$292,113 in respect of card merchant charges) for transactional banking services. This cost includes interchange and scheme fees for the various card types accepted from both Mastercard and Visa card schemes, which are not included in the comparative price assessment. The City is expected to incur in the order of \$981,250 over the five-year contract period and \$1,401,774 over seven years should the City exercise the extension option.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Estimated Total Comparative Price</b>	<b>Price Rank</b>
Westpac Banking Corporation	82.9%	1	\$981,250	1
* Commonwealth Bank of Australia	75.8%	2	\$1,125,876	2

Based on the evaluation result the panel concluded that the tender from Westpac Banking Corporation provides best value to the City and is therefore recommended.

## Issues and options considered

The City has a requirement for the provision of cost effective banking, associated services and provision of advice and guidance to effectively manage the City's income streams and borrowing requirements. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the services.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

## Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Manage liabilities and assets through a planned, long-term approach.

**Policy** *Investment of Available Funds Policy*.

## Risk management considerations

Should the contract not proceed, the risk to the City will be catastrophic as the City will have no banking facility to be able to receive money from customers or to pay suppliers and employees, which will be highly detrimental to the City's operations and reputation.

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

## Financial / budget implications

### Current financial year impact

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Transactional banking services.
<b>Budget amount</b>	\$ 445,194
<b>Amount spent to date (as of 28 February 2022)</b>	\$ 318,996
<b>Estimated cost (from 1 March to 31 May 2022)</b>	\$ 81,713 (current contract)
<b>Proposed cost (from 1 June 2022 to 30 June 2022)</b>	\$ 14,504 (new contract)
<b>Balance</b>	\$ 29,981

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Westpac Banking Corporation represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Westpac Banking Corporation for the provision of transactional banking services as specified in Tender 016/22 for a period of five years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf220412.pdf](#)

**CJ054-04/22      CONFIDENTIAL - FUTURE OF TAMALA PARK  
REGIONAL COUNCIL (TPRC) LAND HOLDINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1      Letter from Jon Morellini, Chief Executive Officer, Tamala Park Regional Council  <i>(Please Note:      The Report and Attachment is Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 145 refers.

**CJ055-04/22 WANDINA PARK, DUNCRAIG – REQUEST FOR ADDITIONAL IMPROVEMENTS**

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<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	47920, 101515
<b>ATTACHMENTS</b>	Attachment 1 Wandina Park Revitalisation Attachment 2 Wandina Park Drainage and Vehicle Movements
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider a request for additional improvements to Wandina Park, Duncraig.

**EXECUTIVE SUMMARY**

As part of the City's 2020-21 Capital Works Program Park Revitalisation Program, Wandina Park, Duncraig underwent a major refurbishment which saw two thirds of the park being relandscaped and transformed. The remaining northern one third of the park was retained as a dry-turf and sand area as this area contains underground drainage infrastructure and is also required for park maintenance vehicle access and circulation.

During the project design, shrub planting was considered, however, planting was only possible on the southern and eastern edges of the park and these areas were planted as a part of the revitalisation project. Due to the density of trees in the park and the requirement for maintenance vehicle access there is very little area in the park that could be used to create an area for native planting without impacting the City's ability to maintain the park.

The northern dry turf area of the park can be improved through turf hydro-seeding (excluding the cut-off drain surface area which is to remain free-draining sand). This will have the added benefit of stabilising the soft sand which will improve the sometimes-boggy ground conditions for maintenance access and circulation.

*It is therefore recommended that Council:*

- 1 *SUPPORTS the hydro-seeding of the northern dry turf portion of Wandina Park, Duncraig by the City, to further improve the parks amenity and improve maintenance access;*
- 2 *NOTES that there is no suitable area within Wandina Park for the creation of an area for native planting that would not impact on the existing drainage infrastructure or the City's ability to access and maintain the park.*

## BACKGROUND

As part of the City's *2020-21 Capital Works Program* Park Revitalisation Program, Wandina Park, Duncraig underwent a major refurbishment.

Wandina Park was a 'dry park' that contained an old swing set, aged bench seat and the perimeter of the park was flanked by paths. The park sloped down to the northern side at a 1:11 slope ending in a sub-surface drainage channel. As the park was not irrigated it was covered in either dry grass or bare soil.

*Aerial image and photos of the park in its original condition*



The revitalisation works included the installation of a new solar powered irrigation controller which enabled a small kick-a-bout turf area to be installed and irrigated via scheme water which provides an area to undertake recreational activities for the local community.

The play experience includes a new swing set with rubber softfall plus a nature balance trail which links to the stepped limestone wall which surround the swing. The other side of the swing area is connected to limestone boulders that terminate at a granite mixing stone for children to engage in imaginative play.



A new path connecting into the northwest corner of the park, meanders through the centre of the park and branches into two separate paths that hug the new turf area. This new internal path network connects into the existing perimeter paths to provide a variety of different walking, running, biking and scootering tracks for young and old.

The area of park between the lot boundaries and existing paths were also upgraded with new mulch and planted with *Chamaelucium uncinatum* (Geraldton Wax). When fully grown the plants will provide a pop of colour and attract native fauna.





BEFORE



AFTER

At its meeting held on 12 October 2021 (C106-10/21 refers), Council received a 29 signature petition from residents requesting Council to ask, “the CEO to call for a report regarding the planting of a native garden area in the sandy strip to the northern part of Wandina Park, Duncraig, for the enjoyment of local residents and bird-life.” The petition also noted that “the recent work on the park has turned Wandina Park into a wonderful asset for our community and the improvement of this area would complete it and also prevent the erosion that occurs on this sandy strip during heavy rain.”

At its meeting held on 14 December 2021 (CJ174-12/21 refers) considered this petition via the City’s “Status of Petitions” report and resolved as follows:

- 19 *in relation to a petition requesting that a native garden be planned in the sandy strip to the northern part of Wandina Park, Duncraig, the City confirms that Wandina Park was recently upgraded under the City’s Parks Revitalisation Program and no further works are planned, and that Council;*
- 19.1 *NOTES that Wandina Park was upgraded as part of the City’s 2020-21 Capital Works Program under the City’s Parks Revitalisation Program at a cost of \$127,000;*
- 19.2 *REQUESTS the Chief Executive Officer to prepare a report regarding the use of hydro mulch (inclusive of grass seeds) to the northern section of the park during the winter of 2022 to enable the establishment of grass to mitigate the potential for soil erosion. The report should also include information on the feasibility of identifying and creating an area for native planting in the park that would not risk infrastructure, with a view to supporting a Friends for Wandina Park, Duncraig group in such an endeavour;*
- 19.3 *ADVISES the lead petitioner of Council’s decision;*

The lead petitioner was advised of Council’s decision above on 16 December 2021.

