

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 12 JULY 2022**

COMMENCING AT **6.30pm**

JAMIE PARRY
Director Governance & Strategy
8 July 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

PUBLIC QUESTION TIME

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 11 July 2022.**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

INTRODUCTION

The modern role of Council is to set policy and strategy and provide goals and targets for the local government (the City). The employees, through the Chief Executive Officer, have the task of implementing the decisions of Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by Council
- seek points of clarification
- ask questions
- be given adequate time to research issues
- be given maximum time to debate matters before Council,

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest, the following provisions apply:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021* and the *City's Code of Conduct*.
 - (b) Elected Members disclosing a financial interest, or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) The remaining Elected Members may agree that an Elected Member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining Elected Members agree:
 - (i) is so trivial or insignificant as to be unlikely to influence the disclosing Elected Member's conduct in relation to the matter
or
 - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
 - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.

PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to Elected Members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the Elected Members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for Elected Member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation complete the [Deputation Request Form](#).

PROCEDURES FOR PUBLIC QUESTION TIME

Questions asked Verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final
 - nominate a City employee to respond to the question
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a report listed in the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.

- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Questions in Writing – (Residents and / or ratepayers of the City of Joondalup only).

- 1 Only City of Joondalup residents and / or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident / ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written questions should be sent via email to council.questions@joondalup.wa.gov.au.

DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

- 1 Members of the public are invited to make public statements verbally at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

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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 – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 12 July 2022** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

The following summarised deputations were submitted to the Briefing Session held on Tuesday 14 June 2022.

DEPUTATION NO. 1 - ITEM 14 - SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT

Mr Gangemi, Chairman of Sorrento Estate Council, addressed Elected Members in relation to Item 14 advising that he was representing the 81 property owners located at 160 West Coast Drive, Sorrento which is located directly opposite the Sorrento Surf Life Saving Club (SSLSC).

Mr Gangemi stated that the Sorrento Estate Council were in support of Option 3 for the following reasons:

- *Noise pollution* - locating the club premises further north away from residents will significantly reduce noise impacts on residents.
- *Visual pollution* – currently residents overlook an unattractive, aging building that was originally constructed in the 1960s as well as 12 large, green wheelie bins and a permanent skip bin.
- *Improved car parking* – the additional 64 car bays is urgently required to reduce the spillage that ends up in the residents' visitors' bays.
- *Enhanced community health and wellness* - a number of residents attend yoga classes, tai chi classes and first aid courses that the Surf Club provide.
- *Reduction of sand blowing into the complex* - locating the club further north will reduce the current build-up of sand on the dunes that blows across West Coast Drive into the complex which has been an ongoing yearly problem.

Mr Gangemi concluded by saying that Sorrento Beach is one of the best beaches in the world, although the facilities, including the Surf Club, were outdated. Mr Gangemi urged Elected Members to support Option 3.

DEPUTATION NO. 2 - ITEM 14 - SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT

Mr Smith-Gander addressed the Elected Members in relation to Item 14. A PowerPoint presentation was provided.

Mr Smith-Gander explained that the mission of surf lifesaving is to save lives, and build great communities, adding that there are four pillars within surf lifesaving, being:

- life saving
- youth
- education and training
- surf sports.

Mr Smith-Gander stated that the Sorrento Surf Life Saving Club (SSLSC) provides the following services:

- Patrolling of the two main beaches at Sorrento, and two beaches within Hillarys Marina.
- Roving patrols from Marmion to Pinnaroo.
- Abalone patrols.

Mr Smith-Gander stated that the SSLSC has the biggest membership in Western Australia with:

- 784 Nippers
- 2,200 members (bigger than some State sporting organisations)
- 500 patrolling members.

Mr Smith-Gander added that due to the size of the SSLSC, the club can host endurance championships, Nipper carnivals and State Little Nipper carnivals, all of which can have hundreds, if not thousands, of people attending these events.

Mr Smith-Gander advised that Deloitte had done a cost-benefit analysis for Surf Lifesaving Western Australia and concluded that the value to the City of Joondalup was \$2.65 million per annum.

Mr Smith-Gander concluded by saying that SSLSC is the only metropolitan surf lifesaving club that needs any development and urged Elected Members to assist the Sorrento Surf Life Saving Club to take it to the next level in surf lifesaving.

DEPUTATION NO. 3 - ITEM 14 - SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT

Mr Morris, Mr Snook and Ms Booker addressed Elected Members in relation to Item 14, speaking in favour of the redevelopment of the facility. A PowerPoint presentation was provided.

Mr Morris, Mr Snook and Ms Booker raised the following points:

- The Sorrento Surf Life Saving Club (SSLSC) has 2,200 members.
- The SSLSC charges all club families a building levy to help build the club, adding that there is now \$1 million to contribute to any redevelopment.
- Many community organisations use the SSLSC premises.
- The SSLSC is an amazing community to be a part of, which is full of admirable people, and role models.

- The SSLSC's Youth Program provides an opportunity for youth to make lifelong friends and create memories.
- The SSLSC provides senior members an opportunity to act, belong, commit, as well as being a strong, supportive family club that provides support to each other.
- The facilities are no longer sustainable for their growing members, making it difficult for the SSLSC to evolve and grow.
- The redevelopment would provide increased storage capacity to store lifesaving equipment, medical supplies, competition material and vehicles as well as providing meeting rooms and training rooms to train future lifeguards.
- The new façade for the building would ensure the SSLSC truly stands out as the heart and soul of the community.

Mr Morris urged Elected Members to approve the project so that it could move forward as quickly as possible.

DEPUTATION NO. 4 - ITEM 14 - SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT

Mr Beament, President of the Indian Ocean Paddlers (IOP), addressed Elected Members in relation to Item 14, speaking in favour of the redevelopment of the facility. A PowerPoint presentation was provided.

Mr Beament advised that the IOP has 300 active members who are all housed at the SSLSC, adding that he foresees within five years that the club will have an upwards trajectory of over 600 members. Mr Beament stated that their growth meant that they were struggling to coexist at the SSLSC location.

Mr Beament advised that SSLSC had kindly housed Indian Ocean Paddlers from the beginning, and that the IOP are proud to be associated with the Sorrento Surf Life Saving Club.

Mr Beament concluded by saying that he thought it would be wonderful to see the SSLSC increase in size.

DEPUTATION NO. 5 - ITEM 14 - SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT

Mr Doherty and Mr Walton addressed Elected Members in relation to Item 14, speaking in favour of the redevelopment of the facility. A PowerPoint presentation was provided.

Mr Doherty and Mr Walton raised the following points in relation to the building project:

- The Sorrento Surf Life Saving Club (SSLSC) provides services to many community groups who utilised the club space.
- The new facility would allow the club to flourish, and further enhance community services.
- The SSLSC has worked hard to bring in extra funds in the form of building levies, and that the extra commitment of their member base had allowed the SSLSC to commit \$1 million to the project, adding that was in addition to the \$75,000 that the SSLSC had already spent to date on the project.
- Option 3 is the preferred option as it provides the most benefit being:
 - safer amenities to all users in the community
 - improvement to safe beach access and foreshore landscaping

- improvement to the functionality of the club
- increasing car parking for community use.
- Option 3 provides the most iconic built form opportunities for the SSLSC and also provides the largest commercial area of the three schemes.
- Option 3 proposes the greatest potential views, value, and income for the City.
- The SSLSC has secured an \$8 million grant from the State Government for the project and it would be a shame to see the grant go to waste, or the project not come to fruition.

DEPUTATION NO. 6 - ITEM 19 - PETITION REQUESTING A SAFETY AND CONGESTION REVIEW AT WOODVALE BOULEVARD SHOPPING CENTRE

Ms Apps addressed the Elected Members in relation to Item 19, and spoke in relation to the petition from the community regarding concerns over the remodelled BP Service Station, and the increased traffic congestion this would generate at Woodvale Boulevard Shopping Centre. A PowerPoint presentation was provided.

Ms Apps advised that approval had been granted on the adjoining lot for redevelopment of a medical centre, which consisted of a three-storey professional office suite of 1,900 square metres with an underground carpark, a café and more, which would increase vehicle and pedestrian activity, adding that this was not included in the traffic report for the BP Service Station renovation.

Ms Apps raised the following concerns:

- The inclusion of a 12-hour video survey was a great decision, but it does not include any vehicle movements from the soon to be reopened BP service station, or fast-food outlet, and was conducted during COVID, the information is an under representation of what will be occurring at that location.
- The data used in the report is from 2016 and 2018 and not current crash data from January 2017 to December 2021, and no formal Road Safety Audit has been completed and an audit would require up-to-date data.
- Future growth in the area of Woodvale that will affect vehicle congestion includes; the proposed skatepark next to the secondary school, Duffy House is proposed to be activated as a tourist attraction and new homes have been built on the Wanneroo side of Woodvale to name a few.
- The Woodvale Secondary College's students are coming from across Whitfords Avenue in Kingsley, and with Duffy Terrace not usable due to speed humps, most of the traffic is directed through Woodvale Drive, with all this extra traffic finding its way onto Trappers Drive.

Ms Apps explained since the Ocean Reef Road overpass has opened in 2020, Woodvale Drive is the quickest route adding to the congestion issue be encountered today.

DEPUTATION NO. 7 - ITEM 20 - LANEWAYS IN SORRENTO AND MARMION.

Mr and Mrs Perroni addressed Elected Members in relation to Item 20 and the renaming of Laneway No. 5 to Pia Lane.

Mr and Mrs Perroni provided the following reasoning for their Lane naming request:

- Their family had lived on Ross Avenue, Sorrento since the 1970's.
- Laneway No. 5 is more than bitumen that connects driveways, it is a safe place for their family member Pia to live her life to the fullest after being diagnosed with Cardiofaciocutaneous (CFC) Syndrome.

- Neighbours along Laneway No. 5 embarked on an intensive physical and intellectual program to assist Pia with her development, by not only assisting Pia, but also providing her with social interaction.
- Pia's daily routine for many years was to visit people up and down the laneway, hear about their lives, ask questions, and provide comfort and company to so many people.

Mr and Mrs Perroni encouraged Elected Members to consider their human story behind the naming process of the laneway.

PUBLIC QUESTION TIME

The following summarised questions were submitted to the Briefing Session held on Tuesday 14 June 2022.

M Harrison, Mullaloo:

Re: Item 14 - Sorrento Surf Life Saving Club (SSLSC) Redevelopment.

Q1 The Report (Item 14 refers) describes that in early December 2021, M P Rogers and Associates (MRA) issued a Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) report R1601 Rev 1 to the City's Administration for the proposed location of the SSLSC redevelopment. MRA's R1601 Rev 1 also references MRA's R771 Rev 1 (Joondalup Coastal Hazard Assessment, 2016) and this in turn references MRA's R608 Rev 1 (Ocean Reef Marina CHRMAP, 2016).

Given the reliance placed on MRA by the City's Administration, for awareness, consistency, transparency, and integrity, has the City's Administration ensured that MRA, and in particular all MRA staff that have prepared, and/or reviewed and/or approved CHRMAPs for use by the City's Administration have also prior completed and maintained their Declaration of Financial Interest / Proximity Interest / Interest that may affect impartiality?

A1 The City engaged the services of M P Rogers and Associates via a quotation process in February 2022. As part of that process all Respondents are required to complete an Offer Form which includes a declaration by the Respondent that it is not aware of any situation under which its involvement would create a conflict of interest or a perceived conflict of interest while performing the services outlined in the quotation. The scope of this quotation included the requirement that 'all services shall be carried out to industry best practice standards, comply with all appropriate Federal, State and Local Statutory Requirements, and be to the approval of the City.' and included the provision of services for coastal hazard risk management adaption planning.

Q2 The Report (Item 14 refers) describes that in early December 2021, MRA issued a CHRMAP R1601 Rev 1 to the City's Administration for the proposed location of the SSLSC development. MRA's R1601 Rev 1 also references MRA's R771 Rev 1 (Joondalup Coastal Hazard Assessment, 2016). Accessing R771 Rev 1 (on 12 June 22) via the City Administration's own webpage revealed that Appendix A, Appendix B (Shoreline Movement Plans, Coastal Hazard Maps) for Sorrento itself were no longer contained in the document.

How exactly does the City Administration's define "democratic decision-making process" in the context of development applications in general given the backdrop of highly relevant, local-to-development information not being reliably made available to the public by the City's Administration on the timeline of the data's relevance to decision making?

A2 The City's 'Coastal hazard maps' web page includes a coastal hazard assessment map of Sorrento Beach (Map 7): <https://www.joondalup.wa.gov.au/kb/resident/coastal-hazard-maps-2>

Q3 *The Report (Item 14 refers) describes that in early December 2021, MRA issued a CHRMAP R1601 Rev 1 to the City's Administration for the proposed location of the SSLSC development. MRA's R1601 Rev 1 also references MRA's R771 Rev 1 (Joondalup Coastal Hazard Assessment, 2016) and this in turn references MRA's R608 Rev 1 (Ocean Reef Marina CHRMAP, 2016). On August 09, 2021, the IPCC issued the Working Group I (WG1) report as the first instalment of the IPCC's Sixth Assessment Report (AR6). The City's Administration is now 100% reliant upon CHRMAP R1601 Rev 1 to advance the redevelopment at SSLSC.*

Why were the warnings/implications to the fundamentals of coastal and port engineering and to risk assessment, as agreed by 194 countries and as cited in the IPCC WG1 AR6 report, excluded from the referencing, discussion and conclusions in CHRMAP R1601 Rev 1?

A3 The IPCC's Sixth Assessment Report will be used to inform the development of the City's Climate Change Plan which is aimed to be presented to Elected Members for endorsement to undertake community consultation in 2022-23.

