

agenda

Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 28 MARCH 2023**
COMMENCING AT **6.30pm**

JAMES PEARSON
Chief Executive Officer
17 March 2023

Acknowledgement of Traditional Custodians

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

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 27 March 2023.**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



CODE OF CONDUCT

Council Members and Committee Members are to observe the City's adopted *Code of Conduct for Council Members, Committee Members and Candidates*. The following general principles guide the behaviours of Council Members (being the Mayor and Councillors) and other committee members while performing their role at the City:

Personal Integrity

- (1) A council member or committee member should –
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the City.
- (2) A council member or committee member should –
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

Relationship with others

- (1) A council member or committee member should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should –

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to Council or Committee meetings, Briefing Sessions or Strategy Sessions; and
- (d) be open and accountable to, and represent, the community in the district.

Employees are bound by the City's *Code of Conduct for Employees* which details similar provisions to be observed.

COUNCIL MEETINGS

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

INTRODUCTION

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

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

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

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

PURPOSE OF COUNCIL MEETINGS

Council Meetings will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. Council Meetings are formal meetings where Elected Members consider and make decisions on matters.

PROCEDURES FOR COUNCIL MEETINGS

The following procedures will apply to Council Meetings that are conducted by the City.

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

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

COUNCIL AND COMMITTEE MEETINGS

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 20 September 2022:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard, these procedures are amended by substituting "Council" with "Committee" to provide proper context.

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public question time will be limited to two minutes per person, with a limit of two verbal questions per person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final;
 - nominate a City employee to respond to the question;
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City;
or
 - making a statement during public question time,
- they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act .

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

- 1 Only City of Joondalup **residents and/or ratepayers** may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) written questions per City of Joondalup resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.

- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Council Meetings were adopted at the Council meeting held on 20 September 2022:

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[*AdditionalInformation.pdf*](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 28 March 2023** commencing at **6.30pm**.

JAMES PEARSON
Chief Executive Officer
17 March 2023

Joondalup
Western Australia

VISION

“A global City: bold, creative and prosperous.”

PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

DISTINGUISHING VALUES

Bold

We will make courageous decisions for the benefit of our community and future generations.

Ambitious

We will lead with strength and conviction to achieve our vision for the City.

Innovative

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

Enterprising

We will undertake ventures that forge new directions for business and the local community.

Prosperous

We will ensure our City benefits from a thriving economy built on local commercial success.

Compassionate

We will act with empathy and understanding of our community's needs and ambitions.

AGENDA

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Note: Members of the public are advised that prior to the opening of the Council Meeting, Mayor the Hon. Albert Jacob, JP will acknowledge the traditional custodians of the land and say a prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Interest affecting Impartiality

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

Name / Position	Cr Russ Fishwick, JP.
Item No. / Subject	CJ029-03/23 - Proposed Modification to Operating Hours at Poynter Farmers Markets at Lot 9349 (39) Poynter Drive, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a School Board Member at Poynter Primary School.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ040-23/23 - Outcomes of Community Consultation - Draft Weed Management Plan 2022 – 2032.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston is the Secretary of the Friends of Yellagonga, which conducts weed management activities in the regional park in conjunction with the City.

Name / Position	Cr John Logan.
Item No. / Subject	CJ040-03/23 - Outcomes of Community Consultation - Draft Weed Management Plan 2022 – 2032.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Friends of Yellagonga which has an interest in weed management programs in the park.

PUBLIC QUESTION TIME

The following summarised question was taken on notice at the Special Council meeting held on 7 February 2023:

L Smyth, Iluka:

Re: JSC03-02/23 – City of Joondalup Annual Report 2021-22.

Q2 Does the list reflect all funding provided by the City of Joondalup to all of its clubs, and if not, can one be provided with a similar degree of detail as in the Annual Report?

A2 The sporting group contributions listed in the 2021-22 Annual Report contain all groups that received a contribution from the City in the 2021-22 financial year. All other funds provided to sporting clubs including those via sponsorship, grants, subsidies or waivers are already listed within the Annual Report in the relevant sections.

The following summarised questions were taken on notice at the Council meeting held on 28 February 2023:

N Dangar, Beldon:

Re: Public Declarations of Interest.

Q1 The public declarations of interest are not clear for the 8th and 16th of March 2021, can the City advise the specific date when the Mayor was no longer the Director of Geoff's Tree Service?

Q2 Is there any family trust listed for Geoff's Tree Service in the Australian Business Register to which the Mayor has a relationship?

A1-2 The City cannot answer these questions on behalf of Mayor Jacob and it is suggested that the question be forwarded to the Mayor directly.

M Sideris, Mullaloo:

Re: CJ015-02/23 - List of Payments made during the month of November.

Q1 My question relates to the List of Payments for November and payment number 9003331834 to Water Corporation, can someone please explain what that payment was for?

A1 The payment was for the September-November 2022 water use bill at the address at 125 Oceanside Promenade, Mullaloo. This site encompasses the Mullaloo South Toilet Facility and Mullaloo Surf Lifesaving Club, of which the latter component of the bill is on-costed to the Mullaloo Surf Lifesaving Club as part of their lease outgoings.

Re: Absence of Mullaloo Surf Lifesaving Club on Inventory List.

Q2 In relation to the City's response received regarding the current inventory list of all property held for community purpose, why was Mullaloo Surf Lifesaving Club not included on the inventory list?

- A2 The current inventory list was adopted by Council at its meeting held on 20 November 2012 (CJ234-11/12 refers). Page 21 of Attachment 3 to the report includes the Mullaloo Surf Lifesaving Club, against the address 145 Whitfords Avenue, Hillarys (Reserve 47831). All buildings contained located within the Reserve are listed.

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr John Chester	28 February to 28 March 2023 inclusive.
Cr John Raftis	20 to 24 March 2023 inclusive.
Cr John Logan	18 March to 26 March 2023 inclusive.
Cr Christine Hamilton-Prime	1 April to 22 May 2023 inclusive.
Mayor Albert Jacob, JP	4 to 10 April 2023 inclusive.

REQUEST FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP

RECOMMENDATION

That Council **APPROVES** the following request for Leave of Absence from Council duties for:

- 1 Mayor Jacob covering the period 11 to 14 April 2023 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2023

RECOMMENDATION

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 February 2023.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

PETITIONS

PETITION IN RELATION TO DUST LEVELS IN OCEAN REEF AND SURROUNDING SUBURBS

A 266 signature petition has been received from residents of the City of Joondalup regarding unacceptable dust levels in Ocean Reef and surrounding suburbs.

RECOMMENDATION

That the following petition be RECEIVED:

- 1 A 266 signature petition has been received from residents of the City of Joondalup regarding unacceptable dust levels in Ocean Reef and surrounding suburbs.**

REPORTS

CJ026-03/23 DEVELOPMENT AND SUBDIVISION APPLICATIONS - JANUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Monthly Development Applications Determined – January 2023 Attachment 2 Monthly Subdivision Applications Processed – January 2023
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 January 2023.

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 January 2023 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2023 (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 28 June 2022 (CJ092-06/22 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 January 2023 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	1	1
Strata subdivision applications	4	4
TOTAL	5	5

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

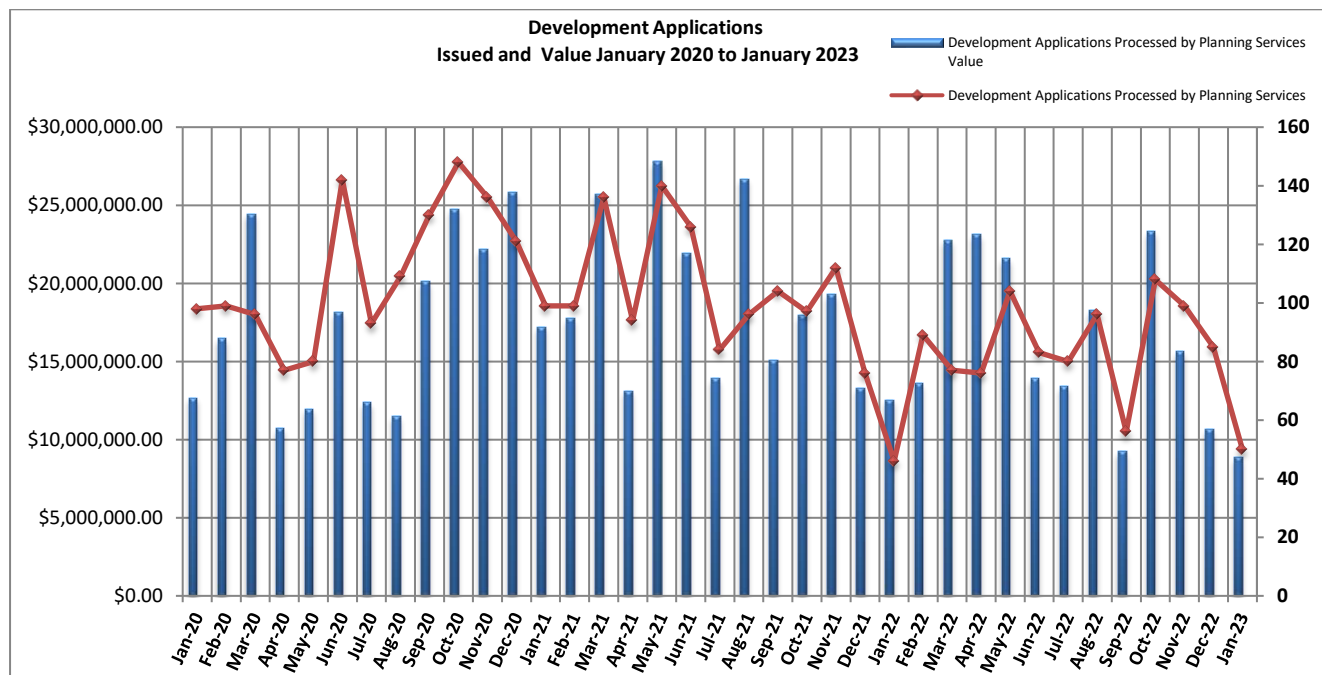
Development applications

The number of development applications determined under delegated authority during January 2023 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	50	\$8,844,410

Of the 50 development applications, five were for new dwelling developments in housing opportunity areas, proposing a total of five additional dwellings.

The total number and value of development applications determined between January 2020 and January 2023 is illustrated in the graph below:



The number of development applications received during January 2023 was 74.

The number of development applications current at the end of January was 151. Of these, 29 were pending further information from applicants and five were being advertised for public comment.

In addition to the above, 144 building permits were issued during the month of January with an estimated construction value of \$15,922,132.

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.*

10-Year Strategic Community Plan

Key theme Place.

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

Policy 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 50 development applications were determined for the month of January with a total amount of \$29,536.76 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Development applications described in Attachment 1 to Report CJ026-03/23 during January 2023;**
- 2 Subdivision applications described in Attachment 2 to Report CJ026-03/23 during January 2023.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf230314.pdf](#)

CJ027-03/23**PROPOSED EXCISION OF PORTION OF RESERVE 51244, CENTRAL WALK NORTH, JOONDALUP**

WARD	North
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	30266, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Paddy Malones Alfresco Dining Area Attachment 3 Excision Plan Attachment 4 Concept Drawing
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider a proposal to excise 135m² of land from Reserve 51244 (Central Walk North pedestrian accessway) being Lot 56 (57) Reid Promenade, Joondalup, to enable the area to be leased to the adjoining tavern tenancy.

EXECUTIVE SUMMARY

A request has been received to excise a portion of Reserve 51244 being part of the pedestrian accessway known as Central Walk North, located at Lot 56 (57) Reid Promenade, Joondalup. Reserve 51244 has a management order to the City of Joondalup for the purpose of a public accessway which is proposed to be revoked for the area of land included in the excision request.

The area proposed to be excised is currently fenced and utilised as an alfresco dining area for the adjoining tavern which has been in place since 2013. The Department of Planning, Lands and Heritage (DPLH) has previously advised that, given the current land tenure, the area cannot be fenced to restrict access, or permanent structures constructed, as, in its view, does not comply with the management order or the purpose of the reserve.

As such, it is proposed to excise a portion of Reserve 51244 which would enable the land to be leased by the adjoining lot (115 Grand Boulevard, Joondalup). This would allow the legitimisation of the fencing of the area as well as potentially allowing permanent structures to be built within this area, subject to a development application being submitted and approved.

The proposal is not considered to have an adverse impact on public use of the existing Central Walk North pedestrian accessway as the area to be excised is already utilised as an approved alfresco dining area. It is therefore recommended that Council supports the excision of 135m² of land from Reserve 51244 and the revocation of the associated management order.

BACKGROUND

Suburb/Location	Reserve 51244 Lot 56 (57) Reid Promenade, Joondalup.
Applicant	Strata Title Consult Pty Ltd.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	LPS Centre.
	MRS Central city area.
Site area	135m ²
Structure plan	Joondalup Activity Centre Plan.

Reserve 51244 Lot 56 (57) Reid Promenade, Joondalup, functions as a pedestrian accessway located between Reid Promenade and Shenton Avenue, known as Central Walk North (Attachment 1 refers). Paddy Malones tavern is located at 13/115 Grand Boulevard, Joondalup, adjoining Reserve 51244 on the corner of Reid Promenade and Central Walk North. Reserve 51244 has a Management Order M5215 to the City of Joondalup for the designated purpose of a pedestrian accessway.

The tavern has an alfresco dining area within portions of Central Walk North and the Reid Promenade road reserve (Attachment 2 refers) that was initially approved by the City in 2006. The fence around the alfresco dining area was given development approval in 2008 as part of the renewal of the alfresco dining area approval. The development application was signed by State Land Services (now DPLH), therefore the City was of the understanding that the fence was acceptable. However, in 2013, development approval was granted for the renewal of the alfresco dining area excluding the fence, as State Land Services subsequently advised that a permanent structure on Crown land is not supported. The fence has been excluded from each alfresco dining approval since then however remains in place.