## DETAILS

The Park Revitalisation project recently constructed at Wandina Park intentionally retained the northern portion of the park as dry turf (Attachment 1 refers) as this area fulfills two functions being:

- underground drainage infrastructure and maintenance
- park maintenance vehicle access and circulation.

### Underground Drainage Infrastructure

The northern dry turf portion of the park contains drainage infrastructure to prevent flooding to the properties along the northern flank of the park. This infrastructure consists of a longitudinal cut-off drain which functions with a free-draining sand surface (unvegetated) and a swale plus two soak wells on the north-eastern edge. The soak wells and cut-off drain need to be accessible to maintenance vehicles.

### Park maintenance vehicle access and circulation

The following maintenance vehicles require access to Wandina Park to undertake a range of maintenance activities including:

- General parks attendants' utility vehicles, which have an average length of 4.5 meters.
- Maintenance truck with trailer. The trailer is used to transport mowers to the park and bobcats which are used periodically for mulch topping up, sand topping up, sand sifting. This vehicle has an average length of 15.5 meters and an approximate turning circle of 15.6 meters.
- Play equipment maintenance truck. This truck needs access right up to the play equipment and has a length of 4.5 metres.
- Truck with tree pruning cherry picker which needs to be able to access all of the trees in the park. Traversable surfaces include irrigated or dry turf and mulch (not planting areas). The size of this vehicle varies from contractor to contractor.
- Tree pruning chipper truck and trailer which has an average length of 15.5 meters and an approximate turning circle of 15.6 meters.

These trucks, trailers and vehicles need be able to drive into the park in order to off-load the vehicles and equipment (and park) which requires a suitable area within each park to accommodate these vehicles when general park maintenance is being undertaken.

The design for the Wandina Park Revitalisation project specifically took these requirements into consideration to ensure appropriate access to and circulation within the park.

The following drainage infrastructure and park access requirements are provided as Attachment 2 to Report CJ055-04/22 and summarised below:

- The red hatched area and red circles on the north-east edge shows the underground drainage infrastructure. These areas must remain accessible for drainage maintenance.
- The blue hatched area shows the maintenance access and circulation in the dry turf area. Double blue dotted lines in the blue hatched area show the truck access routes and single blue dotted lines show the utility vehicle and bobcat access routes (the hatch area does not include that all the trees in the park also need to be accessible as explained below).
- The purple hatched area shows the cherry picker access required for tree maintenance.

In response to the decision of 14 December 2021, the City has investigated the request to hydro-mulch the northern section of the park and to create an area for native planting in the park that would not risk infrastructure.

### Use of hydro-seeding (hydro-mulching)

The northern dry turf area of the park can be improved through turf hydro-seeding (excluding the cut-off drain area which is to remain free-draining sand). This can be achieved through hydro-seeding using a mix of biotic soil media, carbon, biopolymers, seaweed, fertilisers and a rye and kikuyu or couch grass seed mix. Application for best results would be undertaken prior to winter rains.

By improving the turf quality of the northern section of the park, park maintenance accessibility will also be improved as the denuded soil areas currently present challenging ground conditions as vehicles can sometimes become bogged in the softer areas.

### Area for native planting

As outlined above, the northern dry turf portion of the park was left unplanted due to the existing underground drainage infrastructure and to facility vehicle access and movements within the park.

Additional planting was considered in the remainder of the park; however, shrub planting was only possible on the southern and eastern edges of the park and these areas were planted as a part of the revitalisation project.

Due to the density of trees in the park and the requirement for access by a cherry picker to undertake periodic tree maintenance, there is very little area in the park that could be used to create an area for native planting without impacting the City's ability to maintain the park.

There is, however, nothing to prevent an interested group of residents in getting together and undertaking informal activities such as weed and rubbish removal and actively reporting maintenance concerns to the City.

### **Issues and options considered**

Council can either:

- support turf hydro-seeding to the dry turf area of Wandina Park, thus approving the visual amenity and maintenance access. This is the preferred option.  
or
- not support turf hydro-seeding.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Not applicable.

**Risk management considerations**

Further planting to Wandina Park will restrict the City's ability to maintain the park, which will negatively impact the visual amenity of the park and reduce community useability and enjoyment.

**Financial / budget implications**

The cost estimate to hydro-seed approximately 1,800 square meters of dry turf is \$6,500 (excluding GST).

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The community's enthusiasm for improving the dry-turf area which was not upgraded under the Revitalise Project is understandable within the context of the overall park amenity and recent improvement of the larger portion of the park.

By improving the turf quality of the northern section of the park through turf hydro-seeding, will not just improve the amenity of the park, but also improve maintenance accessibility to the park.

**VOTING REQUIREMENTS**

Simple Majority.

*Crs Hill and Raftis entered the Chamber at 9.38pm.*

*Cr May entered the Chamber at 9.39pm.*

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

- 1 SUPPORTS the hydro-seeding of the northern dry turf portion of Wandina Park, Duncraig by the City, to further improve the parks amenity and improve maintenance access;**
- 2 NOTES that there is no suitable area within Wandina Park for the creation of an area for native planting that would not impact on the existing drainage infrastructure or the City's ability to access and maintain the park.**

**AMENDMENT MOVED CR FISHWICK, SECONDED CR LOGAN** that Part 2 be amended and an additional Part 3 be added to the Motion to read as follows:

- 1 SUPPORTS the hydro-seeding of the northern dry turf portion of Wandina Park, Duncraig by the City, to further improve the parks amenity and improve maintenance access;
- 2 REQUESTS that the Chief Executive Officer reinvestigates areas within the northern section of Wandina Park where some native plantings could be provided that would not impact on the existing drainage infrastructure;
- 3 Subject to suitable areas being located in Wandina Park for planting native plants, the City PROVIDES assistance to local residents with identifying in planting areas for native flora.