Re: *Item 11 - Adoption of the 10-Year Strategic Community Plan and 5-Year Corporate Business Plan.*

Q4 *The transparent display of all input data from the engaged community matters most to the final revision of any valid 10-Year Strategic Community Plan for that community.*

Could you please explain why in the revised draft 10-Year Strategic Community Plan, although requested to do so under the public consultation process, the City's Administration still hasn't chosen to make available in an addendum the actual posters finalised on the day by each table of residents that attended the Community Engagement Sessions so that the most important public inputted data can be confirmed as being included?

A4 The full outcomes from the initial community consultation process — Shaping your local community — are available on Community Consultation page of the City's website. This includes all of the graphic recordings from each of the community workshops.

Q5 *The performance of the City's Administration against the 10-Year Strategic Community Plan matters greatly to the community.*

Could you please explain why in the revised draft 10-Year Strategic Community Plan, although requested to do so under the public consultation process, the City's Administration still hasn't included specific yearly objectives broken down to short term goals that define quarterly actions to get to the yearly goals with each action measured by achievable, realistic and time-based Key Performance Indicators (KPIs)?

A5 As noted in the report to Council, identification of annual activities and quarterly milestones against the *Strategic Community Plan* are included in the *5-Year Corporate Business Plan*. Measuring performance against the Vision, Goals and Outcomes of the *10-Year Strategic Community Plan* is also outlined in the *5-Year Corporate Business Plan*. Annual performance measures are listed in full in this plan under each Outcome. Comprehensive reporting will be undertaken through *Corporate Business Plan Quarterly Reports*, *Capital Works Quarterly Progress Reports*, and *Annual Reports*.

M O'Byrne, Kinross:

Re: *Item 20 - Laneways in Sorrento and Marmion.*

Q1 *Why didn't the City address the well-known problem areas as highlighted in the previous Laneways Reports (referenced in this new report) in preparation for the implementation of the Sorrento/Marmion Laneways Housing Opportunity Area (HOA) Policy?*

A1 The City's Local Housing Strategy establishes the concept of Housing Opportunity Areas (HOA). The strategy was adopted by Council and endorsed by the Western Australian Planning Commission in 2013. The previous laneway report referred to in the question was considered by the City's former Capital Works Committee on 7 October 2014 and was prepared after the strategy was finalised.

In establishing the Sorrento/Marmion Laneways HOA (HOA3), the Local Housing Strategy notes the opportunities the laneways present as part of redevelopment in this area. The strategy notes that the existing public infrastructure, including the laneways, would not change through the strategy, however there may be a need to upgrade the infrastructure in the future.

The officer recommendations, to note the merit of constructing Lane 5 through to Clontarf Street in the long term and to include future resurfacing and kerb replacement of laneways, are consistent with the Local Housing Strategy in this regard.

Q2 *What legal liability is the City of Joondalup exposed to now if serious injury, outbreaks of fire (death, property destruction), other causes of preventable injuries, or deaths occur in the Sorrento/Marmion Laneways because the City failed to presently address the highlighted adverse safety conditions?*

A2 Any claim, if received, would be referred to the City's insurer.

Q3 *What would prevent the City from requesting assistance from the Western Australian State Government to turn the Laneways issues as illustrated by elected members and the community into a grants project under the State Government's State Road Funds to Local Government Agreement 2018-19 to 2022- 23?*

A3 The City applies, on an annual basis, for grant funding for those projects that align with the funding criteria. Any project within the laneways is unlikely to be approved under the Metropolitan Regional Road Group Rehabilitation or Improvements Programs as it does not fulfil the funding requirements.

Q4 *What other sources of State (and or) Federal funding might the City investigate with the help of local state and Federal Members of Parliament to help pay for the Sorrento, Marmion Laneways upgrade?*

A4 The City is not aware of any other available funding.

Q5 *What reply is made by the City to the assertion that the well-voiced community, elected member expectation that this Sorrento/ Marmion Laneways report would supply a comprehensive review into the dangerous and ongoing problems and safety issues in the laneways has not been realised?*

A5 The report addresses the Notice of Motion and Petition as received.

M Kwok, Ocean Reef:

Re: *Item 17 - Tender 018/22 - Non-Chemical Application for the Control of Weeds to Nominated Locations.*

Q1 *Please advise when (start and finish dates) did you advertise for tender?*

A1 The Request for Tender was advertised in the West Australian newspaper on Saturday 9 April 2022, with the closing time and date for lodgement of a response being 2.00pm Thursday 28 April 2022.

Q2 *Since the original Council resolution in December 2021 indicated non-chemical weeding methods to be used in sensitive areas. Are sensitive facilities such as daycare centres and kindergartens included as part of nominated locations?*

A2 Yes, daycare centres and kindergartens have been included as areas for non-chemical weed control for this tender.

Q3 *Are community gardens included in the nominated locations for chemical free weeding?*

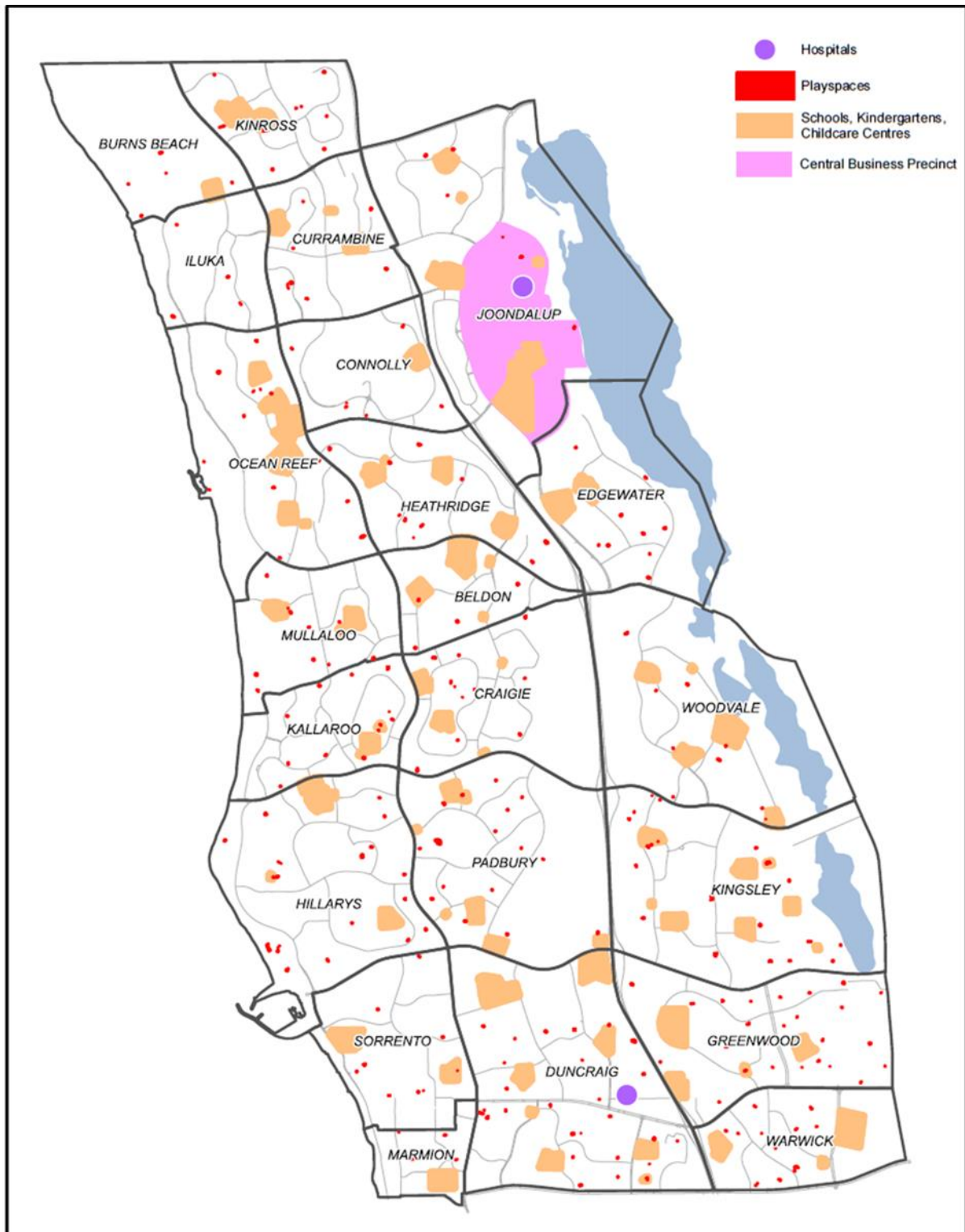
A3 Community gardens have not been included in the tender as a location for chemical free weeding.

Q4 *What is the total area covered in the nominated locations for non-chemical weed control?*

A4 The areas covered under this Contract will include approximately:

- 293,398 lineal metres of kerb line.
- 113,629 lineal metres of footpaths.
- 119,900 square metres of hardstand areas.
- 78,394 square metres of play spaces.

A visual representation of all areas covered under this tender can be found in the map below.



PUBLIC STATEMENT TIME

The following summarised statements were submitted to the Briefing Session held on Tuesday 14 June 2022.

T Hardie, Marmion:

Re: Item 6 - Status of Petitions.

Mr Hardie thanked the Council for considering the petition for the current non-removal of the play equipment located at McKirdy Park, and the request for it to be replaced with new equipment in the future.

Mr Hardie urged Elected Members to approve the petition request so that funds can be made available in the budget which will be up for approval at the June Council meeting, adding that if funding is approved the local community would welcome an opportunity to work with the City to have input into the equipment to be constructed.

H Chin, Duncraig:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Miss Chin spoke in support of the redevelopment of the Sorrento Surf Life Saving Club (SSLSC) stating that she has been a member of the club since she was six years of age, stating that she was welcomed with open arms, and that the club not only introduced her to an amazing sport, but she was also equipped with life skills that allow her to give back to the community.

Miss Chin stated that the SSLSC members volunteer hours to not only patrol the beaches, but also to show kids and adults how to keep themselves and everyone else safe.

M Norman, Sorrento:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Mr Norman explained that the Sorrento Surf Life Saving Club (SSLSC) building sits adjacent to the Sorrento Coastal Reserve, the native gardens of which have been looked after by the Friends' of Sorrento Beach and Marmion Foreshore since 2011.

Mr Norman advised since 2000 the Friends' group have planted 32,500 plants of 40 species between Hillarys Boat Harbour and Beach Road in Marmion, and have done thousands of hours of environmental weeding and litter collection.

Mr Norman expressed concern as to the impact of the project on the environment and the City's proposal to reduce the height of the dune system at Sorrento Beach to alleviate the sand drift problem.

Mr Norman said reducing the height of the dunes would involve clearing the native vegetation that the Friends' group have worked so hard to establish in the area.

B Hewitt, Edgewater:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Ms Hewitt advised that by creating a new and purpose-built space for this essential organisation, the City would not only be providing its members a great Club, but improving their capacity to serve the community, to train the future patrolling members and leaders in our community.

Ms Hewitt went on to say that as a volunteer organisation, its members give up many hours training, teaching and transferring skills, and they give up their time to ensure their fellow Australians are safe.

Ms Hewitt urged Elected Members to support the Sorrento Surf Life Saving Club and the community.

N Hughes, Duncraig:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Ms Hughes explained that her family had moved to Perth from Mount Isa and had joined the Sorrento Surf Life Saving Club six years ago.

Ms Hughes recalled an incident where her 15-year-old daughter had been able to render assistance to a woman suffering a miscarriage due to the training she had received at the Club.

Ms Hughes concluded by saying it was not just about what we do in the ocean, but it is what we do for our community that makes the difference.

M Flaig, Duncraig:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Mr Flaig explained that his sons joined the Sorrento Surf Life Saving Club five years ago, and that the club had done wonderful things for them as a family, and they are active members of the Club.

Mr Flaig implored Elected Members to consider future proofing of the building development, as well as taking into account the population growth in the area.

A Kirkpatrick, Padbury:

Re: Item 14 - Sorrento Surf Life Saving Club Redevelopment.

Mr Kirkpatrick spoke in support of the Sorrento Surf Lifesaving Club stating that the friendships that his son made at the Club helped him through some difficult times while he was at school and provided support when he needed it most.

Mr Kirkpatrick added that club members are always willing to be a helping hand when people are in need, an example of this is that SSLSC members assisted with the search for the missing man in Lancelin recently.