In 2018, the owners of the tavern commenced the process to lease the alfresco dining area directly from DPLH, however DPLH advised that leasing powers are not included in management orders over reserves set aside for the purpose of pedestrian accessway to avoid private interests being given over such land and therefore the request could not be supported. DPLH advised the City that the options were to either excise the area from the Reserve and for the tavern operator to purchase or lease the land from the State Government, or to excise the area from the Reserve and the City purchase or lease the land from the State Government and then lease to the tavern operator.

In early 2020, the tavern operator applied for the construction of several patios over the alfresco dining area. However, the applicant was advised that the application could not be progressed as the land tenure did not permit permanent structures in the alfresco area and the application was subsequently withdrawn. The tavern operator was again advised by the City and DPLH that the alfresco dining area should be excised from the reserve if permanent structures were being sought.

DETAILS

Following consideration of the options outlined above, and discussions with the tavern operator, the City and the DPLH, it is proposed to excise a 135m² portion of Reserve 51244 (pedestrian accessway known as Central Walk North) to enable future leasing of the excised land (Attachment 3 refers) by the owners of the adjacent lot (115 Grand Boulevard). The lease would initially be made between the DPLH and the City, and a subsequent sub-lease between the City and the tavern operator.

The applicant intends to construct permanent awnings and weatherproof café blinds to enclose the existing alfresco dining area during inclement weather. The applicant has provided a preliminary concept drawing of the future permanent structures (Attachment 4 refers). This includes the provision of new awnings that extend to the current fence line on Central Walk, and would include support posts. A retractable awning would also be provided over the southern portion of the alfresco area. Under the current tenure arrangements, the DPLH would determine the development application for these structures.

Alfresco dining activities contribute to activity and vibrancy of public spaces. The ability to facilitate, attract, and retain alfresco dining opportunities is a key priority outlined in the *Joondalup City Centre Place Activation Plan* adopted by Council in June 2022. This proposal will assist in retaining and improving the existing alfresco activity by enabling the provision of enhanced shade and weather protection to allow for extended periods of outdoor activity within Central Walk.

It is noted that the existing fence around the alfresco dining area would be required to be modified if the land excision is supported as the proposed excision is for the portion of the Reserve 51244 only, it is not for the small portion of alfresco dining area within the Reid Promenade Road reserve (Attachment 3 refers).

Issues and options considered

The options available to Council are to:

- support the revocation of Management Order M005215 and the excision of 135m² of land from Reserve 51244
or
- not support the revocation of Management Order M005215 and the excision of 135m² of land from Reserve 51244.

In the event that the excision is progressed to finalisation by the DPLH, the City would enter into a lease with the DPLH (to be prepared by the DPLH), then negotiate the terms of a sub-lease with the tavern operator to ensure that the interests of the City are protected and align with the terms of the head-lease. This would include management and operational responsibilities and the appropriate use of any café blinds.

The commercial terms of the head-lease would be determined in accordance with a valuation from Landgate via DPLH that would be subsequently on-costed to the sub-lessee via the City.

Legislation / Strategic Community Plan / Policy implications

Legislation *Land Administration Act 1997.*

10-Year Strategic Community Plan

Key theme Economy.

Outcome Prosperous and local – you feel supported to grow your business in the City.

Policy Not applicable.

Land Administration Act 1997

Reserve 51244 is Crown Land with a management order to the City of Joondalup. In accordance with section 50 and 51 of the *Land Administration Act 1997*, the Minister for Lands can revoke a management order and amend the boundaries of a reserve.

Initially, a request can be made to the local government to revoke the management order and support the land excision. If Council supports the proposal, all relevant documentation is forwarded to DPLH for consideration and action.

In the event that the management order is revoked and the portion of reserve excised, the subject portion will then be the subject of a lease to the City and sub-lease to the tavern operator. All costs associated with the process must be borne by the applicant.

Closure of Pedestrian Accessways Local Planning Policy

This request is for the excision of a portion of Reserve 51244 that functions as part of a pedestrian accessway. The City's *Closure of Pedestrian Accessways Local Planning Policy* applies to the complete closure of a pedestrian accessway that is part of a movement network which could impact on the movement of pedestrians and cyclists and their access to community facilities. Noting that the area is currently used as an alfresco dining area and there will be no additional impact on the movement of pedestrians or cyclists, the policy is not a relevant consideration in this instance.

Risk management considerations

It is noted that if the land tenure issues are not resolved, the existing fence is unable to be approved and would be required to be removed. The City understands that this would have an impact on the tavern's ability to retain a liquor license over the alfresco area.

The lease arrangement over the excised portion of land, as opposed to the sale of the excised land to the adjoining tenancy, is considered to reduce the risk to the City as the City would retain control over the use of the land. For example, in the event that the land is no longer needed for alfresco dining purposes, the land could be returned to public use.

A light pole and tree are currently located within the fenced alfresco dining area. Any relocation of these items will be considered when the applicant has progressed the development application for the awnings. Should the relocation of these items be necessary, this can be incorporated in any future tenure arrangements and would be at the applicant's expense.

In the event that Council supports the principle of the excision and lease arrangements, DPLH have indicated it would be prepared to sign a development application form ahead of the finalisation of the lease, to allow the applicant to progress the awning proposal.

Financial / budget implications

The applicant has paid an application fee of \$1,594.30 (including GST) in accordance with the City's *Schedule of Fees and Charges*.

All costs associated with the proposal are to be paid by the applicant. The City nor the State Government will be responsible for the costs associated with the proposal.

In the event that the proposed land excision is progressed, the City would enter into a head-lease with the DPLH at the cost determined by the DPLH based on a valuation of the excised land by Landgate. The City would then enter into a sub-lease with the tavern operator at the same cost, noting that no additional revenue is generated for the City by the head-lease and sub-lease arrangements.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Public consultation is not required to be undertaken under section 50 and 51 of the *Land Administration Act 1997* for the revocation of the management order or the excision of the Reserve 54211.

COMMENT

The portion of the existing tavern alfresco dining area within Reserve 51244 is proposed to be excised from the Reserve and leased to the adjoining tavern site. Reserve 51244 has a management order to the City for the purpose of public accessway which is also proposed to be revoked for this portion of land. A new reserve will be created for the excised portion (separate from Reserve 51244), the purpose of which will be consistent with the terms of the lease the City will enter into with the DPLH (alfresco dining). The reserve purpose can be reconsidered should the land no longer be required for alfresco dining purposes, as the City will retain management over the area.

The area of land to be excised has been utilised as an alfresco dining area since 2006 and as such the proposal will not impact on the existing use of the pedestrian accessway. The benefits of retaining the area as an appropriately fenced alfresco dining space include supporting street activation within the City Centre and providing effective control to a licensed venue.

If not supported, the fencing would be required to be removed which may impact on the activation outcomes for this space and effective management opportunities.

It is therefore recommended that Council supports the land excision and the revocation of the management order.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** **CONSENTS** to the revocation of Management Order M005215 over the subject portion of Reserve 51244 Lot 56 (57) Reid Promenade adjacent to 115 Grand Boulevard, Joondalup, as shown in Attachment 2 to Report CJ027-03/23;
- 2** **ADVISES** the Department of Planning, Lands and Heritage that no objections are raised to the proposed excision of a 135m² portion of Reserve 51244 Lot 56 (57) Reid Promenade adjacent to 115 Grand Boulevard, Joondalup, as shown in Attachment 2 to Report CJ027-03/23;
- 3** **ADVISES** the applicant that all costs and charges associated with the excision process are the responsibility of the applicant and/or landowner and the City of Joondalup will not accept any of these costs under any circumstances;
- 4** **NOTES** that in the event that the proposed excision is finalised by the Department of Planning, Lands and Heritage, a lease over the excised land will be entered into between the Department of Planning, Lands and Heritage and the City, and a sub-lease between the City of Joondalup and the tavern operator (115 Grand Boulevard, Joondalup);
- 5** **NOTES** that the Department of Planning, Lands and Heritage has advised that the lodgement of a development application for awnings and support structures will be accepted ahead of the lease/excision process being finalised.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf230314.pdf](#)

CJ028-03/23 CHILD CARE PREMISES (MODIFICATIONS TO PREVIOUSLY APPROVED DEVELOPMENT - CHANGE OF OPERATING HOURS) AT LOT 11977 (31) CHADLINGTON DRIVE, PADBURY

WARD	South West
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	03591, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Applicant's covering letter
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development (planning) application for modifications to the approved operating hours of a previously approved Child Care Premises at Lot 11977 (31) Chadlington Drive, Padbury.

EXECUTIVE SUMMARY

An application for development approval has been received to modify the hours of operation for an existing Child Care Premises at Lot 11977 (31) Chadlington Drive, Padbury (subject site). The site currently accommodates a Place of Worship and the Child Care Premises.

The subject site is zoned 'Residential R20/R40' under the City's *Local Planning Scheme No.3* (LPS3). The land use 'Child Care Premises' is a discretionary ('D') use in this zone.

The current operating hours of the Child Care Premises approved by Council under DA14/0565 are Mondays, Tuesdays, Wednesdays and Thursdays, 9:00am to 3:00pm. The applicant is seeking approval to modify the hours of operation to Monday to Friday, 8:00am to 4:30pm and remove a condition that restricts operations to two sessions per day.

This application was advertised to the surrounding landowners/occupants of 13 properties for a period of 14 days in accordance with the City's *Planning Consultation Local Planning Policy*, between 3 January 2023 and 17 January 2023.

Advertising was undertaken by way of letters to surrounding landowners/occupiers, and information uploaded to the City's website for public viewing during the consultation period. A total of three submissions were received, all objecting to the proposal.

As the change in operating hours requires a modification to a resolution of Council (in this case being a previous condition of approval), the subject application is required to be determined by Council.

It is considered that the proposed hours of operation comply with the City's *Child Care Premises Local Planning Policy* (CCPLPP) and are not anticipated to result in an unacceptable detrimental impact on the amenity of the surrounding locality. It is therefore recommended that Council approve the application.

BACKGROUND

Suburb/Location	Lot 11977 (31) Chadlington Drive, Padbury.
Applicant	Northcity Christian Centre Inc.
Owner	Northcity Christian Centre Inc.
Zoning	LPS Residential, R20/R40.
	MRS Urban.
Site area	23,215m ² .
Structure plan	Not applicable.

The subject lot is bounded by Fernwood Square to the south, a cultural/community centre to the east, Chadlington Park to the west and Water Corporation's Wastewater Treatment Plant to the north. A location plan is provided as Attachment 1.

The subject site currently comprises one building which contains a Place of Worship, Reception Centre and Child Care Premises. The subject site is serviced by 300 parking bays across a mix of formalised parking bays and grassed (overflow) areas.

The existing Church/community centre building was approved in 1997 (BA97/6032), with the 'Child Care Premises' approved in 2007 (DA07/0589) and subsequent modifications approved by Council on 9 December 2014 (DA14/0565).

DETAILS

The proposal relates to modification of conditions 2.1 and 2.2 of Planning Approval DA14/0565 to allow the Child Care Premises to operate Monday to Friday, 8:00am to 4:30pm and remove a restriction relating to class sessions on the days of operation. The current approval permits operation to occur Monday to Thursday between the hours of 9:00am to 3:00pm, with a limitation of a morning session and an afternoon session per day.

A copy of the development plans and the applicant's covering letter are included in Attachments 2 and 3 respectively.

The key issues associated with the proposal are discussed below:

Hours of operation

The application proposes to modify the hours of operation to Monday to Friday, 8:00am to 4:30pm, including the addition of Friday and operating one hour earlier and 1.5 hours later than permitted under the current approval. The current approval also limits the Child Care Premises to two class sessions per day, and the applicant is seeking to remove this limitation and operate between the hours proposed.

The City's CCPLPP permits hours of operation between 7.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays. The proposed hours of operation are within the hours permitted under the CCPLPP and do not conflict with typical church services, which predominately occur on weekends, with other services held on Wednesday evenings (Wednesday Night Gather) and Friday evenings (Friday Night Youth), both starting at 7.00pm. It is noted a number of other smaller services are provided by the Church throughout the week, however these involve less attendees and generally do not conflict with pick-up and drop-off times for the child care centre.

It is therefore considered that the modified hours of operation, and the removal of the limitation of two class sessions per day, are appropriate as the proposal is consistent with the City's CCPLPP.

Parking and traffic

The proposal does not seek to increase the number of staff and children permitted on the site at any one time and therefore does not trigger a requirement for additional parking to be provided. There is currently parking available for 300 vehicles on-site, comprising of 61 sealed bays and 239 grass bays. Council previously endorsed a 13 bay shortfall (DA14/0565 - CJ227-12/14), supporting a 300 bay provision in lieu of 313. The proposed opening and closing time for the Child Care Premises does not conflict with the regular church services and events and therefore it is unlikely demand for parking for the Child Care Premises and Place of Worship uses will conflict.

With regard to traffic, as the proposal does not alter the number of children or staff attending the site, the change in operating hours will not increase the amount of traffic, but rather the time of the day that traffic will be going to and from the centre. Currently traffic is able to enter the site via Hepburn Avenue from either Walter Padbury Boulevard to the west or Brookmount Ramble to the east (eastbound traffic only).

The proposed opening and closing times occur during peak traffic periods, however given the nature of child care drop-off and pick-ups being staggered and the maximum of 30 children accommodated, the traffic impact associated with the modified hours of operation is minimal. The City's monitoring of the intersection of Hepburn Avenue and Walter Padbury Boulevard indicates that the road network is currently operating within capacity and therefore the proposed modification to operating hours will have a negligible impact on local traffic.

