

minutes

Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 19 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

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CITY OF JOONDALUP

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

DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 7.01pm.

ANNOUNCEMENT OF VISITORS

Presiding Member:

CR RUSS FISHWICK, JP

appointed from 7.05pm

Councillors:

CR ADRIAN HILL

North Ward

CR DANIEL KINGSTON

North Central Ward

CR CHRISTOPHER MAY

Central Ward

CR JOHN RAFTIS

South-West Ward

CR CHRISTINE HAMILTON-PRIME, JP

South-West Ward

via electronic means

CR JOHN LOGAN

South-East Ward

Officers:

MR JAMES PEARSON

Chief Executive Officer

MR JAMIE PARRY

Director Governance and Strategy

absent from 8.09pm to 8.25pm

MR CHRIS LEIGH

Director Planning and Community Development

absent from 8.09pm to 8.25pm

MR NICO CLAASSEN

Director Infrastructure Services

absent from 8.09pm to 8.25pm

MR MAT HUMFREY

Director Corporate Services

absent from 8.09pm to 8.25pm

MRS KYLIE BERGMANN

Manager Governance

MR STUART McLEA

Media and Communications Officer

to 8.09pm

MRS DEBORAH GOUGES

Governance Officer

absent from 8.09pm to 8.25pm

MRS WENDY COWLEY

Governance Officer

absent from 8.09pm to 8.25pm

MR CONNOR TILBURY

Administration Officer

to 7.40pm

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

C85-07/22**CALL FOR PRESIDING MEMBER APPOINTMENT**

Clause 3.1 of the City's *Meeting Procedures Local Law 2013* provides as to who will preside at Council Meetings referencing s5.6 of the *Local Government Act 1995* as follows:

“5.6 Who presides at council meetings

- (1) *The mayor or president is to preside at all meetings of the council.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and —*
- (a) *the office of deputy mayor or deputy president is vacant; or*
(b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*
- then, the council is to choose one of the councillors present to preside at the meeting.”.*

Nominations were made for the appointment of a Presiding Member as follows:

- Cr Hill nominated Cr Fishwick, who accepted the nomination.
- Cr Raftis nominated Cr Kingston, who accepted the nomination.

Cr Hill nominated Cr Fishwick and majority support was given by a show of hands:

- 1 Cr Fishwick.
- 2 Cr Hamilton-Prime.
- 3 Cr Hill.
- 4 Cr Logan.
- 5 Cr May.

The Chief Executive Officer declared Cr Fishwick as the Elected Member selected to preside at the meeting.

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

Disclosures of Financial Interest / Proximity Interest

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

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	CJ113-07/22 - Request for Annual Leave - Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Name / Position	Mr Nico Claassen, Director Infrastructure Services.
Item No. / Subject	CJ117-07/22 - Confidential - Employment Contract - Director Infrastructure Services.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Claassen holds the position of Director Infrastructure Services and the report is in relation to his contract extension.

Disclosures of Interest affecting Impartiality

Nil.

PUBLIC QUESTION TIME

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

A Muller, Heathridge:

Re: *Containment of Cats.*

Q1 *Why does the City of Joondalup continue to deny the destruction and killing of wildlife by roaming cats when you claim to support and protect wildlife?*

A1 The City has a procedure for dealing with nuisance cats and the *Cat Act 2011* provides for the seizure of cats where it is reasonable to believe the cat may be the subject of an offence under the Act. Section 27 (a) and (b) allow authorised persons to seize cats in the course of their duty. A cat can be seized if it appears to be abandoned, unregistered or unsterilized.

The City's nuisance cat procedure is used before a decision to trap a cat, which includes preparation of a nuisance activity log over a period of two weeks.

There is no regulation within the current *Cat Act 2011* that states cats must be confined to the owner's premises. The City is waiting for the statutory review of the *Cat Act 2011* to be formalised, before considering if a Cat Local Law is required.

Q2 *Why do you think it is acceptable to prioritise and protect cat owners from having to take full responsibility for their destructive 'pets' when they regularly kill birds, urinate on neighbour's windows, doors and cars and defecate in their backyards?*

A2 On private property a cat may be seized at the request and consent of the owner/occupier of the premises, however anyone deciding to trap a cat must comply with the *Animal Welfare Act 2002* relating to animal cruelty.

Once a cat is trapped and identified via its microchip number, the cat is then returned and released back to the owner. In such instances City Officers speak with the cat owner regarding the nuisance the cat is causing other residents and reinforce responsible cat ownership, however, it is not possible to enforce the owner to keep the cat contained to their yard.

M Harrison, Mullaloo:

Re: *Sorrento Surf Life Saving Club (SSLSC) Redevelopment.*

Q1 *With reference to the City's responses to my Question 1 from the Briefing Session held on 14 June 2022. Therein the City described a quotation process that engaged MP Rogers and Associates (MRA) in February 2022.*

Can the City please list the total scope of the services for which MRA was engaged between 1 January 2010 and the date prior to MRA's recent engagement in February 2022?

A1 During the time period 1 January 2010 to February 2022, MRA was engaged by the City through three separate contracts. The general scope for these contracts included:

- coastal investigations and sea level rise
- foreshore protection and erosion studies
- coastal hazard and risk management adaptation planning
- marina, breakwater and groyne engineering
- launching ramps, jetty and mooring pier engineering
- engineering investigations, feasibility studies and reports
- community, utility and general liaison.

Q2 *With reference to the City's responses to my Question 1 from the Briefing Session held on 14 June 2022. Therein the City described a quotation process that engaged MRA in February 2022.*

Can the City please provide complete details for the tender that is applicable to MRA being engaged in February 2022 including:

- i) *the scope of the tender*
- ii) *the date period of the tender submission process*
- iii) *the Council Agenda Item Number applicable to the acceptance of the successful tender?*

A2 The City engaged MRA in February 2022 via a quotation process rather than a tender process to conduct a variety of coastal and marine engineering services. The contract term is for an initial period of 12 months and the City will have an option to extend the Term of the Contract by three one year options. The requirements for this contract may consist of, but not be limited to:

- coastal investigations and sea level rise
- foreshore protection and erosion studies
- coastal hazard risk management adaptation planning
- engineering analysis for maintenance and/or construction of ocean structures including groynes, retaining, erosion control, beach enclosures or other miscellaneous projects
- engineering investigations, feasibility studies and reports
- community, utility and general liaison.