Mr Kirkpatrick concluded by saying having a purpose-built facility for the Sorrento Surf Life Saving Club will assist the provision of training to members to help the community and save lives in years to come.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – MAY 2022

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

PURPOSE

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	3	3
Strata subdivision applications	8	12
TOTAL	11	15

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

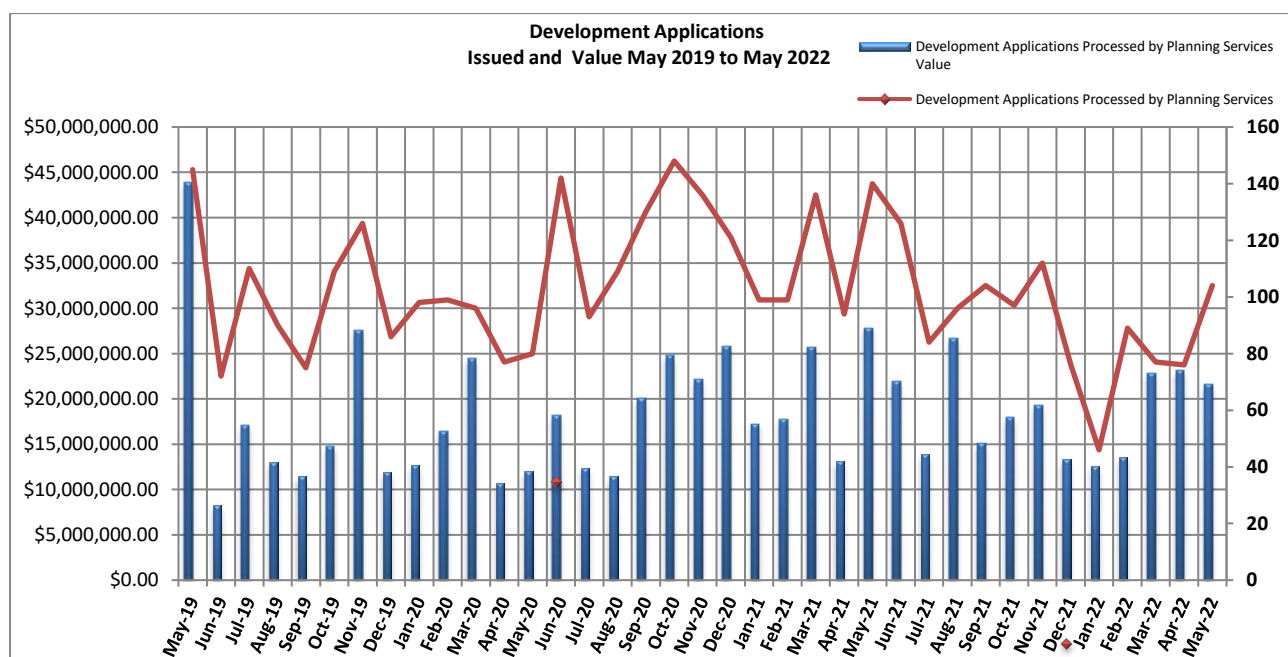
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	104	\$21,600,587

Of the 104 development applications, 22 were for new dwelling developments in housing opportunity areas, proposing a total of 23 additional dwellings.

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



The number of development applications received during May 2022 was 75.

The number of development applications current at the end of May was 210. Of these, eight were pending further information from applicants and 21 were being advertised for public comment.

In addition to the above, 237 building permits were issued during the month of May with an estimated construction value of \$26,454,166.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Place

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

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 104 development applications were determined for the month of May with a total amount of \$74,187.89 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.

RECOMMENDATION

That Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to this Report during May 2022;**
- 2 subdivision applications described in Attachment 2 to this Report during May 2022.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf220712.pdf](#)

ITEM 2 **PROPOSED AMENDMENT NO. 8 TO LOCAL PLANNING SCHEME NO. 3 - OMNIBUS AMENDMENT - CONSIDERATION FOLLOWING ADVERTISING**

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBERS	110004, 101515
ATTACHMENTS	Attachment 1 Omnibus Amendment Attachment 2 Location Plans Attachment 3 Scheme Amendment Maps
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider Scheme Amendment No. 8 to *Local Planning Scheme No. 3* following public advertising.

EXECUTIVE SUMMARY

The City of Joondalup *Local Planning Scheme No. 3* (LPS3) controls how land may be utilised within the City of Joondalup. LPS3 came into effect on 23 October 2018 when it was published in the *Government Gazette*. Seven amendments to LPS3 have been finalised since its gazettal.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations were updated in February 2021 and July 2021 as part of the State Government's reform of the planning system. This included changes to the model provisions that local planning schemes are required to be based on.

An omnibus amendment has been initiated to update and align LPS3 with the updated model provisions in the LPS Regulations and also address other minor anomalies which have been identified since LPS3 was gazetted in October 2018.

An omnibus amendment is an amendment which typically includes a number of unrelated changes to the planning scheme that are minor or administrative in nature and do not necessarily warrant a separate or individual amendment of their own.

The omnibus scheme amendment proposes the following modifications to LPS3:

- Change the land use permissibility of 'Holiday House' from a 'D' (discretionary) to an 'X' (not permitted) land use in the 'Commercial zone.
- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' land use in the 'Light Industry' zone and 'Joondalup West' precinct of the Joondalup Activity Centre Plan.

- Fix several typographical errors.
- Update the scheme map to address a number of zoning anomalies.
- Undertake a number of modifications to align LPS3 with the updated model provisions of the LPS Regulations.

At its meeting held on 15 February 2022 (CJ006-02/22 refers), Council resolved to advertise the proposed scheme amendment for public comment for a period of 42 days. Advertising closed on 2 June 2022. A total of six submissions were received, comprising two submissions of support and four submissions from service authorities.

It is therefore recommended that Council supports the proposed omnibus amendment to LPS3 with no modifications.

BACKGROUND

Local planning schemes are made under Part 5 of the *Planning and Development Act 2005*, which sets out the general objectives of schemes, the matters which may be addressed in schemes and the requirements for the review of schemes.

The LPS Regulations govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations comprise of the Regulations, model provisions, deemed provisions and legends used in the scheme. The model provisions provide the form and content for all new local planning schemes. The deemed provisions provide uniform processes and procedures for all schemes.

As part of the State Government's reform of the planning system, amendments to the LPS Regulations were gazetted on 18 December 2021 which came into effect on 15 February 2021 and 1 July 2021. These amendments included a broad range of changes to the deemed provisions to improve processes and reduce administration. These amendments also included changes to the model provisions for local planning schemes to align with the changes to the deemed provisions. The changes to the model provisions are required to be implemented when the local government next updates its local planning scheme.

The City of Joondalup *Local Planning Scheme No. 3* (LPS3) controls how land may be used in the City of Joondalup. LPS3 came into effect on 23 October 2018 when it was published in the *Government Gazette*. The scheme has now been in operation for over three years and in that time several minor anomalies have been identified.

It is considered appropriate to update LPS3 to reflect the changes to the LPS Regulations and also correct these minor anomalies to improve the legibility and functionality of the scheme.

DETAILS

The proposed modifications to LPS3 and an explanation of the proposals are detailed below.

Proposal 1 – Zoning Tables

The following changes are proposed to be made to Table 3 Zoning Table in LPS3:

- Change the land use permissibility of 'Holiday House' from a 'D' (discretionary) to an 'X' (not permitted) land use in the 'Commercial zone'.
- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' land use in the 'Light Industry' zone.

The following change is proposed to be made to the Table 3b - Joondalup Activity Centre Zoning Table in LPS3:

- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' land use in the 'Joondalup West' precinct.

Intent of modification

Change to Holiday House land use permissibility

A 'Single house' is an 'X' (not permitted) land use in the 'Commercial' zone.

A 'Holiday House' is defined as a 'Single house' that is used for short-term accommodation.

As a 'Single house' is not permitted in the 'Commercial' zone, a 'Holiday House' should also not be permitted in that zone.

Change to Animal Establishment land use permissibility

'Animal Establishment' means premises used for the breeding, boarding, training or caring of animals for commercial purposes. The use is currently an 'X' (not permitted) land use in all zones within the City, with the exception of the 'Rural' zone.

The City has received several enquiries since LPS3 came into effect to establish 'doggy day care' businesses in the City of Joondalup.

A 'doggy day care' falls under the 'Animal Establishment' land use definition of LPS3 as the activities relate to the boarding and caring of animals for commercial purposes.

Currently, this type of activity can only be considered within the 'Rural' zone of LPS3. It is considered appropriate that this type of activity be able to be considered within the 'Light Industry' zone and Joondalup West Precinct of the Joondalup Activity Centre, as these zones provide for a range of light and service industrial uses. The land use is considered compatible with the objectives of those zones.

It is considered appropriate for 'Animal Establishment' to be a 'D' (discretionary) land use as a 'D' land use requires a planning approval. This would allow the City to assess an application and determine the appropriate operational requirements such as hours of operation and number of dogs accommodated.

The land use 'Animal Establishment' allows a number of animal related operations, which depending on the scale proposed may not be as appropriate or consistent with the objectives of the respective zones. As an application is required, this allows the City the discretion to determine this.

An 'Animal Establishment' would also be required to comply with noise and other health and building regulations under separate legislation.

One submission was received supporting the change to the land use permissibility of 'Animal Establishment'.

Proposal 2 – Typographical errors

The following typographical errors are proposed to be corrected:

- Table 3 Zoning Table – replace ‘Private Community Purposes’ with ‘Private Community Purposes’.
- Clause 26(7) c. – replace ‘with a 400m’ with ‘within a 400m’.
- Clause 26(8) A3.2.5 iv. – replace ‘aa dual density code’ with ‘a dual density code’.
- Renumber Table 7 to Table 6.
- Renumber Table 8 to Table 7.
- Part 6 – Terms referred to in Scheme – Division 1 – replace ‘Definitions’ with ‘Definitions’.
- Clause 38 – Land use terms used – modify the ‘home occupation’ definition to include ‘and’ after ‘is not a member of the occupier’s household’ and replace ‘does not occupy and’ with ‘does not occupy an’.
- Clause 38 – Land use terms used – modify the ‘home office’ definition to include ‘and’ after ‘is solely within the dwelling;’.

Intent of modification

To correct formatting and typographical errors.

Proposal 3 – LPS3 Scheme map

The following table details the proposed modifications to the LPS3 scheme map:

Property Address	LPS3 Zoning	Proposed Zoning	Reason
Lot 130 (57) Kenny Drive, Duncraig	Public Open Space	Residential R20	The lot is developed with a single house and is not part of the adjacent park.
Portion of Robin Park Adjacent Lot 99 (51) Robin Ave, Sorrento	Public Open Space	Local Road	Following the finalisation of adjustments to the Robin Park and Robin Avenue road reserve boundaries, the public open space zoning now extends over the road reserve.
Lot 15221 (15) Balliol Elbow, Kinross	Centre	Public Open Space	The lot is Crown land with City of Joondalup Management Order and is part of MacNaughton Park.

The location of the above properties is shown in Attachment 2 to this Report. The scheme amendment maps are provided as Attachment 3 to this Report.

Intent of modification

The proposed amendments to the scheme map align the actual land use of the lot with the appropriate zone or reserve in LPS3.

Proposal 4 – LPS Regulations amendments

The following is a summary of the proposed changes to LPS3 as a result of the changes to the model provisions of the LPS Regulations. A complete list of the proposed amendments is contained in Attachment 1 to this Report.

- Deleting reference to ‘activity centre plans’ and including ‘precinct structure plans’ to reflect the change in term within the planning framework.
- Replacing ‘giving notice’ with ‘advertising the application’ and updating reference to the public consultation and publishing requirements.
- Deleting reference to how a local government deals with an ‘X’ (not permitted) land use as this is now included in the deemed provisions.
- Inclusion of a clause which allows a provision of the scheme to apply the R-Codes to an area.
- Renaming tables 7 and 8 in accordance with the model provisions.
- Deleting the definitions ‘building height’, ‘frontage’, ‘incidental use’, ‘net lettable area’, ‘non-conforming use’ and ‘wall height’ as they are defined in the deemed provisions.
- Renaming the definition ‘commencement day’ to ‘scheme commencement day’.
- Correcting the typographical error in the definition of ‘bulky goods showroom’.
- Updating the reference in the definition of ‘hospital’ to the new *Health Services Act*.

Intent of modifications

The above modifications are to align LPS3 with the updated model provisions of the LPS Regulations. The City is required to align its local planning scheme with the LPS Regulations.

The modifications are inconsequential to the operation of LPS3 as they are to update terminology, provide additional clarification, or remove duplications with the deemed provisions of the LPS Regulations that automatically apply to all local planning schemes.

Issues and options considered

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

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

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Place

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

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

Policy Not applicable.

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

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. The omnibus amendment is considered to be a standard amendment as the proposed amendments to the scheme map and land use changes are consistent with the objectives of the zones to which they relate. The text amendments are considered to be minor and address formatting errors or updates to the LPS Regulations. It is noted that under the LPS Regulations an amendment to the scheme that is consistent with the model provisions is a basic amendment and therefore does not require advertising. However, as these amendments are undertaken as part of an omnibus amendment they are being treated as a standard amendment.

At its meeting held on 15 February 2022 (CJ006-02/22 refers), Council resolved to proceed with the proposed amendment for the purposes of public advertising. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. The EPA did not consider that the amendment should be assessed under Part IV of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

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

Local Planning Scheme No. 3

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

Table 2 Zone Objectives

Zone name	Objectives
Light Industry	<ul style="list-style-type: none"> • To provide for a range of light industrial uses, service industries and recreational activities that are generally compatible with urban areas. • To ensure that where any development adjoins residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity. • To ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.

The following is the definition of animal establishment:

*“**animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.”*

Joondalup Activity Centre Plan

The following sets out the objectives of the 'Joondalup West' precinct of the *Joondalup Activity Centre Plan*.

“1.5.5.1 Joondalup West Objectives

- a) *Provide a location for businesses with larger floor space requirements such as showrooms and bulky goods premises which complement the City Centre.”*

Risk management considerations

The scheme is required to align with the model provisions of the LPS Regulations. Should Council elect not to progress the amendment, Council may be directed to do so by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

Financial / budget implications

As the proponent, the City is required to cover any costs associated with the proposed scheme amendment, which includes the cost of advertising the amendment and publishing a notice in the *Government Gazette*, should the amendment be approved by the Minister for Planning. The cost of advertising the amendment was \$679 excluding GST, with the remainder of the costs estimated to be \$400.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 2 June 2022, by way of:

- an email to the Community Engagement Network
- a letter sent directly to the landowners of 57 Kenny Drive, Duncraig in relation to Proposal 3
- letters to relevant service authorities
- a notice and documents placed on the City's website
- a notice placed in the *Joondalup Community Newspaper*
- a notice on the City's social media platforms.

A total of six submissions were received as follows:

- Two submissions of support, one of general support and one in particular support of the proposed amendment to the land use permissibility of 'Animal Establishment'.
- Four submissions from service authorities all indicating no objection to the proposed amendment.