**The Amendment was Put and**

**TIED (6/6)**

**In favour of the Amendment:** Crs Chester, Fishwick, Kingston, Logan, Poliwka and Raftis.

**Against the Amendment:** Mayor Jacob, Crs Hamilton-Prime, Hill, Jones, May, McLean.

There being an equal number of votes, the Mayor exercised his casting vote and declared the Amendment Motion

**LOST (6/7)**

**The Motion as MOVED Mayor Jacob, SECONDED Cr Fishwick was Put and**

**CARRIED (10/2)**

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

**Against the Motion:** Crs Poliwka and Raftis.

*Cr Poliwka left the Chamber at 9.57pm.*

*The Director Planning and Community Development left the Chamber at 9.58pm.*

*Cr Poliwka entered the Chamber at 9.59pm.*

*The Director Planning and Community Development entered the Chamber at 10.00pm.*

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf220412.pdf](#)*

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ056-04/12 - Petition Requesting Retention of a Pond Facility, McCubbin Park, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The lead petitioner is known to Cr May.

## CJ056-04/22      PETITION REQUESTING RETENTION OF A POND FACILITY, MCCUBBIN PARK, WOODVALE

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	25061, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider a petition in relation to the pond facility within McCubbin Park, Woodvale.

**EXECUTIVE SUMMARY**

A petition from electors of the City of Joondalup was received by Council at its meeting held on 21 September 2021 (C90-09/21 refers) requesting the retention a pond facility within McCubbin Park, Woodvale of similar scope to the long-standing existing pool. Additionally, the petition requested that Council ensures that the ongoing maintenance costs associated with the pond and associated infrastructure continue to be funded by the City of Joondalup to the benefit of residents from Woodvale and surrounds who enjoy the amenity provided by the McCubbin Park pond, and to the ongoing benefit of wildlife that use it.

The existing infrastructure at McCubbin Park includes a water body used as a settling pond for the reduction of iron within the irrigation water. The water body was not constructed large enough to hold the irrigation water for long enough to mitigate the iron staining issue (as evidence on most paths within the estate).

Technology advancements in removing iron oxide from groundwater has been embraced by the City with a major installation in Central Park and smaller installations servicing landscaped areas on the City's medians and select parks around the City with a high iron content.

A small unit could be installed adjacent to the bore which would provide iron free water to the water body. This would result in the water body remaining relatively clear which will reduce staining, algal blooms, facilitate the establishment of aquatic flora and fauna which would culminate in an improved amenity to the park.

*It is therefore recommended that Council:*

- 1 *SUPPORTS the installation of an iron filter and associated works at McCubbin Park, Woodvale;*
- 2 *NOTES that an amount of \$140,000 has been listed for consideration by Elected Members during the development of the 2022-23 budget for irrigation improvements as per Part 1 above;*
- 3 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

McCubbin Park is a small (1,907m<sup>2</sup>) Local Recreation Park situated adjacent to McCubbin Boulevard, Woodvale. The existing infrastructure at McCubbin Park includes a water body which was initially constructed to:

- assist in drainage
- mitigate the issues related to a low volume water producing bore
- reduce the amount of iron oxide in the water to reduce staining
- provide amenity for the area.

Its main function is to capture 1:1 stormwater events from the surrounding streets with the main inlet situated on the north-east corner. This inlet also acts as an outlet during peak rain events with the outfall discharging into a bubble up pit located in Yellagonga Reserve.

Its secondary function is to provide an irrigation source for the park and surrounding streetscape. A low water yielding bore is located on a grassed median island to the west of the park. Due to the bores geographical location the bore water contains iron oxide which produces the iron staining which can be seen on the majority of infrastructure in the area. To mitigate the iron oxide issue, the developers at the time had deigned the bore water to flow via a constructed above ground stream into the water body. The idea was to aerate the water causing the iron to solidify and drop out of the water column. On reaching the water body the iron oxide would settle out of the water to the sediment layer at the bottom of the pond. The clean water would then be pumped out to irrigate the park and surrounds.

In hindsight, the water body was never large enough to hold the irrigation water required for a night's watering long enough to mitigate the iron staining issue (as evidence on most paths within the estate). This results in muddy looking water during summer plus algal blooms due the heat build-up in the water stratification layers.

In 2002 the residents of Woodvale Waters voted in favour of becoming a Specified Area Rated (SAR) location. The residents formed the Woodvale Waters Landowners Association (WWLOA) and is one of only four locations within the City of Joondalup to have an SAR in place. Being part of an SAR means that all residents within the Estate contribute to the maintenance and upkeep of the Estate to a higher level than would normally be the case.

Additional capital improvements have also been made over the ensuing years from contributions via the SAR which include upgrades to the entry statement and adjoining streetscapes. The association are keen to undertake further improvements to the estate.

## DETAILS

At its meeting held on 21 September 2021 (C90-09/21 refers), Council received a 258 signature petition requesting that Council:

- “1 *Retains a pond facility within McCubbin Park, Woodvale of similar scope to the longstanding existing pond.*
- 2 *Ensures that the ongoing maintenance costs associated with the pond and associated infrastructure continue to be funded by the City of Joondalup to the benefit of residents from Woodvale and surrounds who enjoy the amenity provided by the McCubbin Park Pond, and to the ongoing benefit of wildlife that use it.”*

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

In August 2021, a City officer attended the WWLOA committee meeting to discuss the current irrigation infrastructure and options for improving the amenity of McCubbin Park. It was noted that the City had allocated a budget figure of \$33,200 for the renewal of the cabinet and flow metre due to its age and condition, however, before the commencement of any renewal works, the City would investigate if the current infrastructure is fit for purpose and if not, recommend options to either remove or upgrade the asset.

The WWLOA requested the current amenity of the park inclusive of the aeration stream and water body be retained as it was a main attraction of buying into the estate. They were seeking on what measures could be put in place to improve the water quality. If this could be resolved they would seek to raise money through the SAR Capital Infrastructure Guidelines to improve their park and streetscape.

Technology advancements in removing iron oxide from groundwater has been embraced by the City with a major installation in Central Park and smaller installations servicing landscaped areas on the City’s medians and select parks around the City with a high iron content.