Re: *Coastal Erosion.*

Q3 *With reference to the City's responses to my Question 2 from the Ordinary Meeting held on 28 June 2022. Therein a single question was asked of the City: "Separately for WG I, WG II and WG III can the City please confirm whether or not the City considers that any of the Intergovernmental Panel on Climate Change (IPCC) findings increase the likelihood of coastal erosion on the City coastline?"*

For absolute clarity of the City's response to this question, could the City please simply answer "yes" or "no" against each of the three aforementioned IPCC reports WGI, WGII and WGIII?

A3 The City is developing a CHRMAP to define areas of the coastline which could be vulnerable to coastal hazards and to outline the preferred approach to managing these hazards where required. Consideration will be given to the IPCC assessment reports, along with relevant legislation and policy, in the development of the CHRMAP.

Re: *CHRMAP Pinnaroo Point 2016.*

Q4 *With reference to the City's responses to my Question 3 from the Ordinary Meeting held on 28 June 2022. Therein the City stated reasoning for not making public the CHRMAP – Pinnaroo 2016 as it "was not considered to impact the public, noting that the area to be developed had already been established through the creation of the lease area."*

Can the City please fully explain how the prior creation of the lease area negated/cancelled out/made irrelevant the impact of the CHRMAP – Pinnaroo 2016's content on ratepayers?

A4 The CHRMAP was prepared in response to a request by the Department of Planning, Lands and Heritage (DPLH), to support the City's request to lease Crown Land at Pinnaroo Point. Lot 501 is currently leased to a tenant who will be responsible for any development on the site. There is a clause in the lease indemnifying the City against all claims the City may incur in connection with effects of coastal erosion. The indemnity means the tenant cannot bring a claim against the City in connection with effects of coastal erosion in relation to the lease area.

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

Q5 *With reference to the City's responses to my Question 5 from the Ordinary Meeting held on 28 June 2022. Therein the City described the large, hand-written, attendee-scored, paper posters that separately detailed the unique intellectual ideas of each table of attendees to the Community Engagement Sessions as "raw outputs." These "raw outputs" were entrusted from residents to the City for correct use and for safe-keeping.*

Can the City please provide unfettered access to all these "raw outputs?"

A5 As noted in the Minutes of the Ordinary Meeting of Council held on 28 June 2022, the Community Consultation Outcomes Report for the Shaping Your Local Community consultation initiative is provided in full on the City's website under [Closed Consultations](#). The raw outputs from the workshops were summarised by an independent facilitator and are included in this report, with additional notes provided in the appendix. Individual photographs of hand-written notes from each workshop are not included; these notes have been archived as per the City's record-keeping requirements, and access to them can be made through the City's FOI process on the City's website under [Freedom of Information](#).

M Hall, Joondalup:

Re: *Collapsed Wall at 74 Cliff Street, Marmion.*

Q1 *In relation to the collapsed wall at 74 Cliff Street Marmion, can Council give an assurance to residents that it will use their best endeavours to expedite all agreements and approvals required such that works can commence for residents to re-occupy their homes by the end of July?*

A1 The City has used its best endeavours and provided a draft Approval and Works Agreement to the Strata Manager on 24 June 2022 to facilitate the required works to be undertaken. The City is awaiting information from the Strata Manager to enable this agreement to be executed.

Q2 *Can Council give an undertaking that it will request an extension of six months on the deadline to use funds designated for improvements to the adjacent public space beyond the current 30 June 2023 thereby allowing sufficient time for the Strata to undertake permanent repairs to the retaining wall?*

A2 The landscape improvement works to Cliff Park are funded through Federal Government Local Road and Community Infrastructure (LRCI) phase 3 funding. The Department of Infrastructure, Transport, Regional Development and Communications has indicated that no extension of time will be granted for LRCI phase 3 projects. The City has, however, indicated that it is willing to extend the completion date for permanent repairs from 1 March 2023 to 15 April 2023.

Q3 *Would the Mayor or an appointed deputy be prepared to lead a small delegation of Elected Members to meet with the residents on site at 74 Cliff Street Marmion, to inspect the damage, explain the improvements planned for the open space and restore confidence that their Council are committed to the wellbeing of all residents of City of Joondalup?*

A3 The City is unable to answer this question on behalf of individual Elected Members.

- Q4 *As Council have instructed the Strata company to cease any further works designed to reduce erosion to the damaged area, will Council now take responsibility for any further damage to the properties until the remedial work is undertaken as storms are predicted for or around 21 July 2022?*
- A4 The City has not instructed the Strata Company to cease any further works, rather, the City requires an agreement to be in place between the City and the Strata Company in order for works to be undertaken on the public land (Cliff Park).
- Q5 *Will Council offer to assist the residents with a commitment to providing support by reducing or assisting with the administration effort of all future works so as to minimise future costs?*
- A5 The City will prioritise and expedite the consideration of applications for works when received.

M Sideris, Mullaloo:

Re: *Lot 501 Pinnaroo Point, Hillarys.*

- Q1 *Referring to the response to Question 1 Council Meeting 28 June 2022, can the City please provide a complete and detailed annualised and tabulated listing, escalated to represent 2022 \$'s, all sunk costs consisting of legal and consultant fees, administration costs and the cost of services to the lease area, including those costs identified and published in Agenda for Meeting 17 May 2022?*
- A1 This question will be taken on notice.
- Q2 *Can the City please explain why the response provided at Question 2 Council Meeting 28 June 2022, "City of Joondalup Coastal Infrastructure Adaptation Plan 2018 – 2026, when in fact Lot 501 subdivision and the associated section 79 lease agreement documents were well progressed and that well advanced concept plans were being exchanged between DPLH and the City Officers?*
- A2 The *City of Joondalup Coastal Infrastructure Adaptation Plan 2018-2026* relates to infrastructure assets such as roads, car parks, dual use paths, playgrounds park infrastructure and buildings owned or managed by the City. The existing infrastructure at Pinnaroo Point is referred to on Pages 14 and 15 of the *City of Joondalup Coastal Infrastructure Adaptation Plan 2018-2026*. The Crown Lease on Lot 501 did not commence until 2020 and the development application for the proposed building was not approved until 2021, therefore these were not included in the Plan. The proposed building has not yet been constructed and is not intended to be owned or managed by the City.
- Q3 *Can the City please explain why the reports to Council associated with the development of Lot 501 Pinnaroo, did not advise, document or record, that a Department of Planning, Lands and Heritage (DPLH) review of the MP Rogers CHRMAP report for Pinnaroo Point Lot 501 Hillarys, had determined and confirmed "Present day erosion extent-46m (from HSD)" and "2040 erosion extent-90.5m" and Lot 501 site commercial development was 'at Risk', with a number of Lease and Development implications?*