Noise

During public consultation, concerns were raised regarding noise from 'Child Care Premises' in the mornings. The weekday noise restrictions subject to the *Environmental Protection (Noise) Regulations 1997* (the Regulations) fall within three categories; low (daytime) restrictions applying between 7:00am and 7:00pm, moderate (evening) restrictions between 7:00pm and 10:00pm and high (night time) restrictions between 10:00pm and 7:00am the following morning. This proposal falls within the low restrictions due to the proposed hours of operation.

The Child Care Premises is proposed to open from 8.00am, with drop offs expected to be staggered during the morning as opposed to all 30 children being dropped off at the same time and is typical of Child Care Premises. Upon drop off, children will be cared for indoors, until outdoor play commences from approximately 8.50am. Outdoor play includes sand play, climbing equipment, small ride on toys (non-powered) and the use of soft balls only to avoid excessive noise emissions during early hours of the day.

The City considers the proposed changes to the operating hours will not result in undue noise impacts on the nearby residents for the following reasons:

- the outdoor play area is at least 50 metres from the nearest residential dwelling
- the proposed opening time of 8.00am is one hour later than the opening time permitted by the CCPLPP
- the facility operates with a maximum of 30 children which is below the CCPLPP maximum of 50 children for centres located within a Residential zone
- the City has no record of any noise issues associated with the Child Care Premises.

In view of the above, it is therefore considered that the proposed hours of operation will not have a detrimental impact with regard to noise, and can be supported.

Issues and options considered

Council is required to determine whether the proposed modification to the operating hours of the 'Child Care Premises' at the subject site is appropriate.

Council may determine the development (planning) application by:

- granting development approval without conditions
- granting development approval with conditions
or
- refusing to grant development approval.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes) Regulations
2015 (Regulations).*

10-Year Strategic Community Plan

Key theme Place.

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

Policy *Child Care Premises Local Planning Policy.
Planning Consultation Local Planning Policy.*

City of Joondalup Local Planning Scheme No. 3 (LPS3)

Clause 16 (2) of LPS3 sets out the objectives for development within the Residential zone:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government those matters are relevant to the development the subject of the application —

- a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- c) *any approved State planning policy;*
- d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- e) *any policy of the Commission;*
- f) *any policy of the State;*
- g) *any local planning policy for the Scheme area;*
- h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- k) *the built heritage conservation of any place that is of cultural significance;*
- l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- n) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*

- o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and*
 - (v) *shower facilities);*
 - (vi) *access by older people and people with disability;*
- v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- w) *the history of the site where the development is to be located;*
- x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- y) *any submissions received on the application;*
- za) *the comments or submissions received from any authority consulted under clause 66;*
- zb) *any other planning consideration the local government considers appropriate;*
- zc) *include any advice of a Design Review Panel.*

Child Care Premises Local Planning Policy

This policy provides assessment criteria for the consideration of child care premises. The objectives of the policy are:

- To provide development standards for the location, siting and design of child care premises.
- To ensure that child care premises do not have an adverse impact on the amenity of surrounding areas, particularly residential areas.

Risk management considerations

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

Financial / budget implications

The applicant has paid fees of \$295 for the assessment of the application, in accordance with the City's Schedule of Fees and Charges.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised for a period of 14 days in accordance with the City's *Planning Consultation Local Planning Policy*, which was undertaken between 3 January 2023 and 17 January 2023. Consultation was undertaken in the following manner:

- a letter was sent to 13 landowners and/or occupiers surrounding the subject site
- development plans and information were made available for public viewing on the City's website and at the City's administration building.

A total of three submissions were received, all objecting to the proposal. A summary of the issues raised during consultation as well as the City's comment are included in the table below:

No.	Issue	City Comment
1	The proposed modification to the operating hours of the child care will increase traffic and parking demand.	The application is not proposing to increase the number of staff and children onsite at any one time and therefore will not result in any greater demand for parking or vehicle movements than currently exist. The major difference is that vehicle movements associated with the Child Care Premises will occur from 8.00am (one hour earlier than currently) and will finish approximately 4.30pm (1.5 hours later than currently).
2	An increase in traffic will create additional noise and pollution from passing cars, and traffic speed of visitors is too fast.	

No.	Issue	City Comment
3	The Friday Night Youth Group creates a lot of noise and are particularly noisy when people are leaving. This also creates parking /traffic issues.	This application is to amend the hours of operation for the Child Care Premises on the subject site and does not relate to the Friday Night Youth Group.
4	The operating hours will create additional noise from the child care centre.	<p>In relation to acceptable hours of operation the City must have regard to the permitted hours of operation under the City's CPPLPP which are 7.00am to 6.00pm on weekdays.</p> <p>With regard to the <i>Environmental Protection (Noise) Regulations 1997</i> (the Regulations), noise restrictions between 7.00am and 7.00pm weekdays are low, although it is acknowledged that morning hours are often more sensitive. In this regard, the opening time of 8.00am and capacity of 30 children is unlikely to result in an unacceptable level of noise, giving consideration to centre having staggered arrival times as opposed to schools where arrivals generally occur at the one time.</p> <p>It is also noted that even though the proposed operating hours fit within the City's CCPLPP, there is still an obligation for the use to meet the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
5	There are enough child care centres throughout the area.	The proximity and number of other child care premises throughout the area is a commercial matter and not a valid planning consideration.
6	The capacity of the road network should be reviewed. Child care centres should be located on local distributor roads. Monitoring of traffic within the local road network and key intersections should be undertaken.	This is an application to increase operating hours for an existing Child Care Premises only, it does not include any increase to the number of staff and children which are accommodated. Further discussion on traffic is provided in the body of the report.
7	Inconvenienced by the Church/reception centre operating functions and meetings throughout the year.	This application is to amend the hours of operation for the Child Care Premises on the subject site and does not relate to the Church.

COMMENT

As outlined above, it is considered that the proposed modification to the operating hours of the existing 'Child Care Premises' is appropriate in the context of its location and continues to meet the applicable development provisions under CCPLPP and LPS3.

The application is therefore recommended for approval, subject to modified conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** under clause 77(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 15 November 2022 submitted by Northcity Christian Centre Inc, the applicant, for the **CHILD CARE PREMISES** (modification to previously approved development – change of operating hours) at Lot 11977 (31) Chadlington Drive, Padbury, subject to the following conditions:

- 1 This approval relates to modifications of DA14/0565 only, as indicated on the approved plans. DA14/0565 approved on 9 December 2014 remains a valid approval and all conditions and advice notes of that approval remain applicable with exception to condition 2.2 which is deleted and condition 2.1 which is replaced with the following:
 - “2.1 The child care premises shall operate between the hours of 8.00am to 4.30pm on Monday to Friday only, excluding public holidays. Children shall arrive no earlier than 8:00am.”

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf230314.pdf](#)

Disclosure of Interest affecting Impartiality

Name / Position	Cr Russ Fishwick, JP.
Item No. / Subject	CJ029-03/23 - Proposed Modification to Operating Hours at Poynter Farmers Markets at Lot 9349 (39) Poynter Drive, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a School Board Member at Poynter Primary School.

CJ029-03/23 PROPOSED MODIFICATION TO OPERATING HOURS AT POYNTER FARMERS MARKETS AT LOT 9349 (39) POYNTER DRIVE, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	07584, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Poynter Farmers Market Charter Attachment 3 Poynter Farmers Market Rules
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development (planning) application to modify the hours of operation for the existing Poynter Farmers Markets at Poynter Primary School, Duncraig, to enable temporary twilight markets on 8 April and 23 May 2023 to occur.

EXECUTIVE SUMMARY

The City has received a development (planning) application to amend the operating hours of the Poynter Farmers Market to allow for a trial of twilight markets. The Farmers Market currently operates fortnightly (every second Saturday from 9am to midday) within the quadrangle at Poynter Primary School in Duncraig.

The subject site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and reserved for 'Public Purpose – Primary School' under the City's *Local Planning Scheme No. 3* (LPS3). In previous approvals, the market has been considered consistent with the reservation of the site as the markets are operated by the Poynter Primary School Parents and Citizens Association (P&C). Funds raised from the markets continue to contribute towards resources for students attending the school.

The Poynter Farmers Markets were originally approved by the State Administrative Tribunal (SAT) on 25 June 2010, following refusal by Council earlier that year (CJ006-02/10 refers).

At its meeting held on 16 August 2016 (CJ115-08/16 refers), Council approved an increase in the number of stalls at the market from 20 to 30 as well as the use of amplified sound and buskers.

The P&C are seeking approval to operate a trial for twilight markets on the following dates:

- Saturday 8 April 2023: 4.30pm – 8.00pm.
- Saturday 18 May 2023: 4.30pm – 8.00pm.

Following the trial, the P&C will consider whether they will seek ongoing approval for twilight markets, or whether they will continue to operate the markets in accordance with their existing approval.

Concerns were raised during consultation that operation of the markets in the evening would result in impacts associated with noise and traffic. The applicant has demonstrated that both can be managed, with amplified noise volumes (music and announcements) reducing from 7.00pm in accordance with the *Environmental Protection (Noise) Regulations 1997* and ceasing at 8.00pm, and stallholders vacating the site by no later than 9.00pm. Parking attendants will be stationed to direct traffic associated with the event at the end of the evening.

It is considered that the trial of twilight markets will not create an unreasonable detrimental impact on the amenity of nearby residents and that the markets can be appropriately managed to minimise the impact of noise and traffic associated with the markets later operating time.

As such, it is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location	Reserve 34149 (39) Poynter Drive, Duncraig.
Applicant	Poynter Primary School Association Inc (P&C).
Owner	Department of Education School Resourcing and Budgeting Directorate.
Zoning	Public Use – Primary School (Reserve).
LPS	
MRS	Urban.
Site area	42,117m ² .
Structure plan	Not applicable.

The subject site is bound by Poynter Drive to the east, Griffell Way to the north and Lionel Court to the west. Existing residential properties adjoin the southern boundary. The market operates from within the quadrangle of Poynter Primary School, located in the centre of the site (Attachment 1 refers).

The Poynter Farmers Markets were originally approved through the State Administrative Tribunal (SAT) on 25 June 2010. The markets began operating fortnightly from February 2011.

Since this time, two applications to amend the original approval have been considered by Council, with the modifications approved through each of those applications as follows:

Amended application one – determined on 11 October 2011 (CJ174-10/11 refers):

- Permitted greater flexibility for the market by allowing the stalls to operate from any location within the quadrangle.
- Changes to the types of stalls permitted to allow for 25% of the stalls to offer non-food products.
- Allowance of powered sites at the market.

Amended application two – determined on 16 August 2016 (CJ115-08/16 refers):

- Permitted the number of stalls to increase from 20 to 30, including one additional community stall.
- Permitted the use of a portable amplifier or megaphone for public safety and announcements, and for use by an occasional busker within the quadrangle.
- Formalised the on-street parking along Griffell Way and the use of the school oval as overflow parking when all on-site marked parking bays are occupied.

DETAILS

The applicant proposes to modify the operation of the current Poynter Farmers Market as follows:

- Temporary monthly operation of twilight markets from 4.30pm to 8.00pm on 8 April 2023 and Saturday 18 May 2023.

The applicant has submitted an amended Poynter Farmers Market Charter and Poynter Farmers Market Rules which have been updated to include measures to control vehicle and traffic movement and noise control for the twilight markets. The amended Market Charter outlines the intent for the markets to return to their standard fortnightly operation on a Saturday between 9.00am and 12.00pm following the final twilight market on 18 May 2023. There will be no morning markets during the trial, meaning the number of markets during April and May will reduce from five to two.

The proposed modified Market Charter is provided as Attachment 2 and the proposed modified Market Rules are included as Attachment 3. It is proposed to amend the Market Charter/Market Rules to include the dates and times for the twilight markets and to simplify time limitations for stallholders to enter/exit, parking attendants and signage so they can be applied to both morning and twilight markets (such as; the current Market Charter states a parking attendant is to be provided from 8.00am, proposed Market Charter states a parking attendant is to be provided one hour prior to commencement of markets which would be 8.00am for morning markets and 3.30pm for twilight markets).

Issues and options considered

Council must consider whether the inclusion of evening hours of operation is appropriate.

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

*City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations
2015 (the Regulations).
Metropolitan Region Scheme (MRS).*

10-Year Strategic Community Plan

Key theme Place.

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

Policy *State Planning Policy 3.7 – Planning in Bushfire Prone Areas.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject site has been identified as being located within a bushfire prone area on the Map of Bushfire Prone Areas prepared by the Department of Fire and Emergency Services. The map indicates that only the south-west corner of the site is located within the area. The applicant has prepared a Bushfire Attack Level – Basic assessment which identifies that the site is at a low risk. Given this, no further action is required to be undertaken in accordance with the policy.

Local Planning Scheme No. 3 (LPS3)

Clause 14(3) of LPS3 sets out the objectives for development within 'Public Purposes' local reserves:

- To provide for a range of essential physical and community infrastructure.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government those matters are relevant to the development the subject of the application —

- z) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- aa) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- bb) *any approved State planning policy;*
- cc) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- dd) *any policy of the Commission;*
- ee) *any policy of the State;*
- ff) *any local planning policy for the Scheme area;*

- gg) *any structure plan, activity centre plan or local development plan that relates to the development;*
- hh) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- ii) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- jj) *the built heritage conservation of any place that is of cultural significance;*
- kk) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- ll) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- mm) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- nn) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- oo) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- pp) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- qq) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- rr) *the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- ss) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- tt) *the availability and adequacy for the development of the following —*
 - (vii) public transport services;*
 - (viii) public utility services;*
 - (ix) storage, management and collection of waste;*
 - (x) access for pedestrians and cyclists (including end of trip storage, toilet and*
 - (xi) shower facilities);*
 - (xii) access by older people and people with disability;*

- uu) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- vv) *the history of the site where the development is to be located;*
- ww) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- xx) *any submissions received on the application;*
- za) *the comments or submissions received from any authority consulted under clause 66;*
- zb) *any other planning consideration the local government considers appropriate.*

Risk management considerations

The applicant has a right to seek a review of any planning decision made under the *Planning and Development Act 2005* and the *State Administrative Tribunal Act 2004*.