A small unit could be installed adjacent to the bore which would provide iron free water to the water body. This would result in the water body remaining relatively clear which will reduce staining, algal blooms, facilitate the establishment of aquatic flora and fauna which would culminate in an improved amenity to the park

This option will allow the City to utilise the existing bore but would require an upgrade of the headworks, cabinet, installation of an iron filter and ancillary works.

### Issues and options considered

Council can either:

Option 1 Support the upgrade of the head works, installation of an iron filter and associated works required to improve the water quality within the water body to enable the pond to be retained. This is the preferred option.

Option 2 Not support the retention of the waterbody at McCubbin Park.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** *Specified Area Rating Policy.*

**Risk management considerations**

Many of the City's irrigation systems are based on low yielding bores pumping water into water bodies such as Blue Lake Park, Sir James McCusker Park and Central Park. Water is then pumped from these waterbodies onto the adjacent parks.

The risk of not reducing the iron content of irrigation water includes continuing the staining of infrastructure. Installing an iron filter not only improves water quality, it also will improve system performance (pressure and volume) which makes for a shorter watering period.

**Financial / budget implications**

The one-off cost to supply and install iron filter including associated works is estimated at \$140,000. The additional annual maintenance costs to run an iron filter at this location is estimated at \$2,760.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

The installation of an iron filter will improve water quality which will have a positive impact on the fauna and flora of the local area.

Social

The increased amenity value of the park brought about by the improvements to the water body will benefit the local residents who use the park on a daily basis.

**Consultation**

The City met with the WWLOA in August 2021 to discuss irrigation and landscaping options.

**COMMENT**

The installation of an iron filter for the irrigation system at McCubbin Park will improve the water quality, thus negating the need for a settling pond. The pond, however, provides an increased amenity to the area and its retention is supported by the petitioners.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council:**

- 1 SUPPORTS the installation of an iron filter and associated works at McCubbin Park, Woodvale;**
- 2 NOTES that an amount of \$140,000 has been listed for consideration by Elected Members during the development of the 2022-23 budget for irrigation improvements as per Part 1 above;**
- 3 ADVISES the lead petitioner of Council's decision.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ058-04/22, page 141 refers.**

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

## **REPORT – MAJOR PROJECTS AND FINANCE COMMITTEE MEETING HELD 28 MARCH 2022**

### **CJ057-04/22 PROPOSED FUTURE DISPOSAL OF LOT 12223 (12) BLACKWATTLE PARADE, PADBURY – UPDATE OF STATE GOVERNMENT ADVICE**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	55022, 63627, 101515
<b>ATTACHMENT</b>	Attachment 1 Location Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### **PURPOSE**

To provide Council with updated advice from the Department of Planning Lands and Heritage (DPLH) on matters related to the proposed land disposal of the City's freehold Lot 12223 (12) Blackwattle Parade, Padbury (Lot 12223).

#### **EXECUTIVE SUMMARY**

Lot 12223 is a former Crown land community purpose site acquired by the City from State Government in June 2019 at a concessional purchase price. The City rezoned the site to 'Commercial' and has received Council approval for its disposal.

The acquisition of Lot 12223 was driven by residents local to the 'Hepburn Heights' estate, raising concerns on parking, traffic and pedestrian issues since St. Stephen's School's Early Learning Centre opened in the area (Attachment 1 refers). The petitions stated that should the City successfully acquire Lot 12223 at a reduced purchase price, the site could be rezoned and then sold with the proceeds used to alleviate the parking, traffic, and pedestrian issues.

Past reporting to Council and the 500 metre radius community consultation in 2015 resulted in support for the acquisition and using the future sale proceeds to install traffic signals at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

The original acquisition application was made to the former Department of Lands, with the application being referred to the former Department of Planning. These agencies are now incorporated within the Department of Planning Lands and Heritage (DPLH).

At the time of the acquisition application, DPLH Planning conditioned its support for the proposal that the future proceeds from the sale of Lot 12223 could not be used for installing traffic lights. The City was advised that the proceeds need to be placed in a reserve and used in the locality for community purposes as detailed under the City's former District Planning Scheme No. 2 (DPS2) – now Local Planning Scheme No. 3 (LPS3). DPLH Planning considered that the use of the proceeds to address parking, traffic and pedestrian issues did not meet the definition of community purpose under DPS2.

At its meeting held on 20 July 2021 (CJ107-07/21 refers), Council requested the Chief Executive Officer (CEO) seek clarity from the DPLH on the use of the future proceeds from the sale of Lot 12223. Clarification on the scope of the proximity on where those proceeds can be spent was also requested.

The updated advice received from the DPLH is that the future sale proceeds can now be used to address parking, traffic, and pedestrian issues, as it was considered this would still provide some public benefit. The DPLH noted the community concerns raised during the rezoning process when reassessing the matter. However, in the interim, and as recent as February 2022, the City and Main Roads WA (MRWA) have been discussing potential options for traffic-related improvements to the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection. These discussions were prompted by the City receiving notification from MRWA on 28 June 2021 of a \$3 million State Government funding contribution to upgrade the intersection.

The DPLH's updated advice now allows Council to decide whether the future proceeds from the sale of Lot 12223 are used for community purposes, or traffic-related matters. Until MRWA, with the City's input, have examined the options available for the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection, and the outcome is reported to Council, in addition to information on the State Government funding available, it may be prudent for Council to defer that decision.

MRWA's support is necessary for the installation of traffic signals at Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection and post examination of the potential traffic treatment options, MRWA may consider funding alternative traffic treatments.

Although requested, DPLH Planning did not provide any updated advice concerning where the proceeds could be used. Should a community purpose facility have been developed on Lot 12223, it is reasonable to consider, as with other community purpose facilities, it would have served the surrounding community on all borders.

MRWA with the City's input is examining a number of traffic mitigation measures concerning the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection. The details concerning the State Government funding contribution have not been finalised but are likely to become evident once the options for the intersection have been examined. Having an alternative funding source available may allow Council to consider using the proceeds from the sale of Lot 12223 for community purposes as per the definition under the City's LPS3.

Deferring the use of the proceeds from the future sale of Lot 12223 appears to be no impediment to proceeding with the land disposal process as supported by Council at its meeting held on 20 July 2021 (CJ107-07/21 refers).