A3 Numerous reports to Council relating to the Pinnaroo Point project advised that the CHRMAP was prepared as required by the DPLH. The CHRMAP was provided to the DPLH as part of the City's request to lease an area of Crown Land to facilitate the development and subsequently the Crown lease and sublease were approved. The leases contain a clause indemnifying the City and the Crown against all claims in connection with the effects of coastal erosion, including storm events.

Q4 *Can the City please explain why the reports to Council associated with the development of Lot 501 Pinnaroo did not advise, document or record, that a DPLH review of the MP Rogers CHRMAP Report for Pinnaroo Point Lot 501 Hillarys, had determined and confirmed, that the proposed 'Cafe/Restaurant' is likely to be impacted by erosion within the lease period and that the local governments (the City) proposal should be for short term leases of 10 years each up to as maximum of 42 years?*

A4 The DPLH after reviewing the MP Rogers CHRMAP report and considering the associated risks executed the Crown Land lease term of 42 years consisting of an initial lease term of 10 years with options for two further 10 year lease terms and an option of a further term of 12 years.

The statutory approvals process under the authority of the WAPC assessed and approved the development application submitted by the developer of the future food and beverage facility, taking into account the risks of erosion as identified in the CHRMAP.

The City is currently developing a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to define areas of the coastline which could be vulnerable to coastal hazards and to outline the preferred approach to managing these hazards where required. Consideration will be given to coastal adaptation options in the development of the CHRMAP to mitigate the impacts of coastal erosion.

The City mitigates erosion on its beaches including post-storm checks and maintenance, management of access ways to ensure safe access, dune restoration and stabilisation and implementation of an annual sand bypassing program.

Q5 *In a recent State Administrative Tribunal decision in "City of Joondalup versus Sandgate (WA) P/L" Matter No cc 1479/2021, made orders that the clauses of the sublease not be approved, namely (a) clause 2.3(e) and clause 13.13.*

Can the City please advise when Council approved the City legal action and the ramification of that SAT decision?

A5 At its meeting held on 17 November 2020 (CJ166-11/2 refers), Council authorised the execution of the sublease. In accordance with the executed sublease the City applied to the State Administrative Tribunal (SAT) for approval to exempt from the provisions of s. 13(6) of the *Commercial Tenancy Retail Shops) Agreements Act 1985* clauses 2.3(e), 12.1 and 13.13 of the sublease.

The SAT ordered that clause 2.3(e) and 13.13 are not approved. The effect of the SAT's decision is that the sublease is in full force and effect but clauses 2.3(e) and 13.13 are unenforceable. With regards to clause 2.3 (e) the common law position is that where a head lease ends a sublease will automatically be terminated and the tenant will be entitled to seek relief against forfeiture pursuant to s. 81 of the *Property Law Act 1969* by making an application to the Court to have a new lease entered into with the head lessor on terms no more favourable than those agreed under the original lease.

M O'Byrne, Kinross:

Re: CJ102-06/22 - Sorrento-Marmion Laneways.

Q1 *What specific areas will the new Sorrento-Marmion Laneways report, requested by Elected Members on 28 June 2022, cover?*

A1 At its meeting held on 28 June 2022 (CJ102-06/22 refers), Council considered a report and resolved as follows:

- “1 *NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5;*
- 2 *DOES NOT SUPPORT the implementation of a one-way traffic system for the laneways in Sorrento and Marmion;*
- 3 *NOTES future resurfacing and kerb replacement on laneways will be listed in the City's Capital Works Program based on condition assessment in line with asset management practices;*
- 4 *SUPPORTS formalising names for the laneways in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia;*
- 5 *ADVISES the Lead Petitioner of Council's decision;*
- 6 *REQUESTS the Chief Executive Officer prepare a report by September 2022 with detailed costings for the completion of Lane 5 from Lane 1 through to Clontarf Avenue for inclusion within the City's Five Year Capital Works Program.”*

The City is currently preparing a report as per Part 6 above.

Q2 *Where might one find the complete Local Government historical record of the Sorrento-Marmion Laneways up to 2010?*

A2 The City of Joondalup's Local History team in the Joondalup Library may be able to assist to guide in finding some of the City's historical records of previous decisions that may have influenced the current road layout in the Sorrento/Marmion area, however it is believed this information may not be comprehensive.

A Freedom of Information request may also assist in providing access to some of the historical records.

Q3 *What are the advantages of residents producing petitions for presentation to the elected body?*

A3 Petitions, presented in the correct format, inform Council of the views of a section of the community, and serve as one way of placing community concerns before Council. Petitions allow concerns to be heard and to request Council to take some form of action.

- Q4 *What would a resident do to access the complete Local Government historical record of the Sorrento-Marmion Laneways from early days up to modern times?*
- A4 Please refer to A2 above.
- Q5 *What is the scale of significance for the signing of petitions by the community especially in the immediate vicinity to the problems the community seeks to have rectified?*
- A5 Petitions assist the Council in making decisions and/or taking action with regard to particular concerns highlighted by the community.

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

M O'Byrne, Kinross:

Re: Provision for Apologies at the Conclusion of Ordinary and Special Council Meetings.

Q1 *It has become routine since February 2022 for the Elected Presiding Officer at Special and Ordinary Council Meetings to offer a generalised apology at the conclusion of these meetings, may I please have an explanation as to where there is provision for this generalised apology in the Local Government Legislation Regulations, the City of Joondalup Standing Orders, the City of Joondalup's Meeting Procedures Local Law or in any other local government provision?*

A1 The Director Governance and Strategy stated that the question would need to be directed to the Mayor as to the reasoning behind the apology that he has provided at these meetings.