COMMENT

The proposed omnibus amendment is considered appropriate as it will improve the functionality of LPS3 as it corrects several typographical errors and aligns the scheme with the updated LPS Regulations.

The proposed amendments to the scheme map and land use changes are consistent with the objectives of the zones and reserves to which they relate. The two submissions received that were not lodged by service authorities indicate support for the proposed omnibus amendment.

It is therefore recommended that Council supports the proposed omnibus amendment to LPS3 with no modifications.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** in accordance with Regulation 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* determines to **SUPPORT** Scheme Amendment No. 8 to the City of Joondalup *Local Planning Scheme No. 3* as shown in Attachment 1 to this Report;
- 2** in accordance with Section 9.49a of the *Local Government Act 1995*, **AUTHORISES** the Mayor and the Chief Executive Officer to execute under Common Seal, the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf220712.pdf](#)

ITEM 3 INITIATIVES TO REDUCE THE PROLIFERATION OF ABANDONED TROLLEYS

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBERS	100419, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the City's response in dealing with the proliferation of shopping trolleys within the City of Joondalup.

EXECUTIVE SUMMARY

The issue of abandoned shopping trolleys is an ongoing concern to the City due to their impact on amenity, the high administrative and removal costs for the City and the limited capacity to store impounded trolleys.

At its meeting held on 16 November 2021 (C126-11/21 refers), Council considered a Notice of Motion that requested that the City adopt a position of supporting State Government legislation or initiatives to reduce the proliferation of abandoned trolleys in and around the Joondalup CBD and other major retail centres through effective measures. Council also requested the Mayor and/or Chief Executive Officer write to the relevant Minister and Department expressing the City's position and to continue proactively engaging with retailers, with a view to eliminating, the number of abandoned shopping trolleys in public places.

Further to the above, Council also agreed, in part to request:

“...the Chief Executive Officer to investigate and prepare a report on the possibility of amending the Council's Local Government and Public Property Local Law 2014 in relation to:

- 1 clause 10.6(2) “A retailer must remove a shopping trolley within 24 hours of so advised under subclause (1)” so that it is reduced to three hours*
- 2 item 68 (clause 10.6(2)) in “Schedule 1 – Prescribed Offences” be amended so that the modified penalty for the failure to remove shopping trolleys upon being advised of the location can be increased to more than \$200.”*

At its meeting held on 15 February 2022 (CJ014-02/22 refers), a report was presented that considered the suggested amendments and legal advice obtained. Council resolved, in part, that:

“1.2 AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:

“10.6 Retailer to remove abandoned trolley

(2) A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”

The Amendment Local Law is due to be presented to the August Council Meeting. This will consider any feedback from the community on the Amendment Local Law having been made available for public comment. If supported by Council the amendments are required to be published in the *Government Gazette* and will take effect 14 days after being published.

Abandoned shopping trolleys are proactively dealt with by the City's Field Officers in conjunction with retailers. Field Officers are authorised to tag a trolley and notify the retailer who has 24 hours to remove the trolley. If it is not removed, the City will impound the trolley and impose a penalty of \$200 onto the retailer.

Illegal dumping of shopping trolleys is also addressed by the *Litter Act 1979*. Under the Act, the City can issue 'on-the-spot' fines or report the instance of illegal dumping to Keep Australia Beautiful WA (KABWA).

In response to Council's resolution made at its November 2021 meeting, the City has written to The Honourable Roger Cook MLA, Minister for Commerce; The Honourable John Carey MLA, Minister for Local Government; and Councillor Karen Chappel, President Western Australian Local Government Association to seek support in addressing this wide ranging concern and to assist Local Government to form a consistent strategic position across the industry.

It is therefore recommended that Council:

- 1 NOTES the support provided by the City to State Government initiatives to address the issue of abandoned shopping trolleys, primarily through the relationship with Keep Australia Beautiful WA;*
- 2 NOTES that the Chief Executive Officer has written to The Honourable Roger Cook MLA, Minister for Commerce; and The Honourable John Carey MLA Minister for Local Government and Councillor Karen Chappel, President Western Australian Local Government Association; to seek support in addressing this wide ranging concern and to assist Local Government to form a consistent strategic position across the industry;*
- 3 NOTES that the City has improved its approach to work with local retailers through the new service delivery model of Community Safety and will continue to do so.*

BACKGROUND

At its meeting held on 16 November 2021 (C126-11/21 refers), Council considered a Notice of Motion that requested:

- "1 ADOPTS the position of supporting State Government legislation or initiatives to reduce the proliferation of abandoned trolleys, including (but not limited to) mandatory proximity wheel locks and other effective measures to reduce, and ultimately eliminate, the number of abandoned trolleys in and around the Joondalup CBD, as well as public places and residential areas surrounding other major retail centres, such as Whitford City;*
- 2 REQUESTS the Mayor and/or Chief Executive Officer write to the relevant Minister and Department expressing the City of Joondalup's position;*
- 3 CONTINUES to proactively engage with retailers to significantly reduce, with a view to eliminating, the number of abandoned shopping trolleys in public places;*
- 4 REQUESTS the Chief Executive Officer to investigate and prepare a report on the possibility of amending the Council's Local Government and Public Property Local Law 2014 in relation to:*
 - 4.1 clause 10.6(2) "A retailer must remove a shopping trolley within 24 hours of so advised under subclause (1)" so that it is reduced to three hours;*
 - 4.2 item 68 (clause 10.6(2) in "Schedule 1 – Prescribed Offences" so that the modified penalty for the failure to remove shopping trolleys upon being advised of the location can be increased to more than \$200."*

Council has considered the issue of abandoned shopping trolleys several times with the current process for dealing with abandoned trolleys most recently endorsed by Council at its meeting held on 16 December 2008 (CJ262-12/08 refers).

DETAILS

Currently, the City's position in relation to dealing with abandoned shopping trolleys is as follows:

Abandoned shopping trolleys are proactively dealt with by the City's Field Officers in conjunction with retailers in an attempt to reduce the number of abandoned shopping trolleys in public places. There are a large number of retailers within the CBD and wider Joondalup area; including Westfield Whitford City Shopping Centre and Lakeside Shopping Centre. There are also a large number of small retail precincts located within the City's 22 suburbs. Shopping trolleys are sometimes brought by members of the community from these shopping centres and can be abandoned on roads, open public spaces and thoroughfares.

Upon locating or being notified of an abandoned shopping trolley, a Field Officer, as authorised by the Chief Executive Officer, places a tag on the trolley and notifies the retailer who then has 24 hours to remove the trolley. If it is not removed, the City will impound the trolley and impose a penalty of \$200 onto the retailer. Should the retailer wish to retrieve the trolley, they are required to pay an impound fee of \$100 (excluding GST), however most retailers choose not to collect the trolley which has the flow on effect of the City being responsible for the disposal of the trolley after one month of storage. Disposal includes selling trolleys to recoup collection and storage costs. Trolleys can be auctioned, sold as scrap or be recycled. It is preferable that the metal in trolleys is recovered rather than disposed of to landfill.

The City currently receives a fee through the engagement of a metal recycling contractor to recycle uncollected impounded trolleys.

Illegal dumping of shopping trolleys is also addressed by the *Litter Act 1979* (the Act). Under the Act, the City can issue 'on-the-spot fines' or report the instance of illegal dumping to Keep Australia Beautiful WA (KABWA). Reports made to the KABWA can result in fines being issued to offenders, however the City needs to provide evidence of a person or person/s who have dumped the trolley before enforcing under this legislation. The likelihood of identifying offenders is low.

Since January 2018 to date, the City has conducted 2,470 trolley investigations which have resulted in the trolleys being tagged. The City encourages members of the community to report the locations of abandoned trolleys, however the majority, 2,007 of those were identified proactively by City Field Officers. This accounts for 81% of reported abandoned trolleys being identified by City Field Officers, suggesting that the City's proactive approach prevents this from being a wide community issue.

Of the 2,470 tagged trolleys, the City only impounded 274 trolleys which is 11% of the overall total. This shows that the vast majority of retailers are doing the right thing once informed of the trolley and the location.

Within the same timeframe, the City's Community Safety business unit (formerly known as Rangers, Parking and Community Safety) have undergone a review of its service delivery model. The outcomes of the review took effect in July 2021 and the table below compares the number of trolleys tagged between October 2020 to May 2021 and October 2021 to May 2022.

	October 2020 to May 2021	October 2021 to May 2022
Trolleys tagged	191	1,014

The increase in dedicated resourcing to manage the overall amenity of the City's public areas after the new service delivery model implemented subsequent to the Community Safety restructure, shows a 431% increase in the number of trolleys tagged. This is directly attributable to the new proactive approach taken by City's Field Officers.

The City has written to The Honourable Roger Cook MLA, Minister for Commerce; The Honourable John Carey MLA Minister for Local Government; and Councillor Karen Chappel, President Western Australian Local Government Association to seek support in addressing this wide ranging concern and to assist Local Government to form a consistent strategic position across the industry.

The new service delivery model of the Community Safety business unit has the built-in capacity for regular liaison meetings with retailers. This has been working well as relationships with key local (West Australian based) personnel have now been established. Prior to this, the contacts for most major retailers were in a head office environment which is often not in Western Australia. By establishing these local contacts, abandoned trolleys are being dealt with within the required timeframes, greatly assisted by being the City's contact now being located in the same time zone.

Prior to the restructure and the rationalisation of three roles (Ranger, Parking Officer and Patrol Officer) into the Field Officer role, the only staff authorised and tasked with dealing with abandoned shopping trolleys were Patrol Officers. At the time of the restructure, there were six Patrol Officer FTE rostered on between 6.00am and 2.00am seven days per week. These officers were tasked with reactive activities through the City's after hours service, patrols of City facilities and other highly visible tasks, most of which saw them working outside of the CBD area.

The only one of the previous roles tasked with any activities within the CBD, where the majority of abandoned trolleys can be found, were Parking Officers who were not authorised under the *Litter Act 1979* and therefore were unable to deal with abandoned shopping trolleys. The creation of the Field Officer role now has all staff with the same level of authorisation to deal with compliance of all City Local Laws and required legislation.

Dealing with an abandoned trolley has been costed below as an approximate, noting that the average hourly rate of a Field Officer has been calculated at \$49.77 per hour taking into consideration all possible employment conditions including penalty rates for after hours, weekends and public holidays, they are as follows:

- Tagging – 30 mins.
- Impounding – 30 mins plus travel costs to impound at the City's Works Operation Centre.
- Administration time – 10 minutes per trolley that is tagged.
- Administration time – 20 minutes per trolley that is impounded.

For the period shown 1,014 trolleys tagged (0.5 hrs at \$49.77/hr) which came at an approximate cost in City officer time of \$25,233 for tagging only.

For the 111 that were impounded (1.5 hrs at \$49.77/hr) came to an approximate cost in City officer time of \$8,286 for those tagged and impounded.

There are additional costs yet to be quantified such as vehicle running costs, storage costs and administration materials such as tags that add to the cost of dealing with abandoned shopping trolleys.

The City imposed infringement fees of \$200 per trolley amounting to \$22,200 for the 111 trolleys that were impounded.

When a Field Officer is tasked with an Abandoned Shopping Patrol they also have the task of visiting retailers, depending on the trolleys found. For example, if they locate a number of Kmart trolleys whilst on their patrol, they will make a point of visiting that store and meeting with the Store Manager informally. At this stage, these tasks are difficult to quantify as not every interaction with retailers is recorded on the corporate system, however as this is now part of the procedure in dealing with abandoned trolleys, the City can be comfortable that this is occurring.

As a result of these informal interactions, many retailers take the opportunity to update their contact details with the City to ensure that they are able to be notified and deal with the trolley before it is impounded. This engagement has provided anecdotal feedback from retailers that any period shorter than the current 24 hours would be difficult for them to manage, that is a three hour window. A shorter response time would also increase the amount of Officer time required to impound the trolley, as it is likely that more trolleys will be impounded rather than collected by stores. This will also cause a flow on effect of locating enough space to impound them.

Further, the City's legal advice has substantiated that it would be difficult to take action against a retailer if a three hour time frame was used given that the City couldn't necessarily be confident that the retailer was made aware within that short time.

The recent proactive relationship that the City has fostered with retailers under this new process is very harmonious and the evidence shows that it is working given that only around 11% of trolleys remain uncollected after notification. Any reduction in timeframe to remove the trolley would strain the City's relationship with retailers which could have a negative flow on affect for businesses in the CBD.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government and Public Property Local Law 2008.*
Local Government Act 1995.
Litter Act 1979.

Strategic Community Plan

Key theme Community.

Outcome Healthy and safe - You feel healthy and safe in your local community.

Policy Not applicable.

Risk management considerations

The current process as outlined within this report, and data provided, shows that the City is managing the issue of abandoned trolleys effectively. The relationships with local retailers and businesses have developed and should be encouraged to continue to foster in a positive and proactive way. To introduce harsher penalties could impede positive stakeholder relationships for very little benefit and would be at the risk of damaging the City's economic development opportunities and business support programs.

Financial / budget implications

The City's Community Safety business unit manages the issue of abandoned trolleys and resourcing is considered as a part of the overall budgeting process.

While at present infringements are providing a revenue stream, this is considered penalty income. The cost to provide the service of managing abandoned trolleys is not cost recoverable, however is considered an important function of Local Government.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City frequently undertakes informal consultations with other Local Governments in an effort to consider opportunities and improvements in the process. Retailer engagement has also increased significantly which has resulted in improved outcomes demonstrated by the retrieval rate of the trolleys once notified.