*It is therefore recommended that Council:*

- 1 *BY AN ABSOLUTE MAJORITY REVOKES Part 6 of its decision of 19 May 2015 (CJ082-05/15 refers) as follows:*
  - “6 *REQUESTS the Chief Executive Officer to develop an advocacy plan to gain support from the relevant State Government departments to use the funds from the sale of the land for Council and the community’s preferred option to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.*”;
- 2 *NOTES that the Department of Planning Lands and Heritage has provided its support for the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury to be used to address parking, traffic, and pedestrian issues in the area if required;*
- 3 *NOTES that Main Roads WA and the City are currently examining traffic improvement options for the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;*
- 4 *NOTES that a \$3 million State Government funding commitment for traffic improvements to the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury may potentially release the City of the need to use the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury for such use;*
- 5 *NOTES the information in this report concerning the proximity related to Lot 12223 (12) Blackwattle Parade, Padbury of where the site’s future sale proceeds can be utilised and that the Department of Planning Lands and Heritage can be contacted to confirm that the proposed project locations are within an acceptable proximity;*
- 6 *SUPPORTS deferring its decision on where the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury will be utilised until the outcome of the City and Main Roads WA’s examination of the traffic improvement options for the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;*
- 7 *SUPPORTS the commencement of the two-stage land disposal process concerning Lot 12223 (12) Blackwattle Parade, Padbury as detailed in the report to Council at its meeting held on 20 July 2021 (CJ107-07/21 refers).*

## **BACKGROUND**

The acquisition of the former community purpose site was related to petitions tabled during 2011. Residents’ local to the area in ‘Hepburn Heights’ raised concerns about parking, traffic and pedestrian issues since St. Stephen’s School’s Early Learning Centre opened (Attachment 1 refers).

Petitioners stated that a long-term strategy to alleviate the traffic issues was the City’s concessional acquisition of the vacant community purpose site, Lot 12223. Petitions detailed that once Lot 12223 was owned in freehold by the City, it could be rezoned. The eventual disposal of the site would provide the proceeds to enable the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

Main Roads WA (MRWA) has advised the City on several occasions that it does not support the installation of traffic lights at this location. MRWA’s support is necessary as it is the approving authority for the installation of traffic lights.

In response to the City's application to acquire Lot 12223, DPLH Planning advised that the future sales proceeds from the disposal of Lot 12223 cannot be spent on installing traffic lights as it does not qualify under the definition of 'Community Purpose.' The proceeds are to be placed in a reserve and used in the locality for community purposes as detailed under the City's former DPS2 – now LPS3 as follows:

***“Community Purpose: means the use of premises designed or adapted primarily for the provision of education, social, cultural, and recreational facilities and services by organisations involved in activities for community benefit.”***

Concerning the locality in which the sales proceeds can be applied, DPLH Planning at the time advised it had no definite policy position on the definition of 'locality,' and each case is considered on its merits and the specific circumstances. The City was advised that as a minimum, the locality would include the subdivision north of Hepburn Avenue bounded by the Mitchell Freeway to the east and Hepburn Conservation Area to the west. Additionally, if a community purpose facility had been developed on Lot 12223, it would have attracted residents from both the northern and southern side of Hepburn Avenue, Padbury.

DPLH Planning at the time recommended that once the City was ready to expend the sale proceeds, it would be required to justify the expenditure in terms of the community purposes definition under the City's DPS2 – now LPS3 and the locality where the funds are planned to be expended.

#### Walter Padbury Boulevard and Hepburn Avenue, Padbury Intersection

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a further 32 signature petition from residents seeking support for the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury.

The City had previously investigated the installation of traffic signals at this location and following advice from MRWA, the City commissioned a Major Road Network Review to inform the future network requirements and prioritise improvements to specific sections or intersections of the City's major arterial roads. As part of the review, the resultant traffic model concluded that the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury was performing, and would continue to perform at an acceptable level for the modelling period (up to 2031) making the need for modifications at this location unnecessary.

At its meeting held on 17 March 2020 (CJ032-03/20 refers), Council considered a report in relation to the petition received. The item was referred back to the CEO to investigate alternative access and egress options concerning the Hepburn Heights estate. The data analysis resulted in traffic signals being unnecessary. Amongst other matters, information concerning traffic signals was reported to Council at its meeting held on 15 September 2020 (CJ136-09/20 refers). Part of the recommendation was that Council does not support the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard. Council resolved the following (C84-09/20 refers):

***“CJ136-09/20 Petition in Relation to Installation of Traffic Controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, be REFERRED BACK to the Chief Executive Officer to allow further engagement with Main Roads WA and other stakeholders on possible novel solutions to improve the intersection at Walter Padbury Boulevard and Hepburn Avenue, Padbury.”***

## DETAILS

At its meeting held on 20 July 2021 (CJ107-07/21 refers), part of Council's resolution requested the CEO to clarify with the DPLH on the use of the future land disposal proceeds from the sale of Lot 12223 and the proximity in which those proceeds can be spent.

### DPLH Planning and Lands' Advice

On contacting DPLH Planning, the City was advised that as a result of the City's Amendment No 87 to the then DPS2, gazetted in January 2018, the land has been rezoned from 'Civic and Cultural' to 'Commercial.' On this basis, DPLH Planning has reconsidered its advice:

*"It is understood that as part of the public consultation during Amendment 87 process, traffic congestion of the locality was the major issue raised by the general public. It is also understood that this issue has been long identified in the area, and the City has previously expressed its intention to use surplus funds from the sale of the subject land to address this issue.*

*Based on the above, and the understanding that any development of the subject land for commercial purpose will result in increased traffic and may potentially worsen the existing traffic congestion of the area, the Department would like to advise the following:*

- *"The use of the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury, to address parking, traffic and pedestrian issues in the area is now considered to be in accordance with the objective of the "Commercial" zone under the City of Joondalup Local Planning Scheme No. 3, and therefore can be justified and supported."*

### State Government Funding Commitment

In June 2021, Main Roads WA advised the City that as part of a commitment made during the State Government election to provide funding for a number of projects on local government roads, funding for four projects in the City were confirmed. One of those projects was a \$3 million contribution to upgrade the intersection to improve access from Walter Padbury Boulevard onto Hepburn Avenue, Padbury.