Financial / budget implications

The applicant has paid fees of \$147 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised via a letter to 69 adjoining and nearby landowners and residents for a period of 28 days, from 20 December 2022 to 17 January 2023. A total of eight submissions were received in relation to the proposed development, being three objections, three neutral submissions, and two in support of the application. The key issues arising from consultation are as follows:

- When pack down would be completed by the end of the night.
- Time when amplified music/announcements would cease.
- Management of rubbish clean-up after the event.
- Impact of traffic on nearby residents.

These comments are further addressed within the comments section below.

COMMENT

Noise and hours of operation

The twilight markets are proposed to operate between the hours of 4.30pm and 8.00pm. The modified rules (Attachment 3 refers) state that access to the site for stall setup may commence one hour prior to the start of the markets (3.30pm) and pack down will be completed one hour after close of the event (9.00pm).

The twilight markets are proposed to include amplified sound including buskers and announcements for the duration of the markets. Concerns were raised during consultation regarding the potential noise impact on nearby residents. The use of amplified sound on an ongoing basis was previously considered and approved by Council, which allowed buskers to perform at the markets within the current hours of operation being 9.00am – 12.00pm. Condition 1 of the previous approval requires operation of the markets to be carried out in accordance with the Poynter Farmers Markets Charter which states:

- “Amplified sound and public address systems shall not be audible at the nearest residence. Noise omissions are regulated to comply with the environmental protection (noise) regulations 1997”.

The *Environmental Protection (Noise) Regulations 1997* apply three categories of noise restrictions being low (daytime) restrictions between 7.00am and 7.00pm, moderate (evening) restrictions between 7.00pm and 10.00pm and high (night time) restrictions between 10.00pm and 7.00am the following morning. The twilight markets would therefore be subject to the low restrictions to 7.00pm and the moderate restrictions thereafter.

The markets are proposed to operate between 4.30pm and 8.00pm (allowing an hour either side for set up and pack down). In response to the concerns raised by submitters, and acknowledging the moderate noise restrictions applying from 7.00pm, the applicant has confirmed that amplified noise volumes will be turned down from 7.00pm to ensure compliance with the Regulations.

In response to concerns about the noise generated by customers leaving the markets in the evening, it is expected the majority of customers would have departed the site prior to/at 8.00pm, with vendors required to depart the site by 9.00pm. Management of customers and vendors leaving the site will be overseen by parking attendants, with the site being vacated by 9.00pm being an hour prior to the introduction of the Regulations’ high noise restrictions.

The City has received noise complaints in the past regarding the markets, relating to noise during stall setup at the beginning of the day which was occurring prior to the permitted set up time of 8.00am. The last complaint was received in 2018 which indicates that management issues with set up have since been resolved.

For the reasons discussed above, and as the twilight markets are proposed to operate on two dates only, in April and May 2023, the City considers there to be low risk of noise adversely impacting nearby residents given that measures are in place to reduce noise in accordance with the Regulations and guide traffic leaving at the end of the night.

Traffic

A concern was raised during consultation that traffic associated with the markets has impacted on the amenity of residents on Lionel Court. Traffic to the site is currently directed to the main staff carpark accessed from Poynter Drive (Attachment 3 refers) by parking attendants, who will also be present at closing time to ensure customers leave in a timely and non-intrusive manner. The staff carpark accommodates 40 cars, however in the event this carpark is full, overflow parking is available both on-street on Poynter Drive and Griffell Way, and on the school oval accessed from Griffell Way. Access to the oval for stallholder car parking is available prior to the event via an access gate on Lionel Court. Parking in each of these locations was formalised through previous approvals from Council. Additionally, the Market Charter requires the placement of traffic cones on verges along Lionel Court, Griffell Way and Poynter Drive to ensure customers refrain from parking outside of authorised parking in the on-street bays mentioned above.

The City considers the proposed management of parking and traffic for the twilight markets is appropriate and should minimise amenity impacts to residents of Lionel Court and surrounding streets. The City has no record of any complaints associated with verge parking or traffic associated with the markets.

It is therefore considered that traffic and parking associated with the markets is able to continue to be managed adequately during the trial of the twilight markets during April and May 2023.

Waste management

Concerns were raised during consultation regarding the clean-up of rubbish after the markets close. The Market Rules have been modified to include waste management details which outline that bins for general rubbish and recycling are utilised throughout the market area for public use, which at the end of the night are then emptied into the larger red bins stored at the site. All waste management is overseen by the Market manager.

Conclusion

The application to allow a temporary trial of twilight markets for Poynter Farmers Markets has been considered against the relevant planning framework, namely LPS3 which guides land use and development within 'Primary School' reservations.

The City considers that the amended Market Charter and Market Rules include sufficient controls to ensure operation of the twilight markets does not detrimentally impact on the amenity of nearby residents, particularly in relation to noise, traffic, parking and waste. It is noted this application is seeking approval to enable a trial of twilight markets that will allow the proponent to consider whether they wish to seek approval for permanent twilight markets.

It is therefore recommended that Council approve the application subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES under Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 28 November 2022, submitted by Poynter Primary School Association Inc (P&C), for modifications to previously approved 'Market' at Lot 9349 (39) Poynter Drive, Duncraig, subject to the following conditions:

- 1 This approval relates to modification of DA15/1294 only, as indicated on the approved plans. DA15/1294 approved on 22 August 2016 remains a valid approval and all conditions and advice notes of that approval remain applicable with exception to condition 1 which is modified to:
 - 1.2 The development shall be carried out in accordance with the Poynter Farmers Market Charter and Farmers Market Rules dated February 2023. The following parts of the Poynter Farmers Market Charter and Farmers Market Rules shall not be altered without further approval from the City:
 - 1.2.1 Poynter Farmers Market Charter Part 3 Operating Times;
 - 1.2.2 Poynter Farmers Market Charter Part 4 Stalls;
 - 1.2.3 Poynter Farmers Market Charter Part 5 Vehicle and Traffic Management;
 - 1.2.4 Farmers Market Rules Part 16 Location and time;
 - 1.2.5 Farmers Market Rules Part 19 Stallholder and produce eligibility;
 - 1.2.6 Poynter Farmers Market Charter Part 11 Noise;
 - 1.2.7 Attachment C Market Map.
 - 1.3 Modifications to other parts of the Poynter Farmers Market Charter and Farmers Market Rules do not require further approval from the City;
- 2 Prior to commencement the Poynter Farmers Market Charter Part 3 Operating Times shall be updated to the satisfaction of the City to include the completion of pack down by one hour after market close, being 9.00pm.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf230314.pdf](#)

CJ030-03/23 INTRODUCTION OF A CCTV REBATE SCHEME

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	09360, 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 consider the introduction of a rebate scheme to support the installation of private Closed-Circuit Television (CCTV) systems within the City of Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 13 December 2022 (CJ149-12/22 refers), Council supported a Notice of Motion which:

“REQUESTS the Chief Executive Officer to prepare a report for consideration dealing with the City of Joondalup offering a Closed-Circuit Television (CCTV) Rebate that can be considered prior to the finalisation of the 2023-24 Budget in which funds can be provided if a CCTV rebate scheme is supported by Council.”

The City of Joondalup has an established and comprehensive CCTV system that covers a multitude of public areas including the Joondalup CBD as well as numerous other public spaces and City parks.

A proposed rebate scheme for private CCTV systems will work in conjunction with the City's existing CCTV philosophy with the aim of assisting WA Police with investigations and will help to promote a safer community and improve the perception of public safety for community members.

It is therefore recommended that Council:

- 1 SUPPORTS the establishment of a CCTV Rebate Scheme for a 12-month trial;*
- 2 LISTS FOR CONSIDERATION as part of the City's 2023-24 budget development process, an amount of \$100,000 to support the 12-month trial of a CCTV Rebate Scheme;*
- 3 REQUESTS the Chief Executive Officer to provide an outcomes report at the conclusion of the trial period of the CCTV Rebate Scheme.*

BACKGROUND

At its meeting held on 13 December 2022 (C149-12/22 refers) Council supported a Notice of Motion which:

“REQUESTS the Chief Executive Officer to prepare a report for consideration dealing with the City of Joondalup offering a closed-circuit Television (CCTV) Rebate that can be considered prior to the finalisation of the 2023-2024 Budget in which funds can be provided if a CCTV rebate scheme is fully supported by the Council.”

This report responds to Council's request for the City to investigate and consider the merits of a CCTV rebate scheme.

DETAILS

CCTV is a system in which video camera signals are transmitted and monitored for security and surveillance purposes. An effective CCTV system relies on the strategic placement of cameras and the broad understanding of what is intended to be captured. Obtaining a visual of human activity is the primary focus of an effective CCTV system. Other functions include increasing the public's perception of safety, detection and assisting with investigations and prosecutions. It is however noted that CCTV does not prevent crime but can act as a functional and productive tool to help deter potential criminal activity.

Examples of local government CCTV rebate schemes

City of Stirling

The [City of Stirling](#) has recently developed and implemented a CCTV rebate scheme whereby the City of Stirling aims to increase the number of CCTV systems installed at private residences and businesses to improve safety in public spaces. This scheme offers a 30% rebate (up to the value of \$500), subject to stipulated several terms and conditions with regards installation. Of particular note, one of the terms and conditions requires at least one camera to have a sufficient view of a public space (such as the road, footpath, front verge outside, park, reserve or any other applicable public area). This means that there is a mutual benefit provided in the process whereby a community member is able to subsidise the cost of installing a CCTV system and the local government effectively increases its network of CCTV that surveys public spaces.

The City of Stirling has budgeted \$150,000 for the 2022-23 financial year to support its scheme. The scheme was launched in October 2022 and approximately 70% of total funding has been allocated to date.

Other local governments

There are a number of other local governments that also provide CCTV rebate schemes, including:

- The [Town of Victoria Park](#) supports up to 50% of the cost of a system, to a maximum value of \$750.
- The [City of Gosnells](#) supports up to 50% of the cost of a system, to a maximum value of \$500.
- The [Town of Karratha](#) supports up to 50% of the cost of a system, to a maximum value of \$500.

Common terms and conditions across local government rebate schemes include:

- Installation at a property within the relevant local government.
- Installation by an accredited agent (a licensed electrician or registered business with a Security Agent Licence Number).
- At least one camera providing a view of a public area.
- A requirement to consent to details being provided to the WA Police for the location and fields of view of the CCTV system.
- The requirement to register the CCTV system with the WA Police State CCTV Register.
- An agreement to provide footage to WA Police when requested.

These common terms mean the local governments providing the rebate receive the benefit, the infrastructure is professionally installed and the systems are made available to WA Police to assist in deterring and investigating criminal activity.

As a result, this relationship between rebate applicants, the CCTV systems, local government and WA Police contributes towards redefining the traditional notion of crime deterrence through neighbourhood watch.

Opportunity for City of Joondalup CCTV rebate scheme

The City has an existing CCTV network which covers a multitude of areas including the Joondalup CBD, MacNaughton Park, Bramston Park, Delamere Park, Tom Simpson Park, and Penistone Park.

The City also recently deployed three mobile CCTV towers. While initially focused on monitoring and deterring hooning activity, the scope of use for these mobile towers has broadened and they can be located in 'hot spots' around the City where a particular location may benefit from an increased presence of CCTV.

The City's existing CCTV infrastructure has been installed primarily using grant funding, however the ongoing costs of maintenance and lifecycle replacement is funded wholly by the City. The proposed CCTV rebate will require funding to be implemented, however removes the ongoing costs and has a proven track record of assisting with law enforcement investigations, improving the perception of public safety, and increasing communities confidence in public spaces.

A City of Joondalup rebate scheme similar to case studies reviewed by the City in preparation of this report (and described above) would complement the City's existing network and potentially increase its reach with limited cost to the City.

It is anticipated that a City of Joondalup rebate scheme would be structured in a similar way to other local government schemes, such as models implemented by the City of Stirling and Town of Victoria Park.

A secondary benefit of a CCTV rebate scheme is that the initiative would allow the City to simultaneously analyse the data from the applications using a multi-channel assessment system to identify what may be considered a problematic or 'hotspot' area. Just through the community making an application for a CCTV rebate in their area, may indicate a need and potentially identify any long-term anti-social behaviour/ crime trends that may exist. The City will then be able to focus CCTV coverage (and other measures) on those particular areas in an attempt to support the community.

Engagement with local Police

The City has liaised with WA Police within the City of Joondalup (Joondalup, Hillarys and Warwick) on the relevance and usefulness of such a rebate scheme. Feedback received was overwhelmingly positive. It was stated that this concept would potentially increase WA Police's evidentiary capturing capabilities expeditiously and were in full support of the introduction of a newer, large scale and more widespread CCTV infrastructure. WA Police currently hosts the Cam-Map WA platform which is a comprehensive database for all voluntarily registered CCTV systems across Western Australia. This publicly accessed platform allows owners and operators of CCTV systems to self-register onto a secure database operated by WA Police. Accurate knowledge of the locations of CCTV systems assists WA Police to investigate incidents more quickly in order to improve community safety. If the City introduces a rebate scheme, it is expected that registration with Cam-Map is a key criteria and is a common requirement across local government CCTV rebate scheme.

Issues and options considered.

Option 1 – Develop a CCTV rebate scheme for the City of Joondalup

This option is recommended.