Q2 *According to the City of Joondalup Standing Orders the order of business at any Special Meeting of the Council will be in the order in which it appears on the agenda, this being the case why did the Elected Presiding Officer at the Special Meeting held on 5 July 2022 deviate from the order of which appeared on the Special Meeting Agenda by making a broad, wide ranging apology at the conclusion of that special meeting?*

A2 The Presiding Member advised that the same response as provided at question one by the Director Governance and Strategy would apply to this question.

R Repke, Kallaroo:

Re: Notice of Motion No. 1 - Cr Christopher May – Improvements to City's Tree Canopy.

Q1 *With regards to the Officer's Comment for the Notice of Motion that says, 'infill is a necessary part of combating urban sprawl', it was asked is infill really combating urban sprawl or adding to it?*

A1 The Director Governance and Strategy advised that the Officer Comment which is provided as part of the Notice of Motion is 'That a report can be prepared', adding that the City is unable to respond to Councillor May's reason for the motion.

The Director Planning and Community Development stated that the comment Mr Repke is referring to is part of the reason for the notice of motion which is provided by the Elected Member.

The Presiding Member added that if Cr May chooses, he may speak to the item and answer that question during his deliberations.

Q2 With regards to combating urban sprawl, can this not be done with appropriate State Legislation and should the City not fight for such legislation?

A2 The Director Planning and Community Development stated that when it comes to infill, the City is bound to a large degree to the frameworks that the State Government has set in place when it comes to planning for the growth of the Perth metropolitan area. It was added that the State Government has set a 47% infill growth target on existing suburbs.

The Director Planning and Community Development noted that traditionally there has been little in the way of requiring canopy to be provided as part of the redevelopment of these areas, adding that this is changing as seen through the City's current *Local Planning Policy* which now requires for the provision of trees as part of development.

M Kwok, Ocean Reef:

Re: Non-Chemical Weeding – Lakeside Drive, Joondalup.

Q1 The City is using non-chemical weeding methods at nominated locations, Lakeside Drive, Joondalup being one of these locations, why is the City using chemicals in this area?

A1 The Director Infrastructure Services advised that the contractor appointed to undertake non-chemical weed spraying indicated to the City that that area does not currently comply for non-chemical weeding and therefore the City sprayed the area to get it within the compliance requirements so that the contractor can then maintain the area to that requirement.

Re: Covid-19 Mandates.

Q2 The City has written to the Premier and a number of State Ministers regarding the concerns raised at the Special Electors' Meeting, is it possible for that letter to be made available to the public?

A2 The Chief Executive Officer advised that the letter can be made available to the public.

PUBLIC STATEMENT TIME

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

M O'Byrne, Kinross:

Re: Apologies at the conclusion of Ordinary and Special Council Meetings and Changes to Petition Procedures.

Ms O'Byrne spoke with regards to apologies at the conclusion of Ordinary and Special Council Meetings and changes to the Petition Procedures and suggested that Elected Members stop supporting these changes without further investigation and that these matters be brought before Council for a proper resolution to be put in place.

M Hall, Joondalup:

Re: Retaining Wall – Syree Court - 74 Cliff Street, Marmion.

Mr Hall, on behalf of residents of the Strata company at Syree Court, spoke with regards to damage and remedial works on the retaining wall at 74 Cliff Street, Marmion and raised concerns in relation to the urgent Council Order which was imposed to evacuate five of the 33 residents in their 70's and 80's from their homes for safety reasons.

Mr Hall explained that temporary repair works were designed in conjunction with City officers to expedite the return of residents and allow for a more permanent solution to be designed and eventually commissioned at an estimated cost of \$500k to be funded by the Strata.

Mr Hall advised that the Strata company arranged for temporary works to commence on the 20th June 2022, however during the preparation of the licence agreement to use the park it was identified that the City did not in fact own the park and that a different legal agreement would be required to be prepared that contained unrealistic conditions including provision of bank guarantees and insurances as well as potential compensation payments by the Strata company to the City should the works go beyond March 2023.

Mr Hall highlighted that it has now been nine weeks since these residents have been away from their homes and urges Council to expediate this process so that a good outcome can be achieved for those who are affected.

R Repke, Kallaroo:

Re: Notice of Motion No. 1 - Cr Christopher May – Improvements to City's Tree Canopy.

Mr Repke spoke in support of Notice of Motion No. 1 - Cr Christopher May – Improvements to City's Tree Canopy stating that temperatures in tree covered areas are three degrees hotter in winter and three degrees cooler in summer, which reduces heating and cooling costs per household by approximately \$1,000 per year as well as reducing CO² emissions.

Mr Repke suggested that the City could do better by:

- retaining and adding trees when considering housing applications
- planting more street trees
- reworking the significant tree register
- offering to register trees on private land

- offering trees on verges to residents under the conditions that the residents take care of the trees
- providing more support to friend groups by providing plant and watering funds as well as physical support by experts
- not allowing any more development in reserves and parks
- challenging residents' associations to input initiatives
- outlawing artificial lawn
- asking the State Government to draft a law to protect trees.

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Cr John Chester.

Cr Nige Jones.

Cr Suzanne Thompson.

Leave of Absence Previously Approved

Hon. Mayor Albert Jacob, JP

4 to 22 July 2022 inclusive.

Cr Russell Poliwka

13 to 28 July 2022 inclusive.

Cr Tom McLean

14 to 20 July 2022 inclusive.

C86-07/22

REQUESTS FOR LEAVE OF ABSENCE – CR DANIEL KINGSTON, CR JOHN RAFTIS AND CR JOHN LOGAN

Cr Kingston has requested Leave of Absence from Council duties covering the period 26 to 31 July 2022 inclusive.

Cr Raftis has requested Leave of Absence from Council duties covering the period 17 to 31 August 2022 inclusive.

Cr Logan has requested Leave of Absence from Council duties covering the period 29 August 2022 to 2 September 2022 inclusive.