Discussions with the City since receipt of MRWA's advice have taken place and currently a number of options are being considered by MRWA. Once more is known on the most appropriate option it will highlight how the funding contribution will be scoped.

## Issues and options considered

### Using the land disposal proceeds to mitigate parking, traffic and pedestrian issues

The DPLH's updated advice was that the future sale proceeds related to Lot 12223 to address parking, traffic and pedestrian issues in the area is in accordance with the objective of the "Commercial" zone under the LPS3 and can therefore be justified and supported.

Consideration was given to the traffic congestion issues raised during the public consultation process when rezoning the site from "Civic and Cultural" to "Commercial."

With the State Government funding commitment for traffic improvements at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, it appears that the use of the proceeds from the sale of Lot 12223 for traffic-related matters may no longer be required. MRWA are currently considering traffic mitigation options for this location which will be discussed with the City.

### Using the land disposal proceeds for community purposes

The City now has an alternative funding source for the traffic-related issues in the locality of Lot 12223, providing Council with the option to consider the utilisation of the future sale proceeds from Lot 12223 for community purposes.

Future Crown land community purpose site acquisitions may include the City applying to acquire a Crown land community purposes site in freehold at a concessional rate, rezoning it to allow for a mix of uses and disposal of the site. The DPLH requires community support for an acquisition proposal to progress. Community support might not be provided without a level of reassurance on the future land uses for the community purpose sites or the use of the future sale proceeds.

The definition of community purposes detailed in the City's LPS3 provides the required land use parameters for community purpose development and service provision.

### Deferring the decision on the use of the sale proceeds

Before commencing the land disposal process for Lot 12223, Council requested updated advice from the DPLH which has now been provided. There is now the option of using the future proceeds from the sale of Lot 12223 towards mitigating parking, traffic and pedestrian issues within the Hepburn Heights estate.

There is still some uncertainty at this stage whether MRWA will support traffic signals, however, all options are currently being examined and a level of funding has been confirmed by MRWA towards traffic improvements. Until the outcome of MRWA's assessment, and more information on the proposed funding model, committing the proceeds from the sale of Lot 12223 appears unnecessary.

### Proximity or locality of area land disposal funds to be expended

As requested by Council, the City made additional attempts in 2021 to obtain advice on the scope of the proximity on which the funds can be expended, however, none was provided.

The original advice from DPLH Planning, as detailed above, is that in summary, if a community purpose facility was developed on Lot 12223, it would have attracted residents from the northern and southern sides of Hepburn Avenue, Padbury. Notwithstanding this advice, it is also reasonable to assume that residents on the eastern and western boundaries of the site may also have taken advantage of a local community facility.

DPLH Planning at the time recommended that once the City is ready to expend the sale proceeds, the City would be required to justify the expenditure in terms of the community purposes definition under the City's DPS2 – now LPS3 and the locality on where the funds are to be expended.

The City could liaise with the DPLH when considering where the funds should be expended and get pre-approval of the City's selected location.

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

### **Legislation**

Sections 3.58 and 3.59 of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* determine how a local government may dispose of property.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality Built outcomes.

**Key theme** Quality Urban Environment.

**Objective** Quality Built outcomes.

**Policy** Not applicable.

**Risk management considerations**

The community local to Lot 12223 appeared resolute on the acquisition application details. The recent change of advice from DPLH allows the proceeds from the sale of Lot 12223 to be utilised towards mitigating parking, traffic and pedestrian issues.

The City using the State Government funding available for traffic-related remedies allows Council to use the proceeds from the future sale of Lot 12223 for community purposes. Such a result may prove reassuring for other local communities to Crown land community purpose sites where the City examines Crown land optimisation opportunities.

**Financial / budget implications**

The Strategic Asset Management Reserve funded the purchase of Lot 12223.

MRWA has confirmed a \$3 million State Government funding commitment to upgrade the intersection to improve access from Walter Padbury Boulevard onto Hepburn Avenue, Padbury. The proposed funding agreement has not yet been finalised.

Council has previously supported the allocation of the sale proceeds from Lot 12223 to a specific reserve account for projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury, in line with the definition of "Community Purposes" under DPS2 – now LPS3. Council may wish to review this allocation based on the updated advice from the DPLH.

Should the location of proposed projects or services not be evident to be in the proximity of Lot 12223, contact can be made with DPLH Planning for confirmation that the location is acceptable.

**Regional significance**

Not applicable.

**Sustainability implications**

The community purpose definition under LPS3 highlights services that relate to 'education, social, cultural and recreational'; therefore, the services proposed being accessible to all sectors of the community would be considered socially sustainable.

The City's proposed EOI land disposal process concerning Lot 12223 will highlight the requirement that building design integrates sustainable design principles into its siting, design, and construction. Respondents will be directed to the Environmentally Sustainable Design Policy.

## **Consultation**

Community consultation was conducted from 24 February 2015 to 26 March 2015. Feedback was requested from the local community on the proposed acquisition of Lot 12223. The related survey provided to the community detailed a number of selected projects, including the Council preferred project for traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

A scheme amendment proposal was advertised for public comment for 42 days closing on 20 July 2017. Amendment 87 to DPS2 rezoned the site from 'Civic and Cultural' to 'Commercial' and removed the residential density code.

As part of the Expression of Interest process to dispose of Lot 12223, the City proposes to use the services of a real estate agent to market the site. Should Council provide its in-principle support for a negotiated outcome with a preferred respondent, a public notice will be served for a minimum of 14 days on the intent to dispose of the site by private treaty with the outcome being reported back to Council

## **COMMENT**

Advice from MRWA is that there is a State Government's funding commitment for traffic improvements at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury. This information, together with the updated advice from the DPLH allows Council the option of utilising the Lot 12223 sale proceeds for traffic calming measures or community purposes in the vicinity of Lot 12223.

Council deferring this decision appears financially prudent until there are more details on MRWA's proposed traffic treatment recommendations and the State Government related funding model.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ057-04/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 28 March 2022.

**C44-04/22****CALL FOR ONE-THIRD SUPPORT TO REVOKE A PREVIOUS COUNCIL DECISION**

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

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

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

Mayor Jacob called for support from one-third of the members of Council. Support to revoke Council’s resolution in relation to Results of Community Consultation on the City’s Proposed Acquisition of Lot 12223 (12) Blackwattle Parade, Padbury (Reserve 43717) (CJ082-05/15 refers) was given by:

- 1 Cr Fishwick.
- 2 Cr Logan.
- 3 Cr Chester.
- 4 Cr Raftis.
- 5 Cr Hamilton-Prime.