As outlined above, there are a range of benefits associated with implementing a CCTV rebate scheme, including the following:

- CCTV systems that receive the rebate will complement the City's existing CCTV network at limited cost to the City (in both the up front capital cost and ongoing maintenance).
- The rebate scheme may incentivise a greater uptake of individual CCTV systems, thereby improving the perception of community safety and serve as a greater deterrence on criminal activity.
- In order to qualify for a rebate a CCTV system will need to provide a view of a public area and will also need to be made available to the WA Police, meaning each CCTV system that receives the rebate will provide a broader, community-wide in addition to improving security for the individual.

If Council elects to proceed with a rebate scheme, it is proposed that the scheme is implemented initially as a 12-month trial.

This would allow the City to assess the uptake at the conclusion of the trial and potentially survey participants. This will allow the City to determine the success of the scheme, to consider whether the terms and conditions set are appropriate and also to ensure the budget allocated for the scheme is appropriate.

Option 2 – Do not provide a CCTV rebate to City of Joondalup community members

This option is not recommended.

While the City does have an existing CCTV network, WA Police crime statistics and reports to the City from members of the public, indicate an increasing desire for additional CCTV, particularly in areas with no current surveillance infrastructure.

CCTV acts as an effective deterrent to opportunistic crimes and is a vital crimefighting tool utilised by WA Police, both of which would be supported by a wider network, which may result with incentives such as a rebate scheme provided.

The City currently uses a matrix to determine problematic and antisocial areas and locations of interest to maximise the allocation of its CCTV resources. It is anticipated that the introduction of a CCTV rebate scheme would improve the City's capability to highlight and respond to problematic areas and assist WA Police investigations without incurring the ongoing costs of maintaining and replacing infrastructure.

Should a rebate scheme not be introduced, individuals may still choose to install personal CCTV systems however there would be requirement to provide surveillance of a public area, nor any obligation for the footage to be made available to WA Police.

It would therefore continue to be incumbent on the City to continue growing and maintaining the CCTV network that oversees its public spaces.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Community.

Objective Healthy and safe – you feel healthy and safe in your local community.

Policy Not applicable.

Risk management considerations

The City's established CCTV system has proven to be a valuable asset for the City of Joondalup, the community and WA Police. The potential introduction of a CCTV rebate scheme would see a one-off payment to community members to install a CCTV system at their private property. It would then be the responsibility of the owner to maintain the system, which results in a comparatively lower cost to the City to increase surveillance on a larger scale.

There is a risk that in the event the take up is limited, the CCTV network across the City would not grow as intended by the rebate scheme, resulting in the need for the City to consider whether it will invest further in deploying more CCTV infrastructure at a likely higher initial and ongoing cost. It is however noted that this is the 'status quo' that currently exists in the absence of a CCTV rebate scheme. It is therefore considered that the City would be no worse off if this outcome was to eventuate.

There is also a risk that the initiative becomes oversubscribed and the City either exceeds the budget allocated or has to decline providing a rebate to interested community members. It is proposed to manage this risk to a degree by introducing the scheme for a 12-month trial, followed by a review and potential adjustment to the scheme's settings (such as terms and conditions and budget).

Financial / budget implications

There is currently no budget allocated for a CCTV rebate scheme.

The Notice of Motion requests a report on a CCTV rebate scheme that allows Council to consider whether or not to proceed with a scheme and allocate funds as part of the 2023-24 budget.

As outlined above, it is recommended that a CCTV rebate scheme be established and supported for a 12-month trial.

A budget of \$100,000 for 2023-24 is recommended to support the 12-month trial and will notionally support up to 200 applications for a \$500 (maximum) rebate.

While a budget of \$100,000 is proposed the actual spend will be dependent upon the take up of the rebate scheme. The City will be able to review take up as part of the mid-year budget review process and recommend any changes to budget if needed.

Administering the scheme, in terms of preparing information, reviewing and processing applications is proposed to be undertaken by existing resources and therefore funded by existing operational budgets relating to staff costs.

Regional significance

A number of local governments have established CCTV rebate schemes, incentivising the development of a broader CCTV network available to WA Police.

While this is provided on a local government by local government basis, access to the various systems for the WA Police extends beyond each individual local government and therefore to a much broader, regional level.

A CCTV rebate scheme for the City of Joondalup would potentially broaden this regional reach for WA Police.

Sustainability implications

Not applicable.

Consultation

Engagement with WA Police within the City of Joondalup (Joondalup, Hillarys and Warwick) was undertaken to inform the City's analysis and recommendation on the merits of a CCTV rebate scheme.

If Council supports a 12-month trial of a CCTV rebate scheme it is intended that consultation with scheme participants be undertaken at the conclusion of the trial to assist in determining its effectiveness.

COMMENT

A number of local governments offer a CCTV rebate scheme similar to that requested by Council for consideration.

Having reviewed the structure of other local government CCTV rebate schemes as well as considering the potential benefits of such a scheme for the City of Joondalup it is recommended that the City proceeds with an initiative to offer rebates for CCTV systems installed by individuals, subject to certain terms and conditions.

There is a mutual benefit provided in the process whereby a community member is able to subsidise the cost of installing a CCTV system and the local government effectively increases its network of CCTV that surveys public spaces.

The purpose of this report is to inform Council of the merits of a CCTV rebate scheme to allow Council to consider whether or not to allocate budget to support such a scheme for 2023-24.

It is recommended that the scheme be trialled for 12 months and a budget of \$100,000 to support the scheme in 2023-24.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUPPORTS the establishment of a CCTV Rebate Scheme for a 12- month trial;**
- 2 LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$100,000 to support a 12- month trial of a CCTV Rebate Scheme;**
- 3 REQUESTS the Chief Executive Officer to provide an outcomes report at the conclusion of the trial period of the CCTV Rebate Scheme.**

CJ031-03/23 PROPOSED REVOCATION OF MARMION STRUCTURE PLAN

WARD	South
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	84563, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 <i>Marmion Structure Plan</i> maps Attachment 3 <i>Marmion Structure Plan</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider advertising a proposal to revoke the *Marmion Structure Plan*. The proposed revocation is to be progressed as an amendment to *Local Planning Scheme No. 3*.

EXECUTIVE SUMMARY

As part of the approval of the City's current planning scheme, *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required. The City has been progressing this review since LPS3 came into effect in October 2018.

The *Marmion Structure Plan* (the structure plan) was first adopted by Council at its meeting of 29 June 2006 (JSC23-06/06 refers) and adopted by the WAPC on 10 August 2006. The structure plan was developed to facilitate the subdivision, zoning, allocation of density and built form standards of a parcel of land previously owned by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and used as a marine research facility and laboratory.

The structure plan area is zoned 'Urban Development' under LPS3. It is considered appropriate to incorporate the structure plan requirements relating to major openings and lot boundary setbacks to Cliff Street into LPS3. All other development provisions within the structure plan have either been addressed, or can be addressed through compliance with the *Residential Design Codes* (R-Codes) and *Residential Development Local Planning Policy* (RDLPP), and therefore do not need to be incorporated into LPS3.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the structure plan will automatically revoke the structure plan where a statement to that effect is included as part of the scheme amendment proposal. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

Although the formal planning process to revoke the structure plan does not require public consultation, it is recommended that Council agrees to seek feedback on the proposal from the landowners within the structure plan area, prior to Council's further consideration of initiating a basic amendment to LPS3 to rezone the land within the structure plan area to facilitate the revocation of the structure plan.

It is therefore recommended that Council advertises the proposed revocation of the Marmion Structure Plan to the landowners within the structure plan area for a period of 14 days.

BACKGROUND

Suburb/Location	Marmion, bound by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south.
Owner	Various.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	2.1885 hectares.
Structure plan	<i>Marmion Structure Plan.</i>

Local Structure Plan review project

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan. This would determine if a structure plan covered an area:

- where development is still occurring, and the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

The City has been progressing this review since LPS3 came into effect with a number of structure plans revoked or in the process of being revoked.

Marmion Structure Plan

The *Marmion Structure Plan* applies to the land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1 refers). The structure plan area was previously owned by the CSIRO and was used as a marine research facility and laboratory from 1975 to 2002. In 2003, the site was sold by CSIRO as it was surplus to their requirements, and in 2005 it was rezoned to 'Urban Development' under the City's former scheme, *District Planning Scheme No. 2 (DPS2)* to facilitate residential development and open space.

The structure plan was first adopted by Council at its meeting of 29 June 2006 (JSC23-06/06 refers) and adopted by the WAPC on 10 August 2006. An amendment was subsequently made to the structure plan, removing the requirement to construct a path and associated seating within the public open space. This amendment was adopted by Council at its meeting of 7 August 2007 (CJ154-08/07 refers) and approved by the Western Australian Planning Commission (WAPC) on 12 February 2008.

The subject area has now been fully developed, with the exception of one lot on Verve Court and one lot on Troy Avenue.

DETAILS

It is proposed that the structure plan be revoked as the estate has been developed, with the exception of Lot 232 (20) Verve Court and Lot 218 (11) Troy Avenue.

Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect. This means that the approval of an amendment to LPS3 to rezone the structure plan area from 'Urban Development' to those zones outlined in the structure plan, will automatically revoke the structure plan. Such a scheme amendment is classified as 'basic' under the LPS Regulations. There is no statutory requirement to advertise this class of amendment.

However, prior to initiating the amendment to rezone the land within the structure plan area, it is considered appropriate to advertise the proposal to revoke the structure plan to the landowners within the structure plan area and seek feedback, prior to Council's further consideration.

Issues and options considered

Current need for the Marmion Structure Plan

The structure plan consists of two zones being 'Residential' and 'Local Reserves – Parks and Recreation'. The latter is a portion of public open space adjoining Ozone Road, named Magpie Reserve.

General development provisions

All 35 residential lots have a density code of R20 (Attachments 2 and 3 refer). There are two remaining lots within the structure plan area which have not been developed. The following table outlines the R20 structure plan provisions and the current equivalent R-Codes or *Residential Development Local Planning Policy* (RDLPP) provisions:

Development requirement	Structure Plan requirement	R-code/RDLPP requirement	Comment
Building height and site works	Building height to be assessed using <i>Council Policy 3.2 – Height and Scale of Buildings within Residential Areas</i> (Council Policy 3.2). Plan 4 of the structure plan shows the finished ground levels for each lot, which are to be used to measure building height under Council Policy 3.2. Approval from the City is required to vary these levels.	<u>Building height</u> Wall height: max 7m Roof height: max 10m <u>Site works</u> Site works and/or retaining within the site is to be setback from lot boundaries if greater than 0.5m above natural ground level.	Council Policy 3.2 was revoked in 2015 and was replaced by the RDLPP. Since Council Policy 3.2 was revoked, dwellings within the structure plan area have been assessed against the building height and site works provisions of the R-Codes and RDLPP. For the remaining two undeveloped lots, the structure plan requirements can be sufficiently addressed through compliance with the R-Codes/RDLPP.

Development requirement	Structure Plan requirement	R-code/RDLPP requirement	Comment
Vehicular access	Lots within Precinct A are to have vehicle access from Verve Court, not Cliff Street.	Vehicle access to be taken from communal street, secondary street or primary street (in order of preference).	All lots within Precinct A have been developed, all with vehicle access from Verve Court. Restrictive covenants have also been imposed on these lots, restricting vehicle access to Cliff Street.
Lot boundary setback	Dwellings within Precinct A are to be setback a minimum of 3m from Cliff Street (no averaging).	Setbacks to Cliff Street dependent on wall length, height, and presence of major openings. Single storey boundary walls to Cliff Street permitted. Setback of 1.5m required for single storey with major opening.	All lots within Precinct A have been developed – lot boundary setbacks established. 3m setback to Cliff Street considered appropriate to retain as discussed below.
Street surveillance	Lots within Precinct A to have major openings addressing both Cliff Street and Verve Court.	At least one major opening facing the primary street (Verve Court).	All lots within Precinct A have been developed – major openings established addressing both Cliff Street and Verve Court. Requirement for major openings facing Cliff Street considered appropriate to retain as discussed below.
Lots adjacent public open space	Lots abutting Magpie Reserve to have major opening addressing the open space. Fencing abutting Magpie Reserve to comply with City policy.	-	All lots abutting Magpie Reserve have been developed with major openings facing the Reserve. Fencing established to Magpie Reserve.

Setbacks and major openings to Cliff Street

The five lots within Precinct A have a frontage to both Verve Court and Cliff Street although vehicle access can only be gained from Verve Court. The structure plan requires a minimum 3 metre building setback to Cliff Street, with major openings to be provided to this frontage. The purpose of these provisions was to align with the established streetscape along Cliff Street and to improve passive surveillance over Braden Park located on the eastern side of Cliff Street.

As the R-Codes do not contain provisions that address dual frontage lots, in order to maintain the intent of the structure plan it is considered appropriate to retain the requirements for increased building setbacks and major openings to Cliff Street. This can be achieved by inserting provisions within Clause 32, table 7 of LPS3 requiring a minimum building setback of 3 metres to Cliff Street, and the requirement for at least one major opening facing Cliff Street.

Street trees

A provision of the structure plan required two existing trees within the Troy Avenue verge to be retained. The trees were retained and protected through the subdivision process, however have not survived in the following years, and are no longer present in the verge. Notwithstanding, two new verge trees have been planted adjoining Lot 219 (13) Troy Avenue. A further provision of the structure plan required one street tree to be planted for each new lot. Due to concern that the trees may be damaged during the construction of the dwellings, the developer paid a bond to the City to the value of the trees. To date, street trees have not been planted and the City retains the bond. The options for street tree planting, or suitable alternatives, are to be investigated however these investigations would not prevent the structure plan from being revoked.

Roads and footpaths

The structure plan also includes requirements relating to the management of Magpie Park, and street and footpath upgrades, which were addressed at the subdivision stage.

Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. The structure plan consists of two zones being 'Residential' and 'Local Reserves – Parks and Recreation' (Attachments 2 and 3 refer).

It is proposed that the area designated as 'Residential' under the structure plan be rezoned from 'Urban Development' to 'Residential R20' under LPS3.