MOVED Cr Hill, SECONDED Cr Kingston that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:

- | | | |
|----------|--------------------|-------------------------------------------------|
| 1 | Cr Kingston | 26 to 31 July 2022 inclusive; |
| 2 | Cr Raftis | 17 to 31 August 2022 inclusive; |
| 3 | Cr Logan | 29 August to 2 September 2022 inclusive. |

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

CONFIRMATION OF MINUTES

C87-07/22

**MINUTES OF ORDINARY COUNCIL MEETING HELD ON
28 JUNE 2022 AND SPECIAL COUNCIL MEETING HELD
ON 5 JULY 2022**

MOVED Cr May, **SECONDED** Cr Logan that the Minutes of the following meetings of Council be **CONFIRMED** as a true and correct record:

- 1 Ordinary meeting of Council held on 28 June 2022;
- 2 Special meeting of Council held on 5 July 2022.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Community Drives City Vision

The Presiding Member advised the City's new 10-Year Strategic Community Plan, Joondalup 2032, articulates the community's vision for the future and includes strategic initiatives and priorities that will guide the City's service delivery and capital expenditure over the next 10 years.

The Presiding Member advised that it was adopted at the June meeting of Council, and that the Joondalup 2032 is a true community document.

The Presiding Member stated the result of more than two years of extensive community consultation and research, he is proud to say that our highest-level plan is now more reflective of our community than ever before.

The Presiding Member thanked everyone who took the time to provide us with their thoughts and ideas for the future of the City of Joondalup.

The Presiding Member advised this collaborative document brings together the collective vision of our residents, businesses, community stakeholders, community groups, sporting clubs, seniors, young people, Council and the City's workforce.

The Presiding Member stated he looked forward to seeing where the next decade takes Joondalup and those who are lucky enough to call our beautiful City home.

Long Road Over

The Presiding Member advised that this weekend, the cities of Joondalup and Wanneroo will hold a small gathering to mark the opening of the Burns Beach-Mindarie shared coastal path.

The Presiding Member stated that it took many years to bring this complex project to fruition and this event gives both cities a chance to thank the many stakeholders who contributed to this great success story, including the Western Australian Planning Commission, Tamala Park Regional Council, Peet Limited and local Members of Parliament.

The Presiding Member stated the City also recognised the efforts of the Burns Beach Residents' Association who drove the project from the outset, while the City of Wanneroo will acknowledge their local residents group that was involved at the northern end of the path.

The Presiding Member advised the path has been open to users since early June. Approximately, three kilometres in length, it forever links the cities of Joondalup in the south to our friends in the north, Wanneroo.

The Presiding Member stated to anyone in the public gallery here tonight who hasn't visited it yet, I encourage you to head there for a ride, walk or jog when you next get the chance.

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

- CJ117-07/22 – Confidential – Employment Contract – Director Infrastructure Services.

C88-07/22

MOTION TO CHANGE THE ORDER OF BUSINESS

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

- 1.1 CJ117-07/22 – Confidential – Employment Contract – Director Infrastructure Services;

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

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

PETITIONS

Nil.

REPORTS

CJ107-07/22 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.

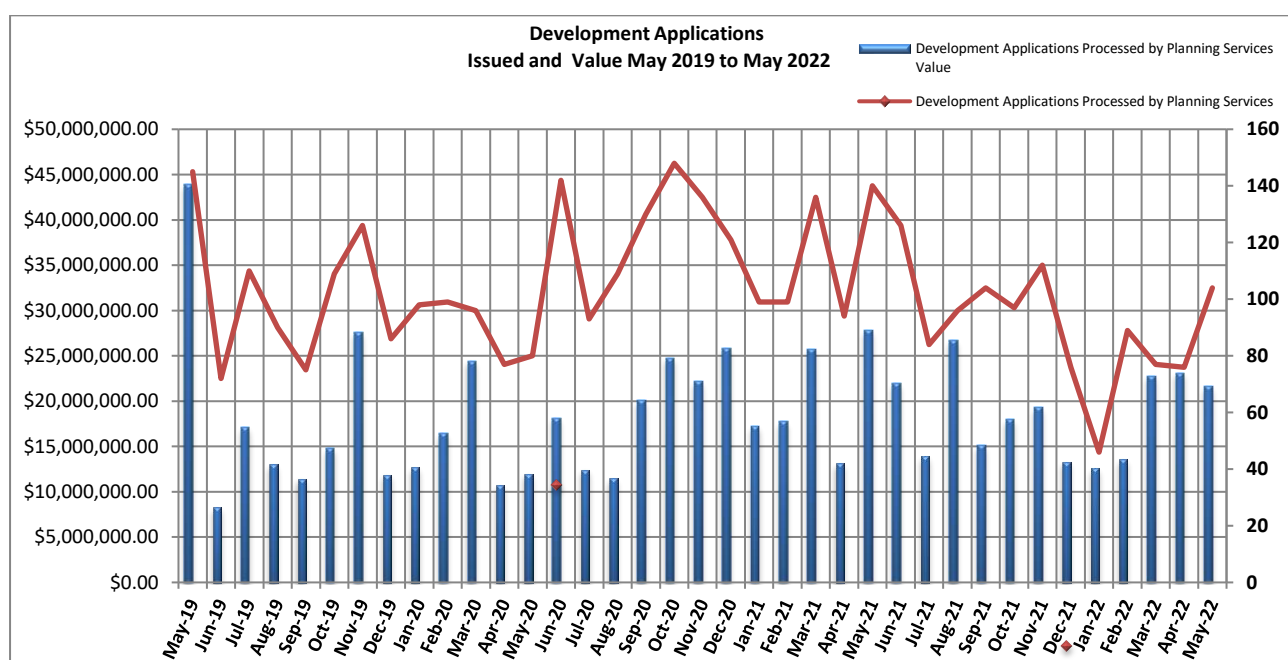
Development applications

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.

MOVED Cr Fishwick, SECONDED Cr Logan that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ107-07/22 during May 2022;**
- 2 subdivision applications described in Attachment 2 to Report CJ107-07/22 during May 2022.**

The Motion was Put and CARRIED (7/0) by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 1 refers

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

CJ108-07/22**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 Communiy 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 ‘Defintions’ 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 Report CJ108-07/22. The scheme amendment maps are provided as Attachment 3 to Report CJ108-07/22.

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 Report CJ108-07/22.

- 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.