COMMENT

In response to Council's resolution at its November 2021 meeting, the City has written to The Honourable Roger Cook MLA, Minister for Commerce; and The Honourable John Carey MLA Minister for Local Government and Councillor Karen Chappel, President Western Australian Local Government Association; to seek support in addressing this wide ranging concern and to assist Local Government to form a consistent strategic position across the industry.

In addition, as an outcome of the service delivery review of the City's Community Safety business unit, the City now takes a more proactive approach to the identification of abandoned trolleys. The data collected in relation to this demonstrates that the majority of abandoned trolleys are identified and managed proactively by City officers before they become an amenity issue for our community.

The City has also improved its engagement with local retailers to develop more effective working relationships in relation to the management of trolleys. Data collected in relation to this demonstrates an improved response by retailers where the majority of abandoned trolleys brought to the attention of the respective retailer are appropriately dealt with within the required timeframe.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the support provided by the City to State Government initiatives to address the issue of abandoned shopping trolleys, primarily through the relationship with Keep Australia Beautiful WA;**
- 2 NOTES that the Chief Executive Officer has written to The Honourable Roger Cook MLA, Minister for Commerce; and The Honourable John Carey MLA Minister for Local Government and Councillor Karen Chappel, President Western Australian Local Government Association; to seek support in addressing this wide ranging concern and to assist Local Government to form a consistent strategic position across the industry;**
- 3 NOTES that the City has improved its approach to work with local retailers through the new service delivery model of the Community Safety business unit and will continue to do so.**

ITEM 4 **REVIEW OF THE BEHAVIOUR OF DOGS IN CENTRAL PARK**

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBERS	05998, 101515
ATTACHMENT	Attachment 1 Map of Current Designations in Central Park and Lakeside Park, Joondalup
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to consider the outcomes of a review of behaviour of dogs in Central Park between January 2019 and March 2022 and to consider the designation for dog control in Central Park.

EXECUTIVE SUMMARY

At its meeting held on 19 February 2019 (CJ018-02/19 refers), Council considered a report in response to a petition received at its meeting held on 26 June 2018 (C54-06/18 refers) from Joondalup Farmers Market requesting that Council change the designation of Central Park to permit dogs on leads to enter the park within the active areas and along its pathways.

In accordance with section 31 of the *Dog Act 1976* the default position in respect to dog control in public places is that dogs must be on a lead at all times. Council is able to make a determination that a public place is designated as dog prohibited or a dog exercise area (dogs permitted off-lead).

At its meeting held on 19 February 2019 (CJ018-02/19 refers), Council determined its intention to designate certain areas within Central Park as dogs on lead and dog prohibited areas to address the request of the petition.

Council also requested a report be prepared every two years by the City to review the behaviour of dogs in Central Park to ensure the changes to allow dogs to access the park has not negatively impacted the area.

The designation of Lakeside Park and a portion of Central Park as dogs on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*, aligns similarly with other parks in the vicinity. This protects the high priority natural areas and bushlands while still permitting dogs to be walked in the park.

Between 2019 and 2022, there has been no significant reports of non-compliant behaviour by members of the community or behaviour of dogs that would significantly harm or impact the natural bushland areas within Central Park and Lakeside Park.

The current arrangements are considered to be working well and are appropriate to continue.

It is therefore recommended that Council:

- 1 *NOTES the review of the behaviour of dogs in Central Park;*
- 2 *ENDORSES the current designation of Central Park and Lakeside Park as detailed in Attachment 1 to this Report;*
- 3 *NOTES the high level of compliance by dog owners under the current designation;*
- 4 *NOTES that further reporting every two years to monitor the behaviour of dogs in Central Park is not required, however further reporting will be provided as needed in the event designations are recommended to change.*

BACKGROUND

Central Park (Lot 14406, Reserve 46710) is a large community park (4.1666 hectares) located in the Joondalup CBD (Attachment 1 refers). It is bounded by Grand Boulevard to the west, private residential and commercial to the north, Central TAFE to the south and Central Park Natural Area to the east. Lakeside Park (Lot 15512, Reserve 47432) is a large natural area reserve (3.1357 hectares) located on the eastern side of Lakeside Drive, opposite Central Park Natural Area. It is bordered on the north and south by private residential and to the east by Neil Hawkins Park and Yellagonga Regional Park. Central Park Natural Area provides an ecological linkage via Lakeside Park to Yellagonga Regional Park. The corridor enables fauna to move from smaller reserves to the larger bushland areas contained within the Yellagonga Regional Park.

Central Park contains within its area, the Joondalup War Memorial, a mix of manicured gardens, artificial stream, fresh water lake, designated pathways and natural areas. The grassed area part of the Joondalup War Memorial is a high-volume pedestrian traffic site, particularly when used by the City for specific occasions such as Anzac Day and Australian Day Citizenship ceremonies as well as previous Joondalup and Kaleidoscope festivals. The southern half of the park was previously home to the weekly Joondalup Farmers Markets (the petitioner), which operated each Saturday between 8.30am to 12.30pm. This weekly event attracted approximately 875 visitors per week.

On the creation of the *City of Joondalup Animal Local Law in 1999*, Central Park, Joondalup, then being Lot 1101, locations 3324 and 9809, was designated dogs prohibited. Subsequently a number of changes occurred to the land tenure arrangements eventually resulting in what is now known as Central Park Natural Area and Central Park, both becoming Crown Reserves and the City being issued Management Orders over each. In 2008 the *City of Joondalup Animal Local Law 1999* (the Local Law) was amended and the reference to Lot 1101 was changed to delete reference to locations 3324 and 9809 and replace it with reserve No 48354. Lot 1101 however only covers Central Park Natural Area and Lot 14406 Reserve No 46710 being Central Park was overlooked.

In 2013 and 2014 the *Dog Act 1976* was amended removing the need for dog area specifications to be included in a local law and requiring that declarations be made by Council resolution. The designations Council made at its meeting held on 16 September 2014 (CJ169-09/14 refers) reflected what was previously in the local law and did not include Lot 14406, being Reserve No. 46710 as a dog prohibited reserve.

At its meeting held on 19 February 2019 (CJ018-02/19 refers), Council considered a report in response to a formal petition submitted by the Joondalup Farmers Market at its meeting held on 26 June 2018 (C54-06/18 refers) requesting that Council allow dogs on-lead to enter the park within the active areas and along its pathways during the operation of the market. At its February 2019 meeting Council resolved that it:

- "1 SUPPORTS the request to permit dogs on leash in the southern portion of Central Park and along its pathways;*
- 2 BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749, commencing in the south west corner at the car park entrance, then easterly along the southern edge of the car park and the southern boundary adjacent to the North Metropolitan TAFE building then south east to the junction of the two boardwalks, then around the eastern edge of the north west curving boardwalk and path to the junction with the western leading crescent shaped footpath, along western leading crescent shaped footpath to Grand Boulevard then south along the border of Grand Boulevard to the south west corner of the car park entrance, as a dog exercise area;*
- 3 NOTES that removing the designation in part 2 above will make that portion of Central Park, Lot / Plan R46710; PIN 1383749 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 4 BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749 and not included in part 2 above as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the Dog Act 1976;*
- 5 BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of Lakeside Park Lot 15512, Reserve 47432 as a dog exercise area;*
- 6 NOTES that removing the designation in part 5 above will make Lakeside Park Lot 15512, Reserve 47432 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 7 APPROVES the advertising by local public notice of its intention to specify the area detailed in part 4-above, in accordance with section 31(3C) of the Dog Act 1976;*
- 8 ADVISES the lead petitioner of its decision;*
- 9 REQUESTS the Chief Executive Officer to prepare a report after two years on the behaviour of dogs in Central Park."*

In summary, referring to Attachment 1 to this Report, resolution two and three removes the designation of Area B as a dog exercise area and subsequently allocates as dogs on leash. resolution four refers to Area A, specifying as a dogs prohibited area. Resolution five and six refer to Area D, and removes the designation of a dog exercise area, subsequently allocating as dogs on leash.

DETAILS

The public space within the Joondalup CBD comprises mostly road and street reserves, however, there are 18 small parks within the immediate Joondalup CBD area ranging in size from 374 square metres to 17,889 square metres that are currently designated as dog exercise areas which are available to local residents. Dogs are permitted on road and street reserves whilst on a leash.

At its meeting held on 19 February 2019 (CJ18-02/19 refers), Council considered a report in response to a petition received by Council at its meeting held on 26 June 2018 (C54-06/18 refers) from Joondalup Farmers Market requesting that Council change the designation of Central Park to permit dogs on leads to enter the park within the active areas and along its pathways. This followed advice from the City to customers attending the Joondalup Farmers Market on Saturday mornings that Central Park was a dog prohibited park.

The community was invited to provide feedback from 1 May 2019 to 29 May 2019 on a proposal to change where dogs can be exercised on/off lead within the Central Park and Lakeside Park, Joondalup. Feedback was sought by way of an Online Comment Form to determine the overall level of community support for the proposal. Respondents were asked to indicate their support or opposition to proposed changes to dog control measures across four different areas of Central Park and Lakeside Park where a total of 55 respondents provided feedback. Common themes from this feedback included the following:

- Support dogs being on-lead.
- Oppose dogs being prohibited.
- Would like more off-lead areas for dogs.
- Believe more education/signage/enforcement is needed.
- Concern for anti-social behaviour within the parks.

Permitting dogs on leash at all times in the southern part of Central Park, enables dogs to be walked on a leash from Lakeside Drive through part of the TAFE property, where dogs are permitted, to Grand Boulevard.

Since designating Lakeside Park and a portion of Central Park as dogs on leash at all times, pursuant to section 31(1) of the *Dog Act 1976* the requirements have become consistent with other parks in the vicinity and still permit dogs to be walked in the park.

Between January 2019 and 1 March 2022 there has been one report of dogs being walked in the portion of Central Park where dogs are prohibited and one report of a wandering dog. On investigation of both by City Officers, no dogs were sighted. This indicates a high level of compliance by the community and there has been no reports of negative behaviour of dogs in the area. No significant impact has been identified or reported.

Issues and options considered

Reviewing the behaviour of dogs in Central Park for the previous two years, Council has two options:

Option 1 – No change to the current designation of Central Park and Lakeside Park.

There is a high level of compliance with the current designations with no impact on the surrounding bushland being identified. Allowing dogs to be exercised on lead allows the surrounding residential properties to access these areas while applying a level of control to protect the flora and fauna.

This option is recommended.

Option 2 – Review the current designation at Central Park and Lakeside Park.

The level of compliance and support from the community on the current restrictions does not identify a need to review the current arrangements.

This option is not recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Dog Act 1976.*

Strategic Community Plan

Key theme Community

Outcome Healthy and safe - You feel healthy and safe in your local community.

Policy Not applicable.

Risk management considerations

Several key risks are associated with the designation of Central Park and / or Lakeside Park as dogs on lead.

The risk of adverse impacts upon the high value, threatened and endangered fauna, and sensitive flora, increases with the presence of dogs. Having dogs on lead is a form of mitigation against fauna death by attack, however this does not mitigate against the introduction and/or spread of soil borne disease and disturbance to nesting fauna (that is through barking).

With the significance and high profile nature of the City's key events, in the case of Central Park, permitting dogs on lead introduces scope for increased litter, dog faeces and incidents involving dogs, thereby posing a risk to the value and experience of visitors to these events.

Financial / budget implications

If the level of dog access was proposed to remain the same, there would be no additional cost to the City as the City has a budget for the review and replacement of general signage.

Regional significance

Not applicable.

Sustainability implications

Central Park Natural Area and Lakeside Park are classified as high priority natural areas in recognition of the significant biological values contained within the reserves. The presence of nesting activity for the federally protected Carnaby's Cockatoo further increases the biodiversity value of the reserves. The introduction of dogs to part of Central Park increases the risk of injury to fauna and the introduction of disease from the movement of soil on dog paws. The conservation significant fauna found within the reserves would be susceptible to disturbance as a result of the presence of dogs within the area although requiring dogs on leash at all times helps to mitigate this.

Consultation

Internal consultation has been undertaken with the City's Environmental Development, Health, Waste, Community Development and Community Safety business units to understand and scope the impacts of the current designation for the parks.

The community was also invited to provide feedback from 1 May to 29 May 2019 on the proposal to change where dogs can be exercised on/off-lead within Central Park and Lakeside Park, Joondalup. The current designations were informed by the outcomes of this consultation.

COMMENT

Permitting dogs on leash at all times in the southern part of Central Park, allows dogs to be walked on a leash from Lakeside Drive through part of the TAFE property, where dogs are permitted, to Grand Boulevard. Requiring dogs on leash at all times in Lakeside Park makes the requirements in this park consistent with other parks in the vicinity and still permit dogs to be walked in the park.

In both cases the designation dogs on lead at all times, helps reduce the likelihood of conflict between dogs and humans or native fauna as dogs are under a greater level of control although risks would remain for the introduction of soil borne disease and increased risk of fauna death by illness. In the case of Central Park where there have not previously been dogs there is the risk of the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles, although no reports of incidents have been received by the City in the previous two years.

It is noted that dogs are permitted in other significant bushland park areas such as Warwick Open Space, Lilburne Park Conservation Area, Hepburn Conservation Area and Shepherds Bush Conservation Area provided they are on leash at all times and there have been no significant reported incidents.

Due to the high level of compliance by the community and no reports of negative behaviour of dogs in the area, it is recommended that no further reports on the behaviour of dogs are required. However, if in the event there is a need for a change in designation, a report will be presented to Council, following the same process as any other change in designation at a City park or location.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the review of the behaviour of dogs in Central Park;**
- 2 ENDORSES the current designation of Central Park and Lakeside Park as detailed in Attachment 1 to this Report;**
- 3 NOTES high level of compliance by dog owners under the current designation;**
- 4 NOTES that further reporting every two years to monitor the behaviour of dogs in Central Park will be provided is not required, however further reporting will be provided as needed in the event designations are recommended to change.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf220712.pdf](#)

ITEM 5 **MINUTES OF REGIONAL COUNCIL MEETINGS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	41196, 101515
ATTACHMENT	Attachment 1 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 16 June 2022 <i>(Please Note: These Minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Minutes of the Tamala Park Regional Council meeting held on 16 June 2022.