The entirety of the structure plan area was previously zoned 'Local Reserve – Parks and Recreation' under *District Planning Scheme No. 2* (DPS2), before being rezoned to 'Urban Development' in 2005 to facilitate future residential development. The structure plan carried through the 'Local Reserves – Parks and Recreation' zoning for Magpie Park. Noting that this zoning no longer exists under LPS3, and that Magpie Park is a natural area, comprised of remnant bushland, it is recommended that this area be rezoned from 'Urban Development' to 'Environmental Conservation' under LPS3.

Land use permissibility

The structure plan states that land use permissibility for the area designated as 'Residential' is to be in accordance with the 'Residential' zone under the scheme. If a scheme amendment is supported and the structure plan revoked, land use permissibility will continue to be in accordance with the 'Residential' zone of LPS3.

Options

The options available to Council in considering revoking the *Marmion Structure Plan* are to:

- resolve to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area
- or
- resolve not to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area.

Council can proceed with an amendment to LPS3 to rezone the land within the structure plan area without first advertising the proposal to revoke the structure plan, however this is not recommended.

Legislation / Strategic Community Plan / Policy implications

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

10-Year Strategic Community Plan

Key theme Place.

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

Policy *Residential Design Codes Volume 1.*

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. The WAPC may extend the period of approval of a structure plan, revoke a structure plan or amend the planning scheme that covers a structure plan area which automatically revokes the structure plan.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal that when the amendment takes effect the approval of the structure plan is to be revoked.

The proposed rezoning of the structure plan area to 'Residential' and 'Environmental Conservation' is considered to be consistent with the zoning outlined in the structure plan. It is therefore intended that the future scheme amendment be progressed as a 'basic' amendment in line with the above.

Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the Framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The objectives of the 'Environmental Conservation' reserves in LPS3 is:

Reserve name	Objectives
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.

Risk management considerations

Not applicable.

Financial / budget implications

The City will be required to cover the costs associated with any advertising of the proposal to revoke the structure plan. Approximately 35 letters would be sent to landowners within the structure plan area with a direct cost of approximately \$52.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it is considered appropriate that the landowners within the structure plan area be informed in writing of the proposal to revoke the structure plan and obtain any feedback which can be reported back to Council, prior to an amendment to rezone the land within the structure plan area being considered by Council.

The revocation of the *Marmion Structure Plan* is proposed to be advertised for 14 days by way of letter to all 35 properties with the structure plan area.

COMMENT

The area encompassed by the *Marmion Structure Plan* is nearing completion with two lots remaining for development. As detailed in this report, it is considered appropriate to incorporate the structure plan requirements for major openings and increased lot boundary setbacks to Cliff Street into LPS3. All other development provisions within the structure plan have either been addressed, or can be addressed through compliance with the R-Codes and RDLPP, and therefore do not need to be incorporated into LPS3.

While there is no requirement to advertise a proposal to revoke a structure plan, it is considered appropriate to advertise the proposal to the landowners within the structure plan area and seek any feedback, prior to Council's further consideration of an amendment to rezone the land within the structure plan area.

It is therefore recommended that Council advertises the proposed revocation of the *Marmion Structure Plan* to the landowners within the structure plan area for a period of 14 days.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADVERTISES the proposal to revoke the *Marmion Structure Plan* to the landowners within the structure plan area, for a period of 14 days.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf230314.pdf](#)

CJ032-03/23 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENTS	Attachment 1 Signing and Common Seal Register - extract for 3 to 28 February 2023
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 documents executed by means of affixing the Common Seal for 3 to 28 February 2023.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal.

It is therefore recommended that Council NOTES the Signing and Common Seal Register for 3 to 28 February 2023 as detailed in Attachment 1 to Report CJ032-03/23.

BACKGROUND

Documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis. The last report to Council was made at its meeting held on 28 February 2023 (CJ006-02/23 refers).

DETAILS

From 3 to 28 February 2023, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Consent to Application to Extinguish Easement	1
Section 70A Notification	1
Development Agreement and Land Transfer Deed	1
Variation of Crown Lease	1

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Signing and Common Seal Register for 3 to 28 February 2023 as detailed in Attachment 1 to Report CJ032-03/23.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf230314.pdf](#)

CJ033-03/23 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENT	Attachment 1 Tamala Park Regional Special Council Meeting Minutes – 15 December 2022 Attachment 2 Tamala Park Regional Council Meeting Minutes – 16 February 2023 Attachment 3 Mindarie Regional Council Meeting Minutes – 23 February 2023
	<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:

- Minutes of the Tamala Park Regional Council special meeting held on 15 December 2022.
- Minutes of the Tamala Park Regional Council meeting held on 16 February 2023.
- Minutes of the Mindarie Regional Council meeting held on 23 February 2023.

DETAILS**Tamala Park Regional Council Meeting – 15 December 2022**

A special meeting of the Tamala Park Regional Council was held on 15 December 2022.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the special 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).

Tamala Park Regional Council Meeting – 16 February 2023

A meeting of the Tamala Park Regional Council was held on 16 February 2023.

At the time of this 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 2 refers).

Mindarie Regional Council Meeting – 23 February 2023

A meeting of the Mindarie Regional Council was held on 23 February 2023.

At the time of this meeting Mayor Albert Jacob, JP was Council's representative at the Mindarie 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 3 refers).

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy Not applicable.

Risk Management Considerations

Not applicable.

Financial / Budget Implications

Not applicable.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **NOTES** the minutes of:

- 1 the special meeting of the Tamala Park Regional Council held on 15 December 2022 forming Attachment 1 to Report CJ033-03/23;**
- 2 the meeting of the Tamala Park Regional Council held on 16 February 2023 forming Attachment 2 to Report CJ033-03/23;**
- 3 the meeting of the Mindarie Regional Council held on 23 February 2023 forming Attachment 3 to Report CJ033-03/23.**

To access this attachment on electronic document, click here: [RegionalMinutesBRF230314.pdf](#)

CJ034-03/23 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 28 February 2023
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 status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions. As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS

Issues and Options Considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 28 February 2023, with a comment on the status of each petition.

Legislation / Strategic Community Plan / Policy Implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

10 Year Strategic Community Plan

Key Themes Leadership.

Outcomes Engaged and Informed - you are able to engage with the City and have in-put into decision-making.

Policy Implications Each petition may impact on the individual policy position of the City.

Risk Management Considerations

Failure to consider the request of the petitioners and take the appropriate actions may impact on the level of satisfaction of the community.

Financial / Budget Implications

Individual requests made by the way of petitions may have financial implications.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 28 February 2023, forming Attachment 1 to Report CJ034-03/23.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf230314.pdf](#)

CJ035-03/23 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of January 2023 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of January 2023) Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2023
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 January 2023.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2023, totalling \$12,309,104.24.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2023 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 CJ035-03/23, totalling \$12,309,104.24.

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 January 2023. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ035-03/23.

The vouchers for the month are appended as Attachment 3 to Report CJ035-03/23.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112701-112712 & EF107770 – EF108028 & EF108032 – EF108336	\$7,206,844.39
	Net of cancelled payments Vouchers	\$5,096,583.95
	Bond Refund Cheques & EFT Payments EF107767 - EF107769 & EF108029 - EF108031 Net of cancelled payments.	\$5,675.90
Total		\$12,309,104.24

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.

10-Year 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 City of Joondalup *2022-23 Budget* as adopted by Council at its meeting held on 28 June 2022 (CJ104-06/22 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for January 2023 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 CJ035-03/23, totalling \$12,309,104.24.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf230314.pdf](#)

CJ036-03/23 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	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 January 2023.

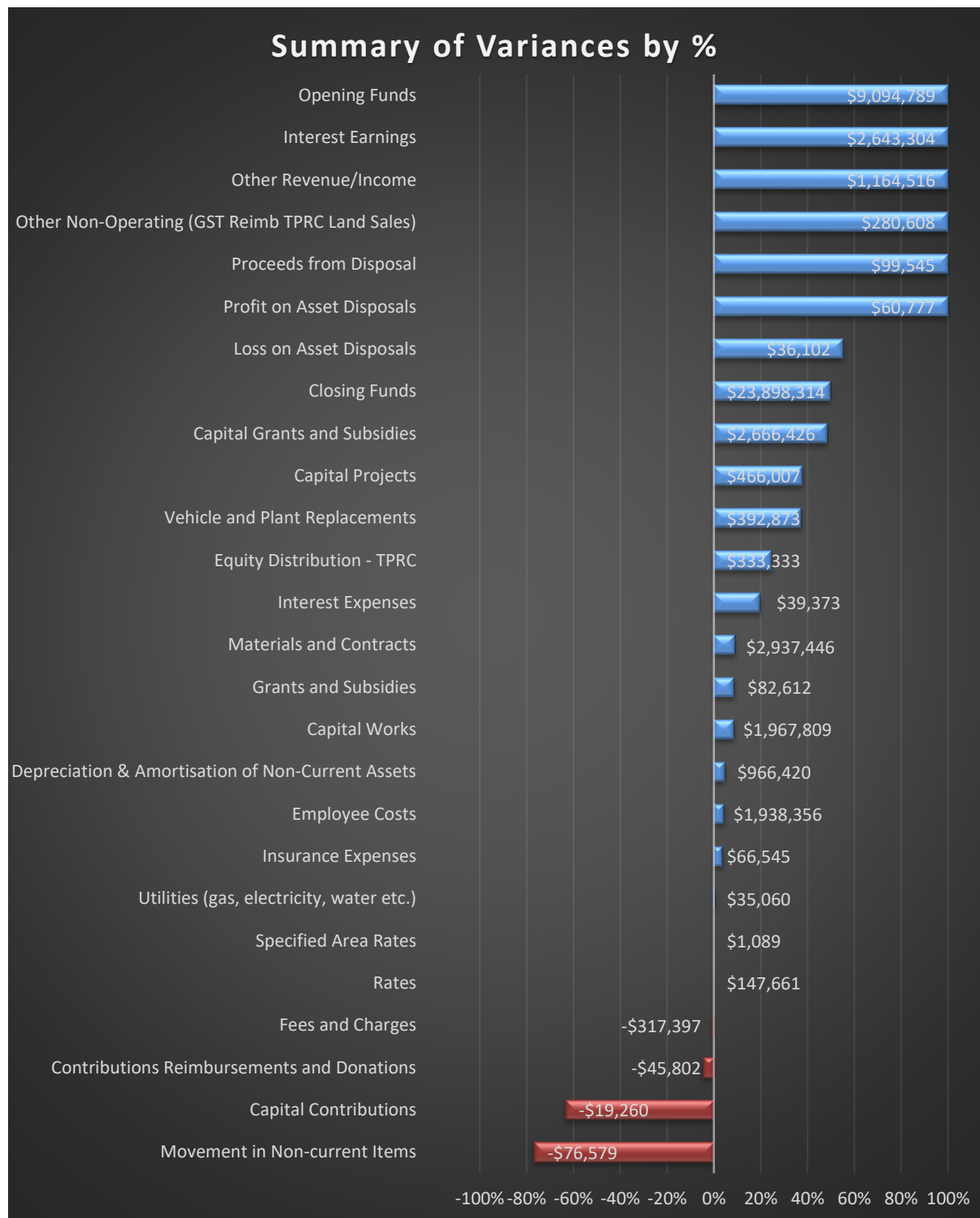
EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the *2022-23 Annual Budget*. Budget. Council subsequently amended the budget at its meeting held on 16 August 2022 (CJ132-08/22 refers), 20 September 2022 (CJ158-009/22 and CJ161-09/22 refers), 18 October 2022 (CJ178-10/22 and CJ179-10/22 refers) and 13 December 2022 (CJ211-12/22 refers). The figures in this report are compared to the amended budget.