MOVED Cr Fishwick, SECONDED Cr Logan 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 Report CJ108-07/22;
- 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*.

The Motion was Put and **CARRIED (7/0)** by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 2 refers

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

CJ109-07/22**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 while 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.

MOVED Cr May, SECONDED Cr Logan 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.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

CJ110-07/22**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 Report CJ110-07/22;*
- 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 Report CJ110-07/22, 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 while 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

Simple Majority.

MOVED Cr May, SECONDED Cr Hill 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 Report CJ110-07/22;**
- 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.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 3 refers

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

CJ111-07/22**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.

MOVED Cr Fishwick, SECONDED Cr Logan that Council NOTES the minutes of the ordinary meeting of the Tamala Park Regional Council held on 16 June 2022 forming Attachment 1 to Report CJ111-07/22.

The Motion was Put and CARRIED (7/0) by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

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

CJ112-07/22 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 Report CJ112-07/22;*
- 2 *NOTES the 2021-22 Elected Member Training and Development Schedule, as detailed in Attachment 1 to Report CJ112-07/22, 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 Report CJ112-07/22.

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.

MOVED Cr Fishwick, SECONDED Cr Logan that Council:

- 1 NOTES the training and development undertaken by elected members during the 2021-22 financial year, as detailed in Report CJ112-07/22;**
- 2 NOTES the 2021-22 Elected Member Training and Development Schedule, as detailed in Attachment 1 to Report CJ112-07/22, will be placed on the City's website.**

The Motion was Put and CARRIED (7/0) by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 4 refers

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

Disclosure of Financial Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	CJ113-07/22 - Request for Annual Leave - Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

CJ113-07/22**REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER****WARD**

All

RESPONSIBLE DIRECTORMr 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 therefore 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.

MOVED Cr May, SECONDED Cr Logan 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.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

CJ114-07/22**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 Report CJ114-07/22, 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 Report CJ114-07/22.

The vouchers for the month are appended as Attachment 3 to Report CJ114-07/22.

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.

MOVED Cr Raftis, SECONDED Cr May 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 Report CJ114-07/22, totalling \$17,875,083.15.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 5 refers

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

CJ115-07/22**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.

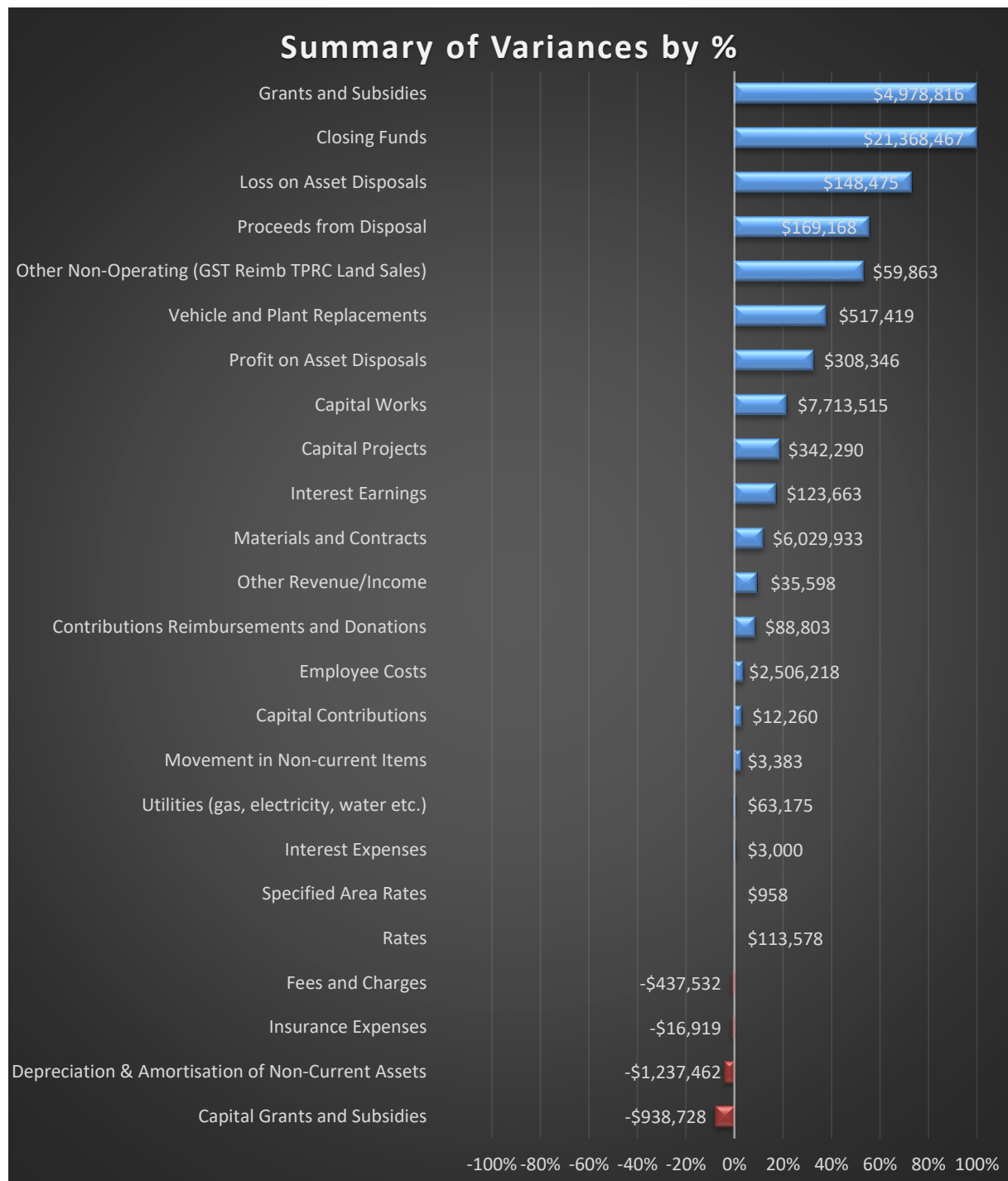
EXECUTIVE SUMMARY

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 Report CJ115-07/22 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