**MOVED Cr Logan, SECONDED Cr Hamilton-Prime that Council:**

**1 BY AN ABSOLUTE MAJORITY REVOKES Part 6 of its decision of 19 May 2015 (CJ082-05/15 refers) as follows:**

**“6 REQUESTS the Chief Executive Officer to develop an advocacy plan to gain support from the relevant State Government departments to use the funds from the sale of the land for Council and the community’s preferred option to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.”;**

**2 NOTES that the Department of Planning Lands and Heritage has provided its support for the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury to be used to address parking, traffic, and pedestrian issues in the area if required;**

**3 NOTES that Main Roads WA and the City are currently examining traffic improvement options for the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;**

**4 NOTES that a \$3 million State Government funding commitment for traffic improvements to the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury may potentially release the City of the need to use the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury for such use;**

**5 NOTES the information in this report concerning the proximity related to Lot 12223 (12) Blackwattle Parade, Padbury of where the site’s future sale proceeds can be utilised and that the Department of Planning Lands and Heritage can be contacted to confirm that the proposed project locations are within an acceptable proximity;**

**6 SUPPORTS deferring its decision on where the proceeds from the future disposal of Lot 12223 (12) Blackwattle Parade, Padbury will be utilised until the outcome of the City and Main Roads WA’s examination of the traffic improvement options for the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;**

**7 SUPPORTS the commencement of the two-stage land disposal process concerning Lot 12223 (12) Blackwattle Parade, Padbury as detailed in the report to Council at its meeting held on 20 July 2021 (CJ107-07/21 refers).**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf220412.pdf](#)*

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### CJ058-04/22 2021-22 REVISED BUDGET AMENDMENT - CAPITAL WORKS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	107357, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to consider an amendment to the 2021-22 Revised Budget for the Selkirk Drive – Connolly Drive to Inez Pass project (LTM2174).

#### EXECUTIVE SUMMARY

As part of the City's *Capital Works Program*, provision was made for upgrading works on Selkirk Drive from Connolly Drive to Inez Pass (LTM2174). The scope of the project includes the installation of on-street parking bays around the commercial precinct on Selkirk Drive, and non-parking related works in the form of installation of median treatments between Connolly Drive and Inez Pass.

The project budget includes a combination of Cash in Lieu of Parking Reserve, Municipal and Asset Renewal Reserve funding and based on the scope of works and the current market pricing there is a budget shortfall of \$37,000. There is adequate funding available within the Cash in Lieu Parking Reserve to fund the additional parking related capital cost of this project.

*It is therefore recommended that Council:*

- 1 *BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$37,000 to the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project;*
- 2 *BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget to include an additional transfer of \$30,000 from the Cash in Lieu of Parking Reserve to fund the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project;*
- 3 *BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget to include an additional transfer of \$7,000 from the Asset Renewal Reserve to fund the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project.*

## BACKGROUND

The City's *Cash in Lieu of Car Parking Policy* has been in operation since 1999 and has been reviewed on several occasions including most recently in 2018 (CJ026-02/18) as part of a review of the City's Policy Manual.

Clause 4.11 of DPS2 allows Council to consider accepting a cash payment in lieu of car parking bays provided onsite. Cash-in-lieu of car parking provides a potential alternative to the development of onsite car parking should there be a shortfall in the provision of bays outlined under Table 2 – Car Parking Standards of DPS2. Clause 4.11 does not replace the developer's responsibility to provide onsite parking, but rather serves as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed. However, in accordance with Clause 4.11, there must be an adequate provision or a reasonable expectation that in the immediate future, that there will be adequate provision for public car parking in the proximity of the proposed development.

The payment of cash-in-lieu is applied in accordance with the City's current *Cash in Lieu of Car Parking Policy* and DPS2. Cash-in-lieu is only accepted where the terms outlined in the policy and DPS2 can be met.

## DETAILS

As part of the City's *Capital Works Program*, provision was made for upgrading works on Selkirk Drive from Connolly Drive to Inez Pass (LTM2174). The scope of the project includes the installation of on-street parking bays around the commercial precinct on Selkirk Drive, and non-parking related works in the form of installation of median treatments between Connolly Drive and Inez Pass.

The revised 2021-22 Budget includes the following funding for this project:

<b>Funding Source</b>	<b>Amount</b>
Cash-in-Lieu of Parking Reserve	\$190,000
Municipal	\$25,000
Asset Renewal Reserve	\$20,000
<b>Total</b>	<b>\$235,000</b>

Pricing received for the project works is \$272,000 being \$37,000 more than originally estimated and included in the revised budget. This can be attributed to the current market conditions where there is no shortage of work due to various accelerated projects and COVID stimulus packages. It is estimated that \$30,000 of the shortfall in funding is attributable to the parking works and \$7,000 to the non-parking works.

It is recommended that Council allocate an additional \$30,000 of funding from the Cash in Lieu of Parking Reserve and an additional \$7,000 from the Asset Renewal Reserve towards the project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass.

## Issues and Options Considered

Council can either:

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

Council can choose not to amend the 2021-22 Revised Budget. This would restrict the City's ability to commence the required works within the 2021-22 financial year. This option is not recommended.

### Option 2 – Amend the 2021-22 Revised Budget

Amending the 2021-22 Revised Budget will allow the City to incur the necessary expenditure to commence the works within the 2021-22 financial year. This is the recommended option.

## Legislation / Strategic Community Plan / Policy Implications

### Legislation

Section 6.8 of the *Local Government Act 1995*:

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

\* *Absolute majority required.*

## Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

## Risk Management Considerations

The City's ability to complete the required works will be impacted if the budget amendments are not supported.

**Financial / Budget Implications**

The balance in the Cash in Lieu of Parking Reserve pertaining to this location is \$702,141 as at 30 June 2021 which includes interest accumulated since 2007. The increased transfer from the reserve in the 2021-22 Revised Budget from \$190,000 to \$220,000 can therefore be accommodated.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The additional funding would ensure the original scope of works is able to be completed within the 2021-22 financial year.