DETAILS

Tamala Park Regional Council Ordinary Council Meeting – 16 June 2022

An ordinary meeting of the Tamala Park Regional Council was held on 16 June 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 Leadership.

Outcome Proactive and represented - You are confident that the City is advocating on your behalf for initiatives that benefit the community.

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.

RECOMMENDATION

That Council NOTES the minutes of the ordinary meeting of the Tamala Park Regional Council held on 16 June 2022 forming Attachment 1 to this Report.

To access this attachment on electronic document, click here: [RegionalMinutes220712.pdf](#)

ITEM 6 ELECTED MEMBER TRAINING AND DEVELOPMENT SCHEDULE 2021-22

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	00427, 101515, 109290
ATTACHMENT	Attachment 1 2021-22 Elected Member Training and Development Schedule
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive a report on the training and development undertaken by elected members during the 2021-22 financial year.

EXECUTIVE SUMMARY

With the introduction of new provisions within the *Local Government Act 1995* (the Act), local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.

This report highlights the training and development undertaken by elected members during the 2021-22 financial year, and details not only the mandatory training required under the Act, but also any conference and training events attended by elected members under the City's *Elected Members' Entitlements Policy*.

It is therefore recommended that Council:

- 1 *NOTES the training and development undertaken by elected members during the 2021-22 financial year, as detailed in Attachment 1 to this Report;*
- 2 *NOTES the 2021-22 Elected Member Training and Development Schedule, as detailed in Attachment 1 to this Report, will be placed on the City's website.*

BACKGROUND

On 16 September 2019, with the introduction of new provisions contained within the *Local Government Act 1995* (the Act), local governments must prepare a report for each financial year on the training completed by elected members in that financial year.

New sections 5.126 and 5.127 of the Act were introduced around elected member training and reporting, as follows:

“5.126 Training for council members

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may –*
 - a) *prescribe a course of training; and*
 - b) *prescribe the period within which training must be completed; and*
 - c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5000 for the offence.*

5.127 Report on training

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.”.*

The *Local Government (Administration) Regulations 1996* prescribes the *Council Member Essentials* training as being the mandatory training (as per section 5.126(1) of the Act) that elected members must complete within their first 12 months of office. The *Council Member Essentials* training consists of the following modules:

- Understanding Local Government.
- Serving on Council.
- Meeting Procedures.
- Conflicts of Interest.
- Understanding Financial Reports and Budgets.

To enable elected members to develop and maintain skills and knowledge relevant to their role, the City also has an *Elected Members’ Entitlements Policy* that includes provisions around elected member attendance at conference and training events within Australia and overseas.

DETAILS

For the 2021-22 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of the City’s *Elected Members’ Entitlements Policy* is detailed in Attachment 1 to this Report.

It should also be noted that the mandatory training is required to be completed within a 12 month period (that is by October 2022), by those elected members who were elected to office in the 2021 local government elections. Other elected members can undertake the mandatory training if they so wish, but are not required to do so.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Leadership.

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

Policy *Elected Members' Entitlements Policy.*

Risk management considerations

Should Council not adopt the report on elected member training, the City will not comply with the requirements of section 5.127 the Act.

Financial / budget implications

The attendance of conferences and other training events for elected members is accommodated in the City's operational budget (an allocation of \$140, 300 in the 2021-22 budget). The cost of elected member attendance to various conference and training events for the 2021-22 financial year (as listed in Attachment 1) is summarised as follows:

Description	Amount \$ (incl. GST)
Mandatory Training	6,750
Interstate Conferences	16,727.03
WA Training and Development Events	8,275.62
TOTAL	31,752.65

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Local Government is a complex entity and makes significant decisions that affect the local government's continued sustainability and community outcomes. Like any board or management structure, it is imperative that elected members have the appropriate skills to be able to undertake their roles to the best of their ability. Such skills are enhanced through the training and development offered to elected members throughout their term of office.

The Minister for Local Government and the WA State Parliament recognise the need for elected members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the Act and the need for local governments to adopt a policy in relation to elected member continual professional development, support these views.

It should also be noted that elected members can undertake their own personal and professional development outside of the training and development offered by the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the training and development undertaken by elected members during the 2021-22 financial year, as detailed in this Report;**
- 2 NOTES the 2021-22 Elected Member Training and Development Schedule, as detailed in Attachment 1 to this Report, will be placed on the City's website.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf220712.pdf](#)

ITEM 7 **REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	02205, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To give consideration to the request for annual leave submitted by the Chief Executive Officer (CEO).

EXECUTIVE SUMMARY

The CEO has requested annual leave for the period 5 June to 14 July 2023 inclusive. The annual leave requested is within the CEO's entitlement under his contract of employment, and based on the annual leave accrual rate, subject to there being sufficient accrued annual leave at the time of clearance.

It is recommended that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 5 June to 14 July 2023 inclusive.

BACKGROUND

The CEO commenced his employment on 15 March 2021. In accordance with clause 14 Annual Leave of his employment contract the CEO is entitled to 25 days annual leave per annum. Annual leave for the CEO accumulates gradually from the commencement of employment (that is the 25 days of annual leave begins to accrue from day one of employment) and is available for use on a pro-rata basis.

DETAILS

The CEO has requested annual leave from duties for the period 5 June to 14 July 2023 inclusive for annual leave. Annual leave is to be taken at a mutually convenient time subject to the operational requirements of the City. There is sufficient time between the date of application and the commencement of annual leave for the CEO to be able to accumulate the required hours of annual leave needed to cover the requested period of absence.

Should an unforeseen circumstance arise requiring the CEO to access accumulated annual leave prior to the 2023 annual leave period, and that results in a shortfall of accumulated annual leave hours, it is recommended that the shortfall at the actual time of taking the annual leave will be covered by approved leave without pay.

Issues and options considered

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The annual leave for the CEO is to be taken at a mutually convenient time subject to the operational requirements of the City, and the CEO must take annual leave regularly to avoid excessive accrual. It is recommended that Council approve the annual leave request.

Under Council Policy *Appointment of Acting or Temporary CEO* (CJ128-08/21 refers), Council will be required to appoint an Acting CEO given that the requested period of annual leave extends beyond 35 days.

In accordance with the policy, the Mayor will liaise with the CEO, or in their unplanned absence, the Director Governance and Strategy to coordinate the necessary Council reports to facilitate an Acting CEO appointment.

The necessary reports to facilitate an Acting appointment will be submitted closer to the dates of the requested annual leave to take into account the availability of officers able to be considered for the Acting appointment.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Provision for the annual leave is included in the draft Budget for 2022-23 and is included in each the budget for each financial year.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City and are within his entitlements.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the request from the Chief Executive Officer for annual leave for the period 5 June to 14 July 2023 inclusive subject to:

- 1 there being sufficient accrued annual leave at the time of clearance to cover the requested period of absence;**
- 2 in the event of there being insufficient accrued annual leave at the time of clearance to cover the total requested period of absence, the shortfall of hours to cover the period of absence shall be by approved Leave Without Pay.**

ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2022

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2022, totalling \$17,875,083.15.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for May 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 this Report, totalling \$17,875,083.15.

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 May 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112394 -112404 & 112406 - 112411 & 112412 - 112423 & 112427 - 112435 & EF100242 & EF100245 – EF100556 & EF100652 – EF101369 & EF101370 – EF101773 Net of cancelled payments Vouchers 3294A – 3306A	\$11,184,481.73 \$6,678,443.87
	Bond Refund Cheques & EFT Payments 112405 & 112424 – 112426 & EF100243 – EF100244 & EF100557 – EF100560 & EF100561 Net of cancelled payments.	\$12,157.55
Total		\$17,875,083.15

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

Leadership

Outcome

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

Policy

Not applicable.

Risk Management Considerations

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial / Budget Implications

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

Regional Significance

Not applicable.

Sustainability Implications

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

Consultation

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

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *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.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for May 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 this Report, totalling \$17,875,083.15.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf220712.pdf](#)

ITEM 9 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2022

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

PURPOSE

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

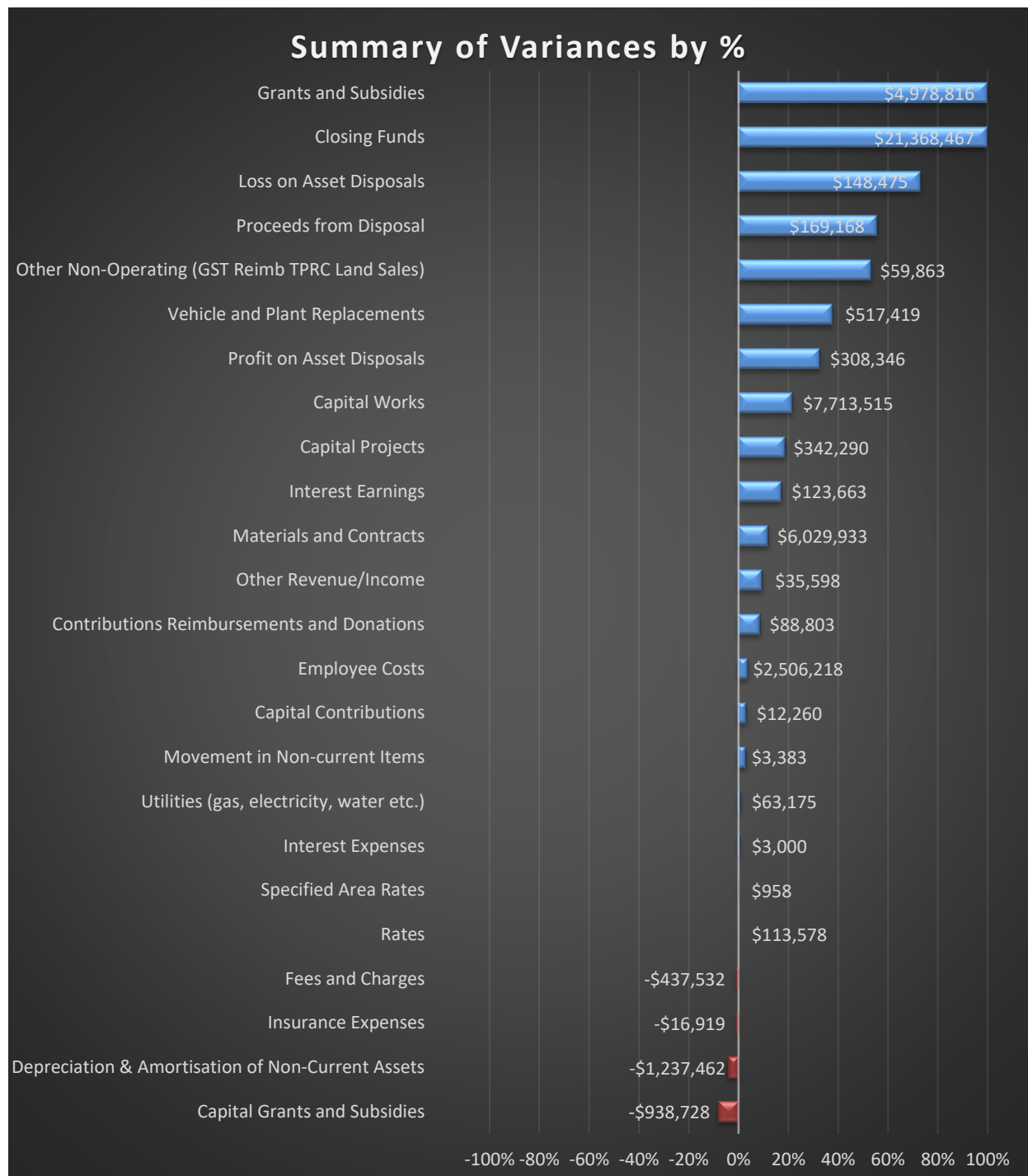
EXECUTIVE SUMMARY

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). Council thereafter amended the revised budget on 15 March 2022 (CJ042-03/22 refers) and on 19 April 2022 (CJ058-04/22 refers). The figures in this report are compared to the revised budget.