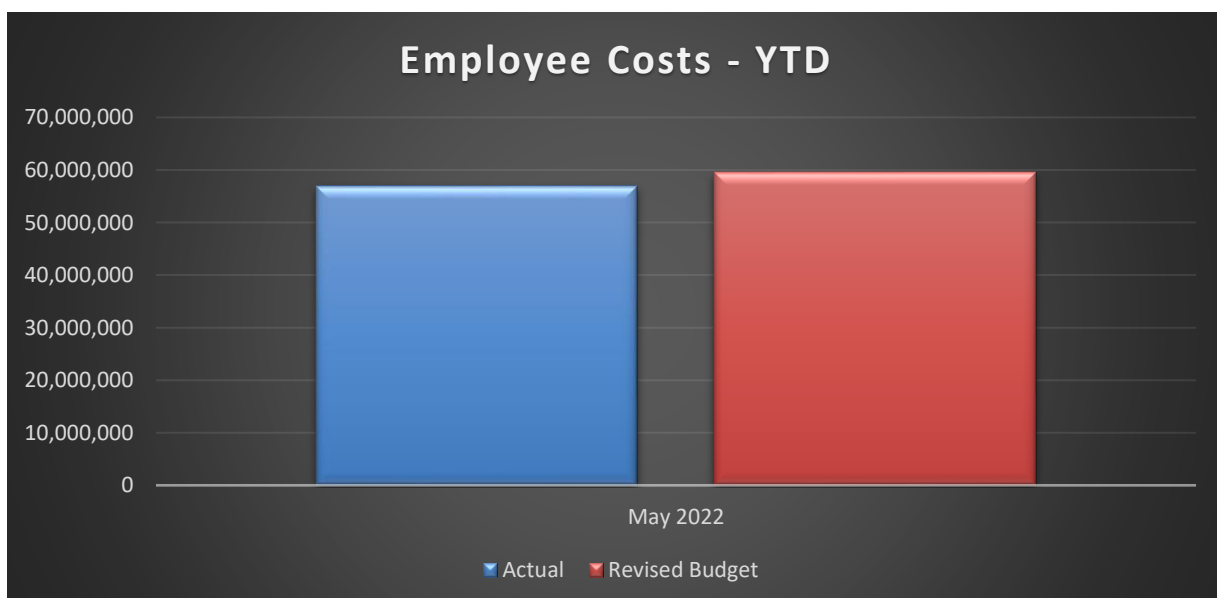
\$6,029,933



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 Report CJ115-07/22.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 May 2022 is appended as Attachment 1 to Report CJ115-07/22.

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

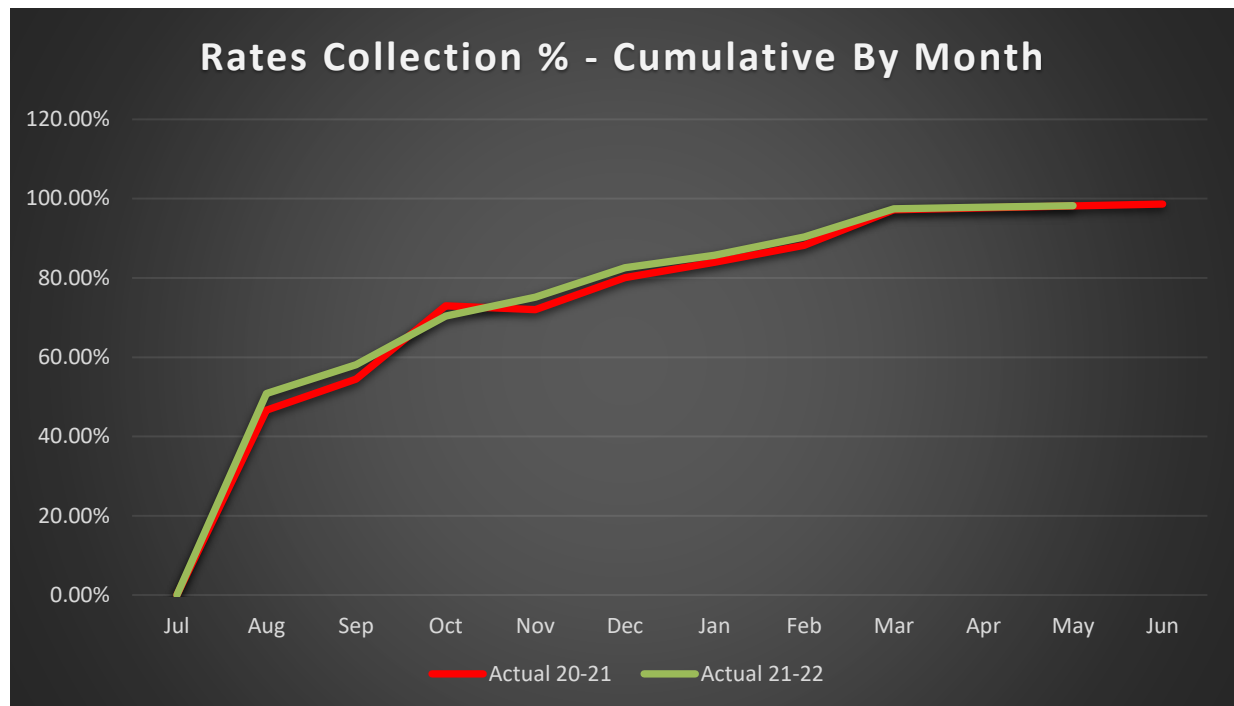
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

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*.