The January 2023 Financial Activity Statement Report shows an overall favourable variance of \$23,898,314 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 January. The notes detailed in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

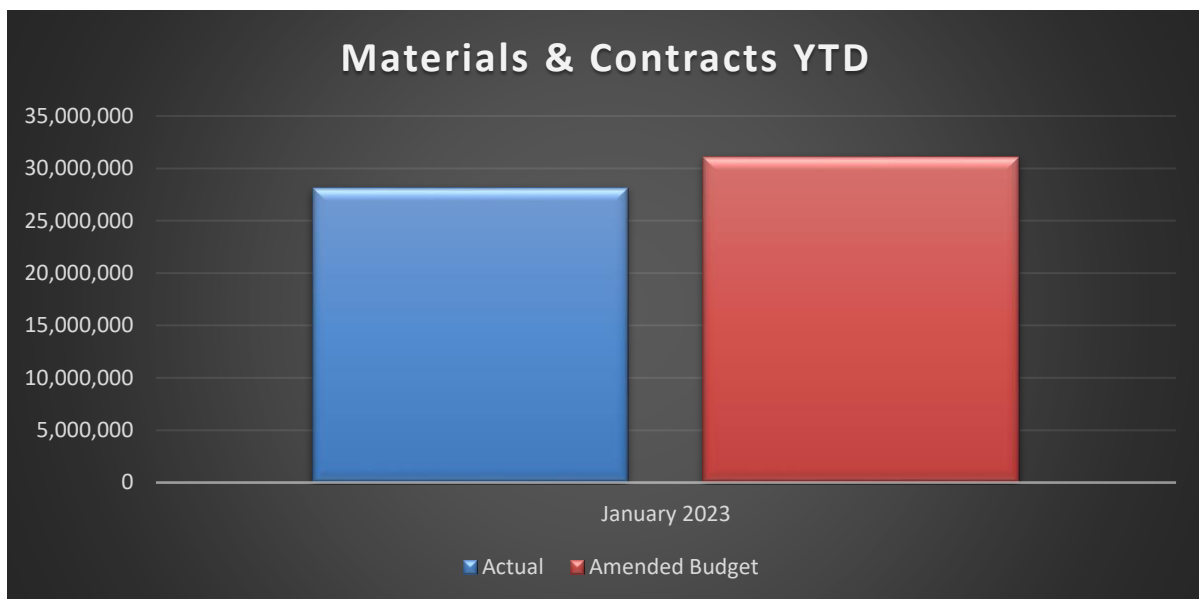
The key elements of the variance are summarised below:



The significant variances for January were:

Materials and Contracts

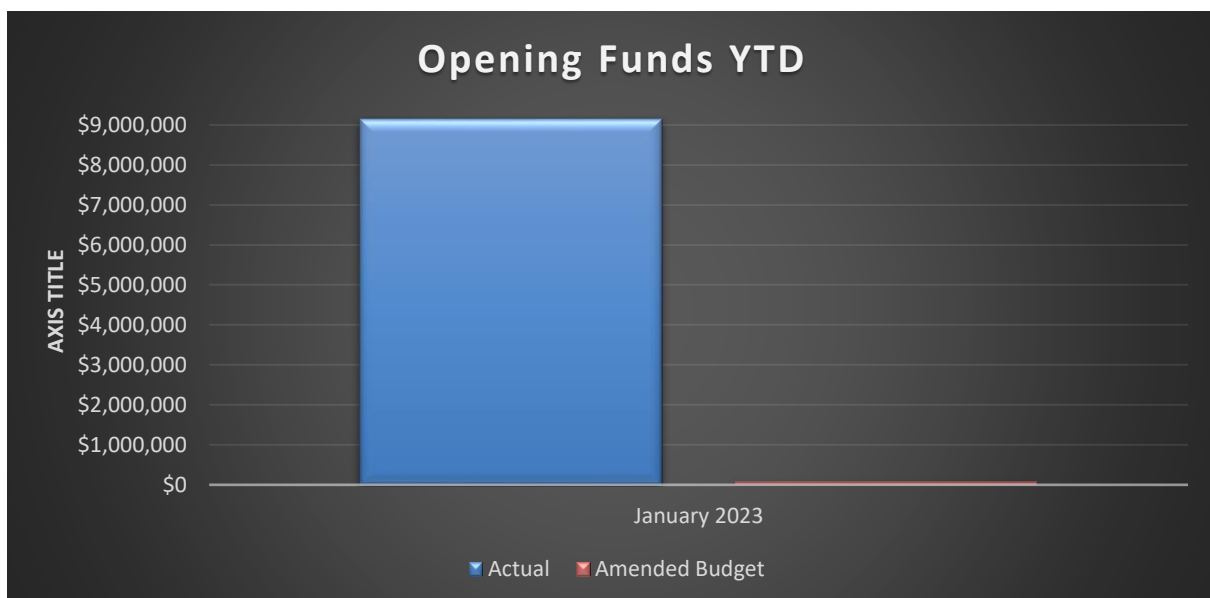
\$2,937,446



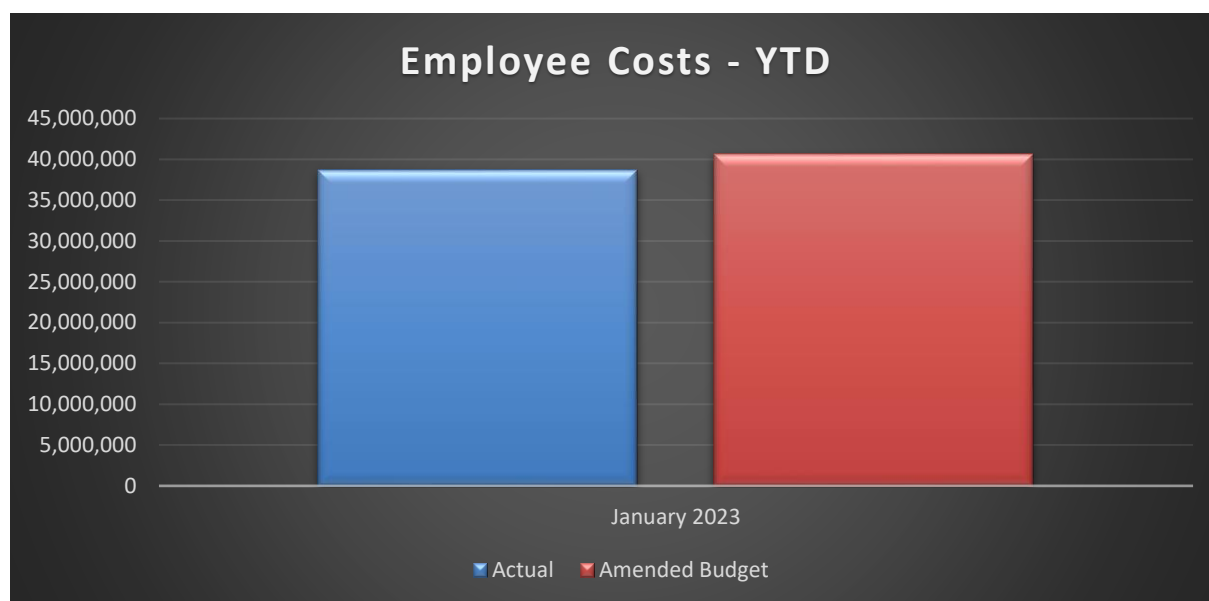
Materials and Contracts expenditure is \$2,937,446 below budget. This is spread across a number of different areas including External Service Expenses \$917,751, Waste Management Services \$777,172, Professional Fees & Costs \$573,303, Contributions & Donations \$324,790, Public Relations, Advertising and Promotions \$295,233 and Administration \$259,173.

Opening Funds

\$9,094,789



Variations in the actual results for 2021-22 compared to the budget estimate gave rise to a favourable variance of \$9,094,789 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in capital and operating expenditure and an increase in operating revenue. Adjustment to opening funds will be reflected in the Mid Year Budget Review.

Employee Costs**\$1,938,356**

Employee Costs expenditure is \$1,938,356 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 January 2023 forming Attachment 1 to Report CJ036-03/23.

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 January 2023 is appended as Attachment 1.

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

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

10-Year 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.

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

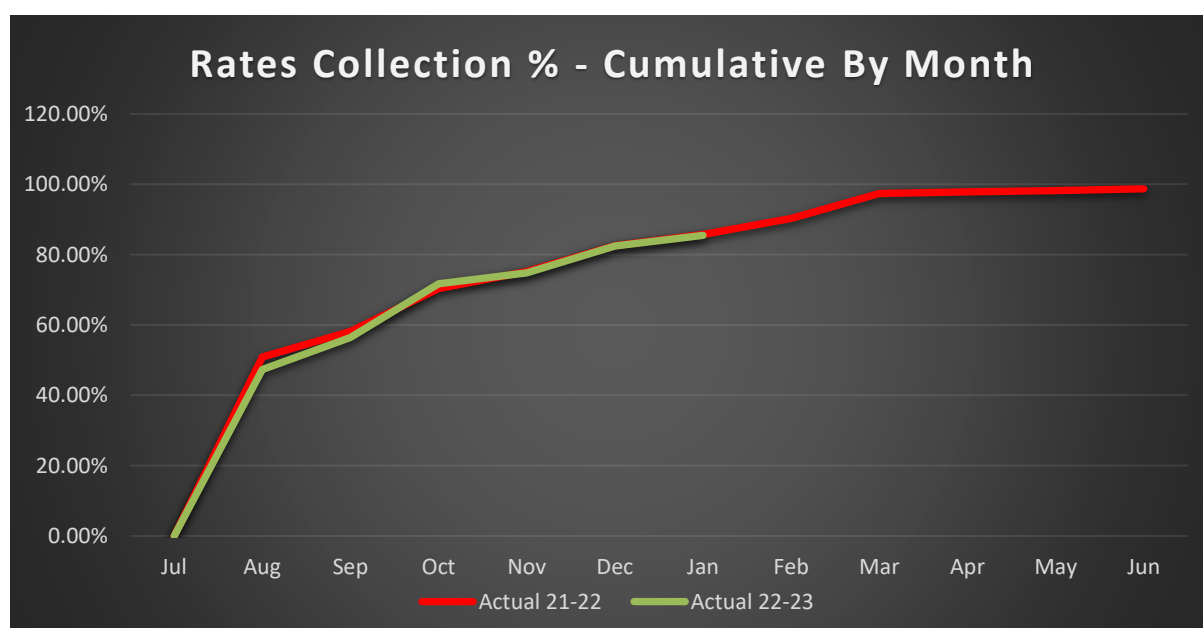
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

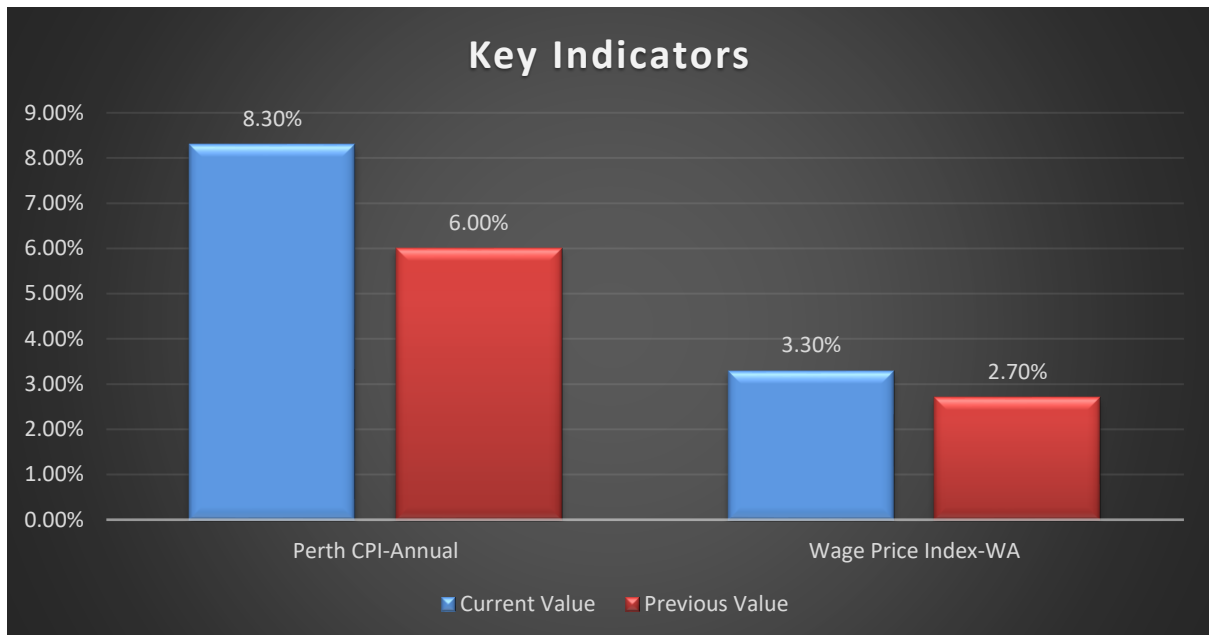
KEY INDICATORS

Rates Collection



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

Economic Indicators



During January, the Q4 CPI was released. Perth saw a 3.6% increase in CPI, driven by a rise in out-of-pocket expenses as households used most of the \$400 Household Electricity Credit introduced by the Western Australian government in the previous quarter. The annual rate of inflation for Perth rose to 8.3%.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2022-23 adopted budget (as amended) or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 January 2023 forming Attachment 1 to Report CJ036-03/23.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf230314.pdf](#)

CJ037-03/23 CLUB NIGHT LIGHTS PROGRAM - 2023-24 SMALL GRANTS

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	22209, 105526, 28189, 101515
ATTACHMENTS	Attachment 1 Iluka District Open Space aerial Attachment 2 Iluka District Open Space pitch five Attachment 3 Iluka District Open Space floodlight design
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider an application for the Department of Local Government, Sport and Cultural Industries' Club Night Lights Program 2023-24 small grants round.

EXECUTIVE SUMMARY

The Club Night Lights Program (CNLP) aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through development of sports floodlighting infrastructure. The State Government allocated \$10 million from 2021-22 over four years to contribute to floodlighting infrastructure.

The City received one application through the expression of interest process for the CNLP small grants round for 2023-24. The application from the Joondalup City Football Club is to replace existing floodlight fittings with energy efficient LED fittings on pitch five at Iluka District Open Space, Iluka. The improved lighting would meet the *Australian Standard for football (all codes) (AS2560.2:2021)* for training and competition enabling the club to train and play matches in a safe and more accessible manner. Currently, any rescheduled games or mid-week fixtures have to be played at the oppositions ground.

The total cost estimate for the project is \$97,875 (excluding GST). The CNLP program considers a contribution of up to one third for eligible components of a project that demonstrates it will maintain or increase sport participation, in this case up to \$29,291. Currently there are no funds within the *Five Year Capital Works Program* for the project.

It is therefore recommended that Council:

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$29,291 (excluding GST) to part fund LED floodlighting on pitch five at Iluka District Open Space, Iluka;*
- 2 *NOTES that the announcement of Club Night Lights Program application results are expected in June 2023;*

- 3 *NOTES that there are no funds for the project listed in the Five Year Capital Works program;*
- 4 *REQUESTS that \$97,875 be listed for consideration in the 2023-24 Capital Works Program for LED floodlighting on pitch five at Iluka District Open Space, Iluka subject to a successful Club Night Lights Program grant application and Joondalup City Football Club contribution as follows:*
- 4.1 *\$34,292 City contribution;*
- 4.2 *\$29,291 Club Night Lights Program contribution;*
- 4.3 *\$34,292 Joondalup City Football Club contribution.*

BACKGROUND

Suburb/Location	Iluka District Open Space – 6A Miami Beach Promenade Iluka WA 6028.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	LPS Public Open Space.
	MRS Urban.
Site area	72,518m ² .
Structure plan	Not applicable.