The May 2022 Financial Activity Statement Report shows an overall favourable variance of \$21,368,467 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 May. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

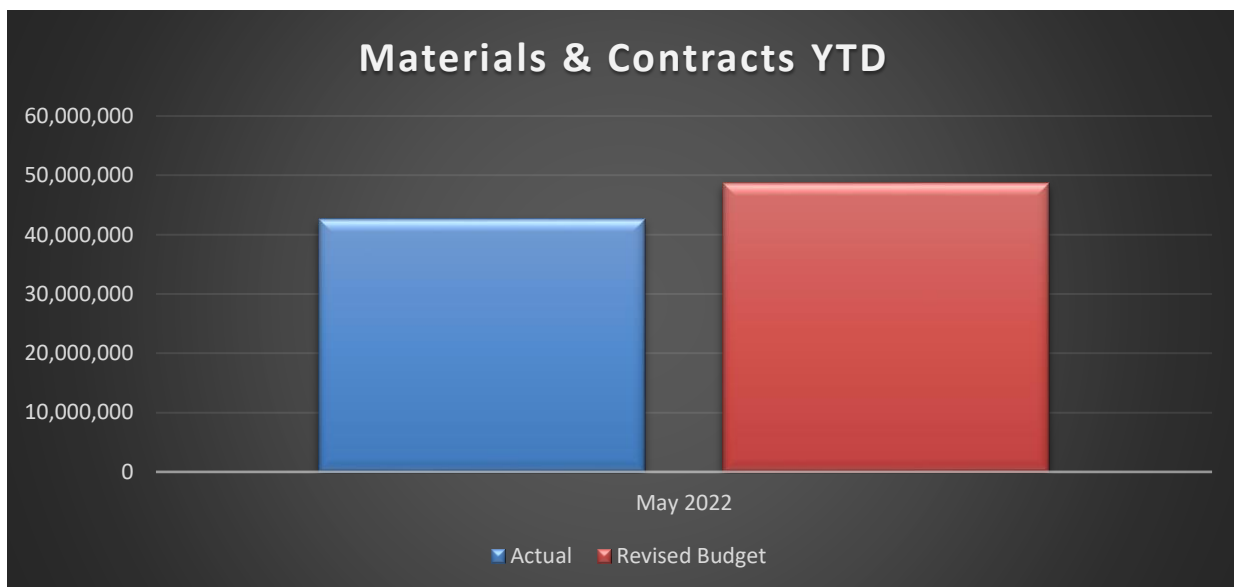
The key elements of the variance are summarised below:



The significant variances for May were:

Materials and Contracts

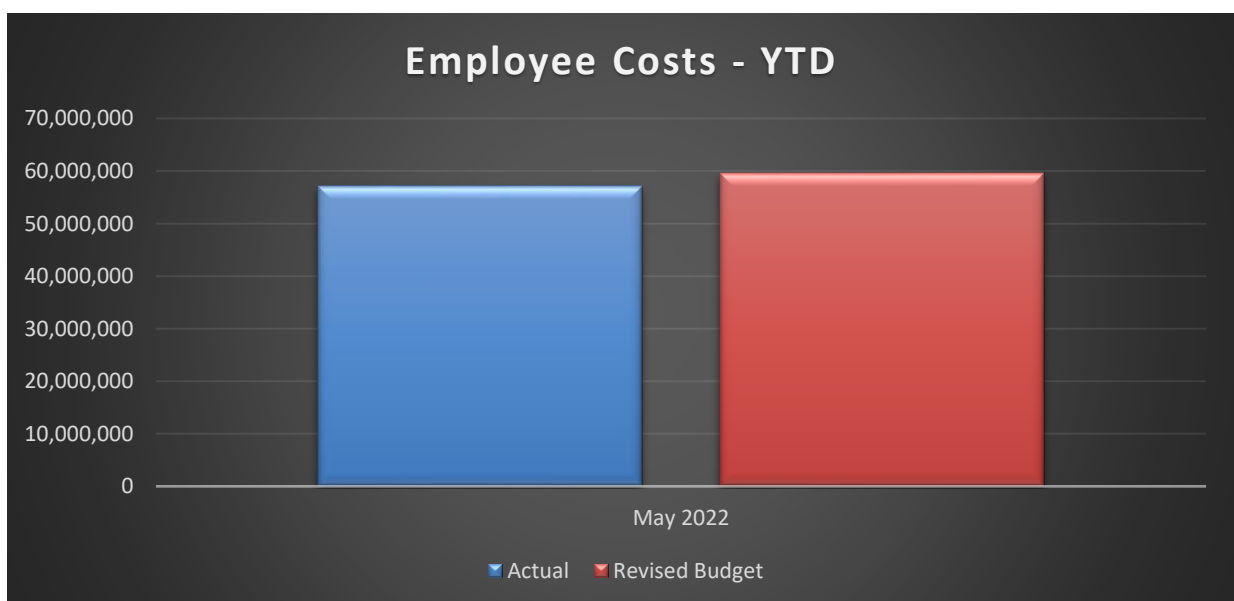
\$6,029,933



Materials and Contracts expenditure is \$6,029,933 below budget. This is spread across a number of different areas including External Service Expenses \$2,298,238, Waste Management Services \$701,286, Contributions and Donations \$682,476, Other Materials \$525,035, Professional Fees and Costs \$512,242, Furniture, Equipment and Artworks \$425,617, Public Relations, Advertising and Promotions \$313,747, Administration \$304,543 and Accommodation and Property \$118,586. This was partially offset by an unfavourable variance on Computing (\$117,343).

Employee Costs

\$2,506,218



Employee Costs expenditure is \$2,506,218 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2022 forming Attachment 1 to this Report.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 May 2022 is appended as Attachment 1 to this Report.

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 Leadership.

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

Policy Not applicable.

Risk management considerations

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal 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

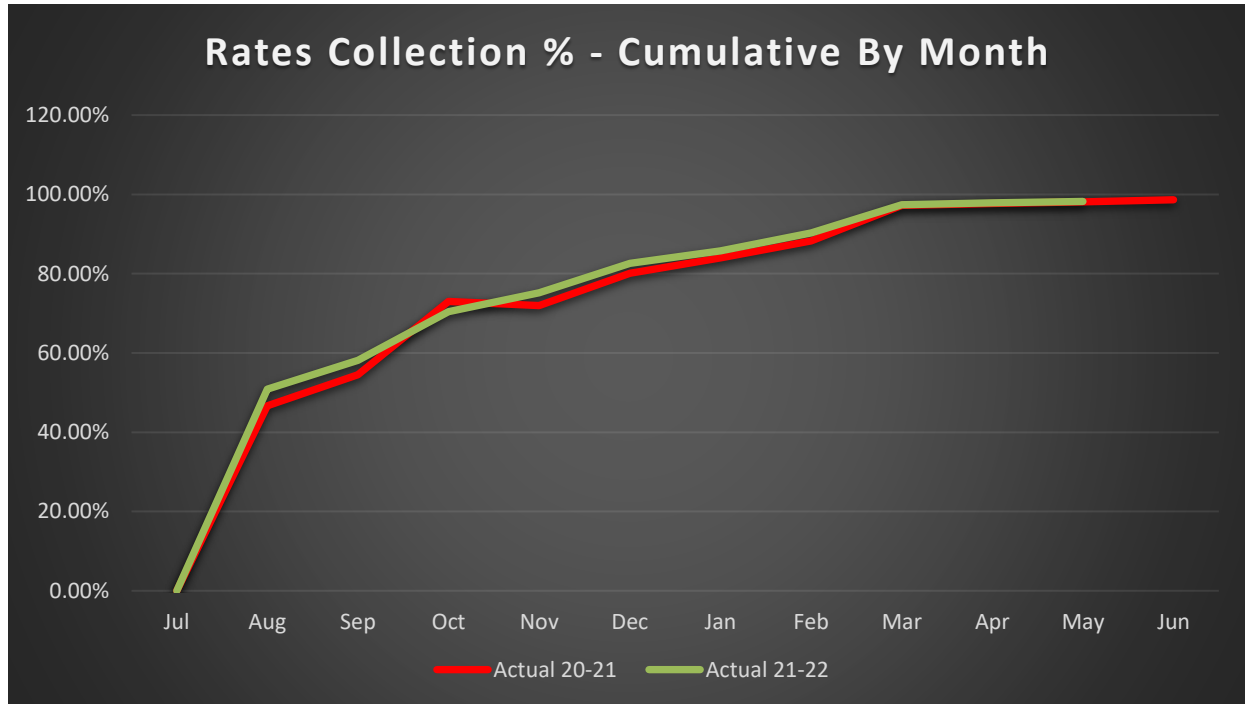
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

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*.

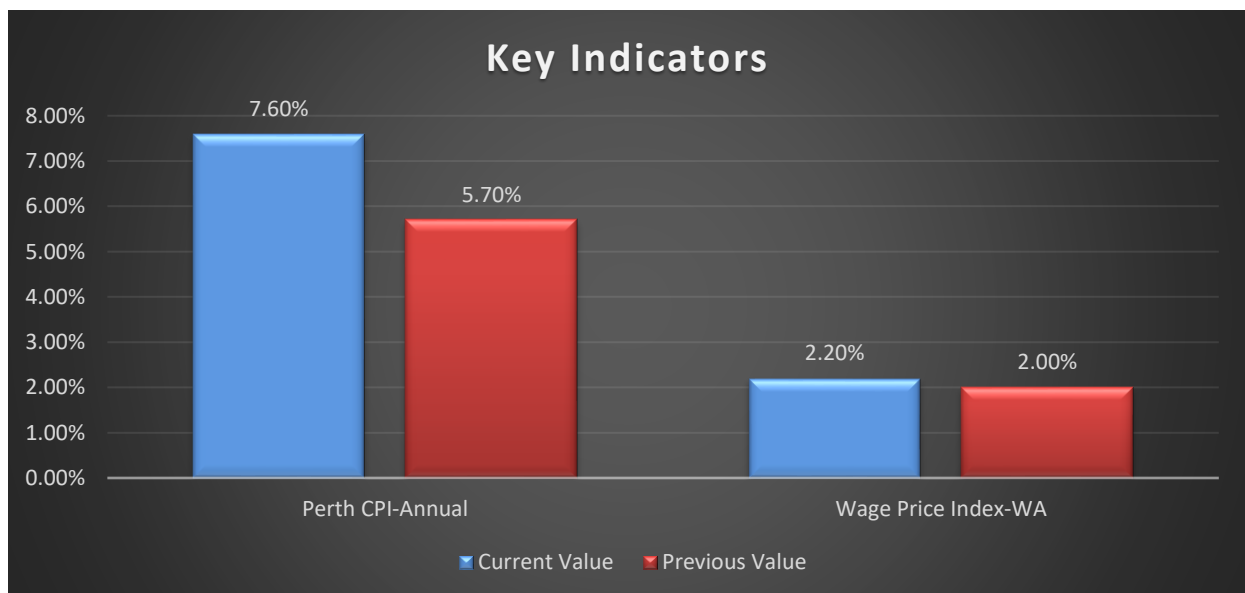
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is on par with the prior year at the end of May.

Economic Indicators



During May the Western Australia Wage Price Index for the first quarter of 2022 was released. Western Australia and South Australia saw the smallest annualised gains (2.2%) although it is this is a significant rise from the index at the end of the fourth quarter of 2021. The first quarter was in line with the market expectations and at the same pace as the previous quarter.

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.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 May 2022 forming Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220712.pdf](#)

ITEM 10 **TENDER 021/22 – EXTRACT AND TRANSPORT SAND FROM SORRENTO BEACH TO HILLARYS BEACH**

WARD	South West
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	110104, 101515
ATTACHMENTS	Attachment 1 Summary of Submissions Attachment 2 Confidential - Tender Summary <i>(Please Note: Attachment 2 is Confidential and will appear in the Official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by MMM (WA) Pty Ltd for the provision of works to extract and transport sand from Sorrento Beach to Hillarys Beach.

EXECUTIVE SUMMARY

Tenders were advertised on 23 April 2022 through state-wide public notice and published by Tenderlink for the provision of works to extract and transport sand from Sorrento Beach to Hillarys Beach. Tenders closed on 18 May 2022. A submission was received from each of the following:

- Estimating and Civils Australia Pty Ltd.
- MMM (WA) Pty Ltd.
- NEO Civil Pty Ltd.

The submission from MMM (WA) Pty Ltd represents best value to the City. The company demonstrated a thorough understanding of the City's requirements. It demonstrated extensive experience completing similar projects with examples chosen from works conducted for local governments Cities of Bayswater, Melville, Perth, South Perth and Towns of East Fremantle and Victoria Park. The company is well established with significant industry experience and has capacity to provide the services to the City. It is a WALGA preferred supplier for Roads, Infrastructure and Depot Services, Erosion Control and Foreshore Protection, and has performed the extract and transport of sand exercise for the City on two previous occasions.

It is therefore recommended that Council ACCEPTS the tender submitted by MMM (WA) Pty Ltd for the provision of works to extract and transport sand from Sorrento Beach to Hillarys Beach as specified in Tender 021/22 for a period of one year at the fixed lump sum of \$259,983 with the option of a one-year extension option with both years subject to receipt of Coastal Adaptation and Protection Grants.

BACKGROUND

The City has a requirement to excavate approximately 10,000 cubic metres of beach sand from Sorrento Beach and transport it to Hillarys Beach on the northern side of Hillarys Boat Harbour, to address the continual and excessive sand build up on Sorrento Beach. The introduction of sand to Hillarys Beach will be used to nourish the foredunes to help contain ongoing erosion issues of the coastline. A similar exercise was conducted previously in October 2021.

Construction activities will commence in mid-October 2022, be completed by mid-late November 2022, and will include the following key elements:

- Preparation and implementation of Management Plans.
- Stakeholder management.
- Survey and quality control.
- Mobilisation.
- Site establishment.
- Environmental compliance.
- Traffic and pedestrian management.
- Excavation and transportation of sand.
- Demobilisation, site clean and reinstatement.

Award of the Contract will be subject to the City receiving the Coastal Adaptation and Protection Grant (Grant) from Department of Transport in 2022-23. Any extension option will also be subject to receipt of the Grant for 2023-24.

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 works to extract and transport sand from Sorrento Beach to Hillarys Beach was advertised through state-wide public notice and published by Tenderlink on 23 April 2022. The tender period was for three weeks, and tenders closed on 18 May 2022.

Tender Submissions

A submission was received from each of the following:

- Estimating and Civils Australia Pty Ltd.
- MMM (WA) Pty Ltd.
- NEO Civil Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1 to this Report.

A confidential tender summary is provided in Attachment 2 to this Report.