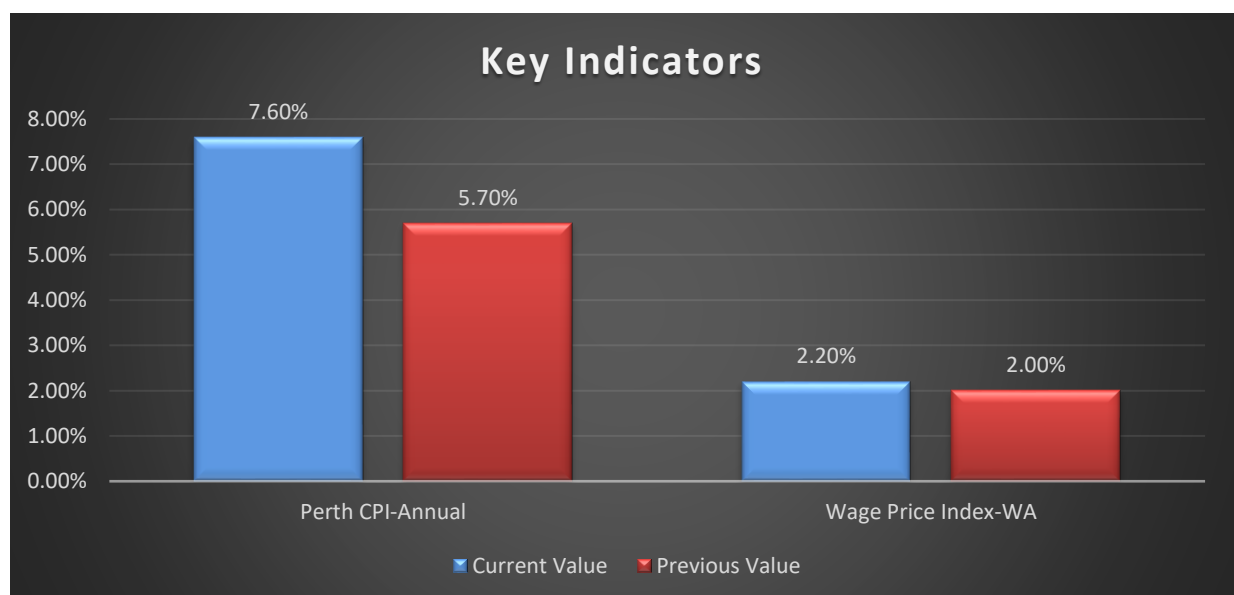
KEY INDICATORS

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.

MOVED Cr Fishwick, SECONDED Cr Logan that Council NOTES the Financial Activity Statement for the period ended 31 May 2022 forming Attachment 1 to Report CJ115-07/22.

The Motion was Put and CARRIED (7/0) by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 6 refers

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

CJ116-07/22**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 Report CJ116-07/22.

A confidential tender summary is provided in Attachment 2 to Report CJ116-07/22.

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.

While 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.

MOVED Cr Fishwick, SECONDED Cr Logan 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.

The Motion was Put and CARRIED (7/0) by Exception Resolution after consideration of CJ116-07/22, page 52 refers.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Appendix 7 refers

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

C89-07/22

COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION

MOVED Cr Fishwick, **SECONDED** Cr Logan that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013 – Clause 4.8 – Adoption by exception resolution*, Council **ADOPTS** the following items:

CJ107-07/22, CJ108-07/22, CJ111-07/22, CJ112-07/22, CJ115-07/22 and CJ116-07/22.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Disclosure of financial interest

Name / Position	Mr Nico Claassen, Director Infrastructure Services.
Item No. / Subject	CJ117-07/22 - Confidential - Employment Contract - Director Infrastructure Services.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Claassen holds the position of Director Infrastructure Services and the report is in relation to his contract extension.

CJ117-07/22

CONFIDENTIAL - EMPLOYMENT CONTRACT - DIRECTOR INFRASTRUCTURE SERVICES

WARD

All

RESPONSIBLE DIRECTOR

Mr James Pearson
Office of the CEO

FILE NUMBERS

74574

ATTACHMENTS

Attachment 1 Confidential - Curriculum Vitae –
Mr Nico Claassen
Attachment 2 Confidential - List of Significant
Achievements and Highlights

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

AUTHORITY / DISCRETION

Executive The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 57 refers.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C90-07/22 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 is 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.

OFFICER'S COMMENT

A report can be prepared.

MOVED Cr May, SECONDED Cr Logan 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.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

C91-07/22 MOTION TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC

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

- 1** in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
 - 1.1** CJ117-07/22 – Confidential – Employment Contract – Director Infrastructure Services;

- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ117-07/22 – Confidential – Employment Contract – Director Infrastructure Services while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
 - 2.1** Chief Executive Officer, Mr James Pearson;
 - 2.2** Manager Governance, Mrs Kylie Bergmann.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Members of the staff (with the exception of the Chief Executive Officer and Manager Governance) and members of the public and press left the Chamber at this point; the time being 8.09pm.

Disclosure of financial interest

Name / Position	Mr Nico Claassen, Director Infrastructure Services.
Item No. / Subject	CJ117-07/22 - Confidential - Employment Contract - Director Infrastructure Services.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Claassen holds the position of Director Infrastructure Services and the report is in relation to his contract extension.

CJ117-07/22**CONFIDENTIAL - EMPLOYMENT CONTRACT - DIRECTOR INFRASTRUCTURE SERVICES****WARD**

All

RESPONSIBLE DIRECTORMr James Pearson
Office of the CEO**FILE NUMBERS**

74574

ATTACHMENTS

Attachment 1 Confidential - Curriculum Vitae – Mr Nico Claassen

Attachment 2 Confidential - List of Significant Achievements and Highlights

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

AUTHORITY / DISCRETION

Executive The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(a) a matter affecting an employee or employees.

A full report was provided to elected members under separate cover. The report is not for publication.

MOVED Cr May, SECONDED Cr Logan that Council:

- 1 NOTES the action of the Chief Executive Officer to renew the employment contract of the Director Infrastructure Services for a further five year period from 14 November 2022;**
- 2 NOTES that the terms of the employment contract will be the same as the current contract which expires on 13 November 2022.**

The Motion was Put and**CARRIED (7/0)**

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

C92-07/22**MOTION TO OPEN THE MEETING TO MEMBERS OF THE PUBLIC**

MOVED Cr Fishwick, **SECONDED** Cr Logan that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the meeting be **REOPENED TO THE PUBLIC**.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May and Raftis.

Doors opened at 8.25pm.

Four members of the public and no members of the press were present.

In accordance with Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, the Presiding Member read aloud the motions in relation to:

- CJ117-07/22 – Confidential – Employment Contract – Director Infrastructure Services.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.27pm the following Elected Members being present at that time:

CR RUSS FISHWICK, JP
CR CHRISTINE HAMILTON-PRIME, JP
CR ADRIAN HILL
CR DANIEL KINGSTON
CR JOHN LOGAN
CR CHRISTOPHER MAY
CR JOHN RAFTIS