**VOTING REQUIREMENTS**

Absolute Majority.

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

- 1 BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$37,000 to the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project;**
- 2 BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget to include an additional transfer of \$30,000 from the Cash in Lieu of Parking Reserve to fund the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project;**
- 3 BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget to include an additional transfer of \$7,000 from the Asset Renewal Reserve to fund the Capital Works Project LTM2174 Selkirk Drive – Connolly Drive to Inez Pass project.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**C45-04/22**

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

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

**CJ044-04/22, CJ045-04/22, CJ047-04/22, CJ048-04/22, CJ051-04/22, CJ052-04/22, CJ056-04/22.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## URGENT BUSINESS

Nil.

## MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Jacob has given notice of his intention to move the following Motion at the Council meeting to be held on 19 April 2022:

***That Council REQUEST the Chief Executive Officer to prepare a report on options for the development of a concept for an artificial reef for recreational fishing and surfing between Mullaloo Point and the newly constructed southern breakwater at the Ocean Reef Marina.***

### REASON FOR MOTION

In its early iterations, the Ocean Reef Marina project included an artificial surf reef and I still believe that this is something which would be of benefit to local surfers and to the community as a whole. It has already been demonstrated that there is still a large level of local support for such a project.

Such an installation would also benefit other users such as recreational shore fishing enthusiasts and snorkelling/diving. The swell patterns through this area will mean that any reef design will likely only produce a seasonal surf break and an artificial reef at this location can also be used for fishing or a snorkelling/diving trail at this location.

As was the case for the Ocean Reef Marina project, the potential sites for a new reef are located within the Marmion Marine Park and not within the Council's land tenure. This also will not be a project Joondalup Council will be able to deliver in isolation and it will require State Government support if it is to ultimately succeed.

However, I believe that at this stage the Council is in the best position to develop the concept, to prepare initial costings of possible designs and to gauge what level of community support there is to deliver an artificial reef between Mullaloo Point and Ocean Reef Marina.

Therefore, I respectfully seek the Council's support for a report which explores options for such a project between Mullaloo Point and the new Ocean Reef Marina.

### OFFICER'S COMMENT

A report can be prepared.

C46-04/22

**NOTICE OF MOTION NO.1 – MAYOR JACOB – ARTIFICIAL REEF,  
OCEAN REEF**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Council **REQUEST** the Chief Executive Officer to prepare a report on options for the development of a concept for an artificial reef for recreational fishing and surfing between Mullaloo Point and the newly constructed southern breakwater at the Ocean Reef Marina.

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

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

Cr Kingston raised a Point of Order noting that clause 7.8(2) of the *Meeting Procedures Local Law 2013* allows a member to ask a question before speaking.

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

C47-04/22

**PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING  
MEMBER BE DISAGREED WITH**

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

**The Procedural Motion was Put and**

**LOST (3/9)**

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

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

**The Motion as MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime was Put and

**CARRIED (9/3)**

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

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

**C48-04/22                    MOTION TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC**

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

- 1** in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1** **CJ054-04/22 - Confidential - Future of Tamala Park Regional Council (TPRC) Land Holdings.**
  
- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item **CJ054-04/22 - Confidential - Future of Tamala Park Regional Council (TPRC) Land Holdings** while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1** **Chief Executive Officer, Mr James Pearson;**
  - 2.2** **Director Corporate Services, Mr Mat Humfrey;**
  - 2.3** **Director Governance and Strategy, Mr Jamie Parry;**
  - 2.4** **Director Planning and Community Development, Mr Chris Leigh;**
  - 2.5** **Director Infrastructure Services, Mr Nico Claassen;**
  - 2.6** **Manager Governance, Mrs Kylie Bergmann;**
  - 2.7** **Governance Officer, Mrs Deborah Gouges;**
  - 2.8** **Governance Officer, Mrs Wendy Cowley.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Governance and Governance Officers) and members of the public and press left the Chamber at this point; the time being 10.37pm.*

**CJ054-04/22      CONFIDENTIAL - FUTURE OF TAMALA PARK  
REGIONAL COUNCIL (TPRC) LAND HOLDINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1      Letter from Jon Morellini, Chief Executive Officer, Tamala Park Regional Council  <i>(Please Note:      The Report and Attachment is Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

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

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

**OFFICER'S RECOMMENDATION**

That Council:

- 1      NOTES the request from the Tamala Park Regional Council in their letter dated 21 March 2022 as provided in Attachment 1 to Report CJ054-04/22;
- 2      REQUESTS the Chief Executive Officer respond to this letter indicating Council's position that it does not wish to pursue any of the four transactions proposed in the letter relating to Tamala Park Regional Council Landholdings.

**MOVED Cr Fishwick, SECONDED Cr Chester that Item CJ054-04/22 – Confidential – Future of Tamala Park Regional Council (TPRC) Land Holdings BE DEFERRED to the Ordinary Council Meeting to be held on 17 May 2022, to allow Elected Members time to consider the matter at a Strategy Session prior to making a decision.**

**The Motion was Put and**

**CARRIED (10/2)**

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

**Against the Motion:** Crs Hill and Jones.

**C49-04/22                    MOTION TO OPEN THE MEETING TO MEMBERS OF THE PUBLIC**

**MOVED Mayor Jacob, SECONDED Cr McLean that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the meeting be REOPENED TO THE PUBLIC.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Doors opened at 10.49pm.*

*Two members of the public and no members of the press were present.*

In accordance with Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- CJ054-04/22 – Confidential – Future of Tamala Park Regional Council (TPRC) Land Holdings.

**C50-04/22                    MOTION TO RESUME THE ORDER OF BUSINESS**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013* – Order of Business.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Cr May advised his intention to submit two Notices of Motion to the Council Meeting to be held on 17 May 2022.

*Cr Jones left the Chamber at 10.53pm.*

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 10.54pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR JOHN CHESTER  
CR RUSS FISHWICK, JP  
CR CHRISTINE HAMILTON-PRIME, JP  
CR ADRIAN HILL  
CR DANIEL KINGSTON  
CR JOHN LOGAN  
CR CHRISTOPHER MAY  
CR TOM MCLEAN, JP  
CR RUSSELL POLIWKA  
CR JOHN RAFTIS