Evaluation Panel

The evaluation panel comprised four members, including:

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

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

Evaluation Method and Weighting

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

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

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated understanding of the required tasks	35%
3	Demonstrated experience in completing similar projects	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offers received were assessed as partially compliant:

- Estimating and Civils Australia Pty Ltd. The Submission did not include any quality assurance documentation, registration, licences / qualifications, or motor vehicle insurance details. It also specifies payment terms are 30 days from date of invoice and that any hold ups will incur additional costs.
- Neo Civil Pty Ltd. The Submission included critical assumptions which did not comply with the City's requirements being seven day payment terms, a tender validity period of six weeks, and silencing of plant and equipment to be classed as a variation. The company also wishes to vary the lump sum price for year 2 to accommodate an increase in CPI, determined by the Australian Bureau of Statistics, which was not in accordance with clause 5.34 of the tender documentation.

The Panel considered that further details could be sought should the two tenderers qualify for stage two of the evaluation process.

The following offer received was assessed as fully compliant:

- MMM (WA) Pty Ltd.

Based upon the above findings, all three offers from Estimating and Civils Australia Pty Ltd, MMM (WA) Pty Ltd and NEO Civil Pty Ltd remained for further consideration.

Qualitative Assessment

Estimating and Civils Australia scored 30.5% and was ranked third in the qualitative assessment. It did not submit any details for its company structure or proposed team for the project (including their level of expertise, industry experience, competency and qualifications). Ability to provide additional resources was not addressed. Some of the plant / equipment nominated to execute the works was not listed in the company's plant and equipment schedule. Its methodology was generic, with no Gantt chart provided for the list of activities, and timeframes associated with these, which was a prerequisite of the tender. It will import limestone to construct a temporary hardstand which has the potential to create contamination in the loading and exit areas. Dust management and controls to prevent sand drift were inadequate and the approach to measuring quantities of sand bypassed was not addressed. It demonstrated limited experience in completing similar foreshore / erosion projects with examples provided for minor civil road works only.

NEO Civil Pty Ltd scored 49.6% and was ranked second in the qualitative assessment. It demonstrated reasonable capacity to undertake the works with the key personnel having adequate qualifications and licences to perform the works. The number of full-time employees was not specifically stated. It provided a comprehensive list of plant and equipment and stated that it has relationships in the civil construction industry to allow it source additional personnel and equipment on demand. Emergency contact information was not sighted. It demonstrated reasonable understanding of the required tasks with its methodology and approach to the works meeting the City's expectations. The timelines allocated to tasks within its Gantt chart were either not in accordance with the tender requirements or were unable to be assessed as appropriate given the company's current commitments were not addressed. Specific safe work method statements and resident feedback processes were omitted. It demonstrated substantial experience in completing similar projects listing ten projects completed for foreshore and seawall works for local governments.

MMM (WA) Pty Ltd scored 77.4% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the required tasks providing an explanation of all the tasks it will undertake accompanied by a Gantt Chart highlighting the activities and number of days to complete each task. Its noise and dust management strategies were clearly articulated and its methodology for measuring quantities of sand bypassed was defined. Safety information and processes for managing resident's feedback were adequately addressed. Diagrams were included showing transportation routes, refuelling and truck access areas. It provided details for its key personnel and equipment operators including industry experience, licence information and skills obtained plus percentage of time the individual will be allocated to the scope of works. Its nominated plant and equipment was considered suitable for completing the tasks and three persons were nominated for emergencies. The ability to source additional resources was not addressed. It has extensive experience in completing similar projects being a WALGA preferred supplier under Roads, Infrastructure and Depot Services, Erosion Control and Foreshore Protection and listed 12 projects it has ongoing or completed for local and state government. It has completed the sand bypassing project for the City on two previous occasions.

Given the minimum acceptable qualitative score of 50%, one tenderer, MMM (WA) Pty Ltd, qualified to progress to the stage two assessment.

Price Assessment

As only one tenderer qualified for stage two assessment, the following table provides a summary of the lump sum fees, based upon a night rate, to extract and transport an estimated 10,000 cubic metres of sand.

Tenderer	Fixed Lump Sum Price (excluding GST)		
	Year 1	Year 2 (Optional Extension Option)	Total
MMM (WA) Pty Ltd	\$259,983	\$266,483	\$526,466

Evaluation Summary

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

Tenderer	Price Rank	Fixed Lump Sum Price Offered	Qualitative Ranking	Weighted Percentage Score
MMM (WA) Pty Ltd	1	\$259,983	1	77.4%

Based on the evaluation result the panel concluded that the tender from MMM (WA) Pty Ltd provides best value to the City and is therefore recommended.

MMM (WA) Pty Ltd was the only submission (out of the three received) to pass the minimum qualitative acceptable score of 50% by 27.4 points, achieving a score of 77.4%. It submitted the second lowest priced offer of \$259,983. It demonstrated a thorough understanding of the required tasks with its project program meeting the City's expectations. It has a skilled workforce with suitable qualifications and experience. It demonstrated extensive experience in completing similar projects with examples chosen from works conducted for local governments Cities of Bayswater, Melville, Perth, South Perth and Towns of East Fremantle and Victoria Park. The company has previously performed the sand extraction and transportation exercise for the City on two occasions and performed well. It is a WALGA preferred supplier for Roads, Infrastructure and Depot Services, Erosion Control and Foreshore Protection.

Whilst Estimating and Civils Australia Pty Ltd submitted the lowest price overall at \$188,894, it failed to meet the minimum qualitative acceptable score by 19.5 points, achieving a score of 30.5%. This is due to it not providing sufficient information to support its business structure, qualifications, expertise of key personnel, or current project commitments. The methodology provided to extract and transport the sand was considered a risk to the City with limestone being imported to the beach to create a hard stand for vehicles to manoeuvre which has the potential to create contamination. Its payment terms fall outside of the City's terms, it did not submit any information for motor vehicle insurance / quality assurance documentation, and it did not include a comprehensive project program to determine whether the company had understood all the activities that are required and the associated timelines. Based upon these items, the Evaluation Panel was not confident of the Tenderer's capability and capacity to perform the works.

Issues and options considered

The City does not have the internal resources to provide the services required to extract and transport approximately 10,000 cubic metres of sand from Sorrento Beach to Hillarys Beach, and therefore requires the services of an external contractor who is suitably qualified and experienced to undertake the scope of works.

Contract award is conditional upon the City receiving the Coastal Adaption and Protection Grant for 2022-23. Should the City be unsuccessful in its application, all Offers in respect of the tender will be declined.

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 Leadership.

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

Policy Not applicable.

Risk Management Considerations

Should the contract not proceed, the risk to the City will be moderate as the excessive sand build-up on Sorrento Beach is impacting on beach users, the natural environment and Hillarys Boat Harbour. It is essential that the work is undertaken to restore Sorrento beach, the dunes along Hillarys Beach, and the natural environment.

Based upon the evaluation result the panel concluded that the tender from MMM (WA) Pty Ltd provides best value to the City and is therefore recommended. The engagement of the recommended Tenderer presents less risk to the City as it is a well-established company with significant industry experience. It is experienced in working within beach sand and has the capacity to provide the services to the City.

Financial / Budget Implications

Account no.	N3759
Proposed Budget Item	Sorrento Foreshore Bushland
Proposed Budget amount	\$180,000
Proposed Income amount*	(\$133,888)
Amount spent to date	\$ 0
Proposed cost	\$259,983
Balance	\$ 53,905

*The balance above has been calculated based upon the City being successful following its application for the Coastal Adaptation and Protection grant administered by the Department of Transport for 2022-23 being \$133,888.

The balance does not represent a saving at this time. Actual costs will be calculated following completion of the extraction and transportation of 10,000 cubic metres of sand. The contract has provision for the rate to be adjusted subject to any increased / decreased volume of sand relocated.

All amounts quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications

The City of Joondalup includes 17 kilometres of coastline, stretching from Marmion in the south to Burns Beach in the north. The coastline includes sandy and rocky beaches and dunal vegetation. The City's *Coastal Monitoring Program* has identified that the shoreline along Hillarys Beach, north of Hillarys Boat Harbour, is experiencing continued erosion which has resulted in loss of part of the dune system and vegetation. Conversely Sorrento Beach south of Hillarys Boat Harbour is experiencing considerable accretion.

The sand bypassing from Sorrento Beach to Hillarys Beach will reduce the erosion at Hillarys Beach, provide a buffer to storms, and protect the coastal dunes and public open space area. This project is a recommendation from the City's *Coastal Monitoring Program*.

Consultation

The tender stipulated the requirements for informing key stakeholders of the works as per the communication plan. The following stakeholders shall be notified by letter:

- Hillarys Boat Harbour.
- Main Roads Western Australia.
- Sorrento Surf Life Saving Club.
- Property owners within a radius of 500 metres.
- Any other stakeholders affected by the works as identified by the Contractor.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by MMM (WA) Pty Ltd represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by MMM (WA) Pty Ltd for the provision of works to extract and transport sand from Sorrento Beach to Hillarys Beach as specified in Tender 021/22, for a period one year, at the fixed lump sum of \$259,983, with the option of a one-year extension option, with both years subject to receipt of Coastal Adaptation and Protection Grants.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf220712.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 - CR CHRISTOPHER MAY – IMPROVEMENTS TO CITY'S TREE CANOPY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr May has given notice of his intention to move the following Motion at the Council Meeting to be held on 19 July 2022:

That Council:

- 1 NOTES the ongoing improvements to visual amenity, offsetting the Urban Heat Island Effect, walkability and other benefits the Leafy City Program brings to neighbourhoods;***
- 2 NOTES some streets within Housing Opportunity Areas have already been significantly developed in the last several years;***
- 3 REQUESTS the Chief Executive Officer prepare a report to investigate innovative options to improve tree canopy in Housing Opportunity Areas, including, but not limited to, expanding the Leafy City Program scope to include higher R-Coded areas in future years.***

REASON FOR MOTION

To continue to improve the City's urban tree canopy in areas where development is more likely to result in a clearing of canopy on private property. By considering expanding the Leafy City Program, there is a potential to further improve canopy in infill areas by having trees on City verges, which can therefore be protected from clearing.

Infill are a necessary part of combatting Perth's overall urban sprawl. The downside of canopy loss can be minimised by achieving the above. As Housing Opportunity Areas become more developed, there is opportunity to strategically backfill developed streets and corner lots with protected street trees.

CLOSURE



**DECLARATION OF FINANCIAL INTEREST / PROXIMITY INTEREST /
INTEREST THAT MAY AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

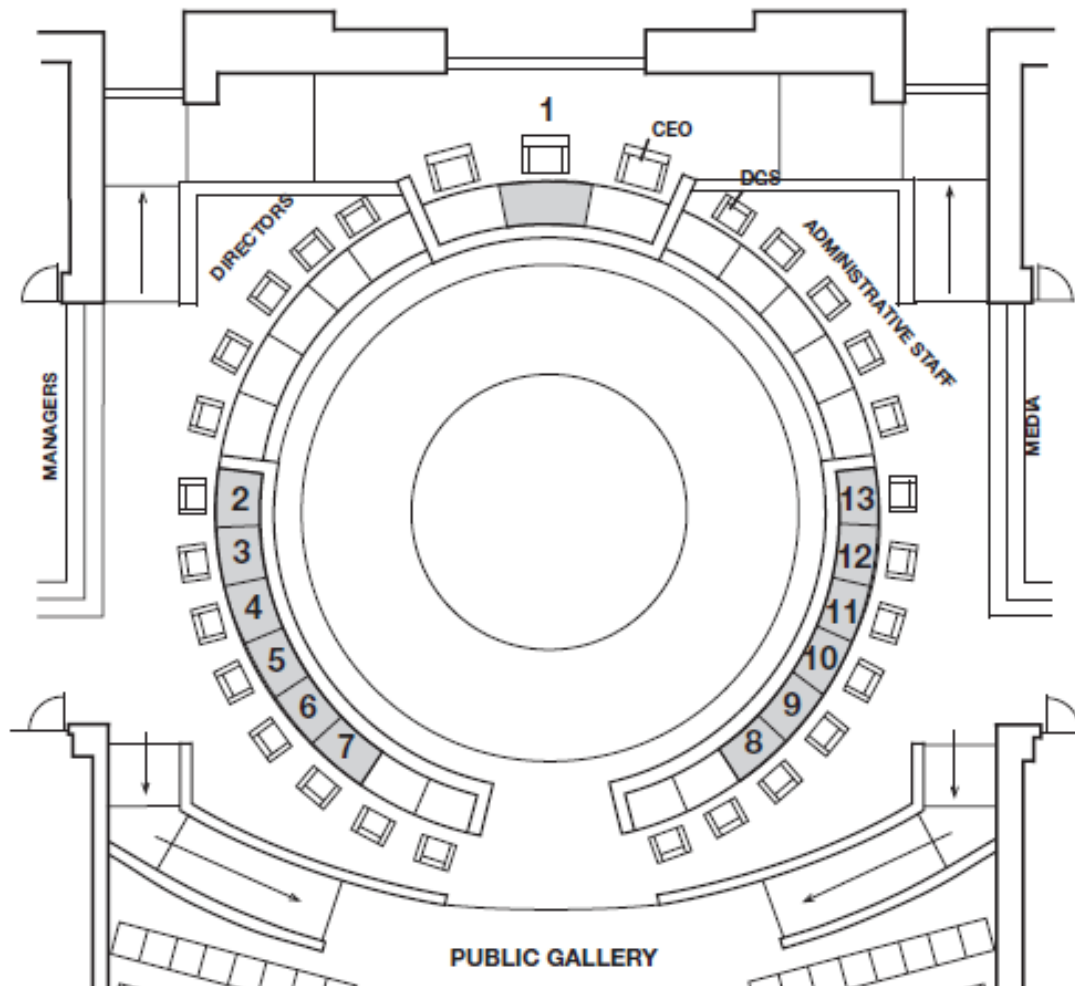
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/25)

North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/25)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/25)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr Suzanne Thompson (Term expires 10/23)