The Western Australian Government, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) provides financial assistance to Local Government Authorities and sport and recreation clubs through the CNLP to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The joint funding partnership is usually based on an equal one third contribution for each partner.

The State Government allocated \$10 million from 2021-22 over four years to contribute to floodlighting infrastructure. Clubs within the City of Joondalup had an opportunity to submit an expression of interest in September 2022 for the CNLP.

Iluka District Open Space is located on Miami Beach Promenade, Iluka (Attachment 1 refers) and is classified as a district sports park under the City's *Public Open Space Framework*. The park has two active sporting fields; ten floodlight poles; two turf centre cricket wickets; four cricket practice nets; approximately 19 turf cricket practice nets; and park bench seating. The park is currently used in summer and winter by a casual soccer group (23 members) and touch rugby group (40 members); in winter by the Joondalup City Football Club (soccer) (juniors and seniors 685 members) and in summer by Joondalup District Cricket Club (juniors and seniors 180 members).

DETAILS

The City received one application through the expression of interest process for the CNLP small grants round for 2023-24. The application from the Joondalup City Football Club is to replace existing floodlight fittings with energy efficient LED fittings on pitch five at Iluka District Open Space, Iluka (Attachment 2 refers). The improved lighting would meet the *Australian Standard for football (all codes) (AS2560.2:2021)* for training and competition (Attachment 3 refers) enabling the club to train and play matches in a safe and more accessible manner. Currently, any rescheduled games or mid-week fixtures have to be played at the oppositions ground.

The total cost estimate for the project is \$97,875 (excluding GST) as outlined in the following table.

Component	Excluding GST
Supply and installation of LED light fittings to 100 lux to pitch five	\$ 64,886
Supply and installation of dimming system to 50 lux	\$ 15,000
Sub-total	\$ 79,886
Contingency	\$ 7,989
Sub-total	\$ 87,875
Project management	\$ 10,000
Total	\$ 97,875

The CNLP program considers a contribution of up to one third for eligible components of a project, in this case up to \$29,291. The project management costs are not eligible for CNLP funding and would be shared between the City and the Joondalup City Football Club. The works would be undertaken by the City in line with standard specifications, processes and policies.

The City is satisfied that the club is financially sustainable and has the capacity to contribute one third towards the proposed project and half of the project management costs. The club would not have the financial capacity to contribute two thirds of the project costs if the CNLP grant was unsuccessful. The City would contribute one third towards the proposed project and half the project management costs.

Total project cost:	\$97,875 (excluding GST)
City of Joondalup contribution	\$34,292 (excluding GST)
CNLP grant requested	\$29,291 (excluding GST)
Joondalup City Football Club	\$34,292 (excluding GST)

Issues and options considered

It is considered that Council has two options, to either agree or not agree to support submission of the application to the DLGSCI for funding through the CNLP. If not supported, the project would not be eligible for a CNLP grant as the local government must be a partner in the project.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Place.

Outcome Attractive and leafy – you have access to quality public open space and enjoy appealing streetscapes.

Policy *Requests for New or Capital Upgrades to Existing Community Venues Council Policy.*

Risk management considerations

Any capital project brings risks in relation to contingencies and over runs against original design. The cost estimate is based on recent relevant projects and may differ once detailed designs are undertaken for the project.

Financial / budget implicationsFuture financial year impact

Capital replacement cost	Although the initial City contribution of \$34,292 is 35% of the initial cost, the City would be responsible for 100% of the future replacement costs. It is estimated that the infrastructure has a 25 year life, so a cost of \$3,915 per year for depreciation and future capital replacement would be required by the City.
Annual operating cost including depreciation	The operating costs may increase by 3.5% (\$3,426) per year for maintenance and electricity. The overall increase in operating costs including depreciation of \$3,915 would therefore be approximately \$7,341 per year.
Annual operating income	The City is estimated to receive additional income of approximately \$1,028 per year for the use of the additional lights, including both training and games.
Annual operating results	The net impact on the annual operating results is therefore estimated to be \$6,313.
Budget	Currently there are no funds within the <i>Five Year Capital Works Program</i> for the project.
Club financial capacity	The club has provided current financial statements and the City is satisfied that the club has the financial capacity to contribute towards the project and the increased fees.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

LED luminaires have the capacity to be turned on / off immediately and do not contain hazardous substances. They also reduce light pollution and the impact on amphibians, birds, mammals, insects and plants that rely on daily cycles of light and dark, by providing more targeted and precise light.

Social

Not applicable.

Economic

Utilising LED luminaires for sports floodlighting offers better value for money with electricity savings of around 60 per cent. In addition, LED luminaires last longer before they need to be replaced, as compared to metal halide lamps.

Consultation

Community consultation for this project was not undertaken as it is for standard infrastructure upgrades with minimal impact on nearby residents.

COMMENT

The CNLP aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through development of sports floodlighting infrastructure. The funding program provides the City with an opportunity to upgrade sports floodlighting with the support of the State Government which will benefit the community and sporting clubs.

The upgrade to competition level lighting would allow sporting clubs to fixture night games on Fridays and Saturday evenings and the improved training level lighting would allow more teams to train at the same time. Upgrading the sports floodlighting would enable clubs to train and play games in a safe and more accessible manner.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **ENDORSES** an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$29,291 (excluding GST) to part fund LED floodlighting on pitch five at Iluka District Open Space, Iluka;
- 2 **NOTES** that the announcement of Club Night Lights Program application results are expected in June 2023;
- 3 **NOTES** that there are no funds for the project listed in the *Five Year Capital Works program*;
- 4 **REQUESTS** that \$97,875 be listed for consideration in the 2023-24 Capital Works Program for LED floodlighting on pitch five at Iluka District Open Space, Iluka subject to a successful Club Night Lights Program grant application and Joondalup City Football Club contribution as follows:
 - 4.1 **\$34,292** City contribution;
 - 4.2 **\$29,291** Club Night Lights Program contribution;
 - 4.3 **\$34,292** Joondalup City Football Club contribution.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf230314.pdf](#)

**CJ038-03/23 CONFIDENTIAL - TENDER 039/22 PROVISION OF
CLEANING AND WASHROOM HYGIENE SERVICES
FOR CITY OF JOONDALUP COMMUNITY
FACILITIES, LIBRARIES AND CHILD HEALTH
CENTRES**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	110404, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Qualitative Tender Submissions Attachment 3 Tender Summary
	<i>(Please note: The Report and Attachments are 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.

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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

CJ039-03/23 ENGAGEMENT AND ADVOCACY OPTIONS FOR COMMUNITY BATTERIES WITHIN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	110311, 101515
ATTACHMENTS	Attachment 1 Further information on community batteries
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider options for the City to engage with Synergy and Western Power and advocate to State and Federal government for the installation of community batteries.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (C79-06/22 refers), Council received a Notice of Motion from Cr Chester regarding community batteries. In response to the Notice of Motion, Council resolved the following:

“That Council REQUESTS a report on options for the City to engage with both Synergy and Western Power and advocacy for the installation of community batteries within the City of Joondalup.”

City representatives have been engaging with Synergy and Western Power and a funding application was submitted by Western Power to the Federal Government Community Batteries for Household Solar Program for a community battery in Kinross. The funding opportunity identified 56 locations across Australia, with Kinross as one of six suburbs selected within Western Australia. The City will also liaise with Synergy and Western Power regarding opportunities for the installation of community PowerBank batteries and Virtual Power Plants within the City.

Council adopted the City of Joondalup *Advocacy Framework* at the October 2022 meeting (CJ168-10/22 refers). Advocacy, in alignment with the Framework, for community batteries will encourage support from the State and Federal Governments regarding the installation of community batteries within the City.

It is therefore recommended that Council:

- 1 *NOTES that the City is currently engaging with Synergy and Western Power regarding a Federal Government funding opportunity for a community battery in Kinross;*
- 2 *NOTES that the City will continue to engage with Synergy and Western Power regarding opportunities to install PowerBank batteries and/or Virtual Power Plants in other suburbs within the City;*
- 3 *NOTES advocacy for community batteries will be undertaken in alignment with the City's advocacy Framework.*

BACKGROUND

At its meeting held on 28 June 2022 (CJ107-06/22 refers), Council considered a Notice of Motion from Cr Chester regarding community batteries; the reasoning for the motion was stated as follows:

“Community batteries are a relatively new concept in Australia.

They have been found to have advantages for both energy providers and householders. With the increasing uptake of photovoltaic panels on homes (currently 275,000 PV systems with a generating capacity of 1.1 GigaWatts) the grid can become overloaded during the day and grid-connected community batteries are able to absorb the excess energy and prevent daytime grid overload. At night, they become virtual power plants.

A particular type of community battery being trialled in Western Australia is PowerBank, where households can store up to 8 kiloWatt hours of excess energy during the day and withdraw it at their own convenience at night. In this way PowerBank removes the need to have in-home battery installations which could cost between \$8,000 - \$13,000.

PowerBank batteries can support up to 250 households but there are service costs involved in sharing the battery and the cost/benefit for customers would need to be further investigated.

Current Locations of PowerBank Community Batteries:

- 1 *City of Mandurah, Meadow Springs.*
- 2 *City of Mandurah, Falcon.*
- 3 *City of Swan, Ellenbrook #1.*
- 4 *City of Swan, Ellenbrook #2.*
- 5 *City of Wanneroo, Two Rocks.*
- 6 *City of Wanneroo, Ashby.*
- 7 *City of Canning, Canning Vale.*
- 8 *City of Rockingham, Port Kennedy.*
- 9 *City of Stirling, Yokine.*
- 10 *City of Kwinana, Parmelia.*
- 11 *City of Kalgoorlie-Boulder, Kalgoorlie-Boulder.*
- 12 *City of Busselton Vasse.*
- 13 *Shire of Augusta-Margaret River, Margaret River (behind the meter community battery (5 year trial)).”*

The following was resolved:

“That Council REQUESTS a report on options for the City to engage with both Synergy and Western Power and advocacy for the installation of community batteries within the City of Joondalup.”

Initial research at the time the Notice of Motion was considered by Council found that all current trials and locations of community batteries, PowerBank batteries and Virtual Power Plants are owned and operated by Western Power and Synergy. Trials of the latest PowerBank project were planned to conclude in September 2022.

Given the complexity and that the oversight of the power generation assets and storage lies with external agencies, it was considered by the City that the most prudent course of action was to leave it to those agencies to investigate, assess, and prioritise community batteries in alignment with their generation and storage requirements and overall power generation strategies. The City, however, could focus its efforts on advocating to the relevant agencies to consider community batteries within the City in support of the City's residents. This report presents the options for the City to engage with both Synergy and Western Power and advocate for the installation of community batteries within the City.

There are some existing battery storage systems that are located within the City or being investigated. The City has installed battery storage systems at two community buildings with solar PV systems. The State government has also installed a commercial battery system at Belridge Secondary College as part of the Schools Virtual Power Plant Pilot Project.

Further information regarding Distributed Energy Resources, Network Opportunity Map, battery storage on City buildings, community batteries (including PowerBank batteries, Virtual Power Plants and microgrids) and solar uptake within the City is provided as Attachment 1 to Report CJ039-03/23.

DETAILS

The City engaged with Synergy and Western Power regarding a Federal Government grant opportunity titled "Community Batteries for Household Solar Program – Delivery of Election Commitments Stream 1" regarding installation of a community battery in Kinross, which was submitted on 24 February 2023. The grant opportunity aims to deliver community batteries to support lower electricity bills and emissions, support storage of excess solar energy, reduce pressure on the grid and allow households that may not be able to install solar panels to benefit from renewable energy through shared community storage. The objective of the grant is to install, connect and operate community batteries in eligible locations.

The grant opportunity outlines 6 eligible locations for community batteries in WA including one suburb within the City of Joondalup, Kinross. The minimum grant amount is \$100,000 and the maximum grant amount is \$500,000 per eligible location. Incorporated entities, local government and state government agencies or bodies are eligible to apply for the grant and joint applications are acceptable if there is a lead organisation. If the application was successful, projects could commence in June 2023.

Western Power was the lead applicant in the funding submission and Synergy was a project partner. The City is not required to financially support the program, however, some in kind support has been requested from the City.

Western Power will be responsible to procure and install a community scale battery (~100kW/400kWh) which would service approximately 70 households. Households with rooftop solar would be required to pay a small daily access fee to store excess electricity to use during peak times with average savings of approximately \$140-\$200 per annum. The battery will be approximately 3m (L) x 1.5m (W) x 2m (H) with a concrete pad approximately 4m x 3.5m. As part of a detailed desktop review, Western Power have identified four potential locations within Kinross. The final location will be a joint decision between Western Power and the City based on network requirements and local factors including impact on residents and future strategic plans. If funding is successful, the project will take approximately 18 months from procurement to installation.

There are further potential opportunities for the City to engage with Synergy, Western Power and the private sector and advocate to State and Federal government for community batteries including PowerBank batteries and Virtual Power Plants. The objective of the advocacy would be to encourage the installation of community batteries within the City, such as PowerBank batteries or Virtual Power Plants, to utilise local energy, increase energy efficiency and assist to stabilise the energy network.

Issues and options considered

The City uses energy from the South West Interconnected System (SWIS) electricity grid which is geographically and electrically isolated, with no interconnections to other transmission systems. The SWIS will be at risk of experiencing widespread outages within the next five years if challenges associated with integrated significant levels of utility-scale renewables and distributed energy resources are not addressed. The installation of community batteries will assist to decentralise and stabilise the energy network and allow for further uptake of renewable energy to reduce greenhouse gas emissions.

Council adopted the City of Joondalup Advocacy Framework at the October 2022 meeting (CJ168-10/22 refers). To encourage the installation of community batteries within the City, Council can either:

- 1 Support the City undertaking advocacy in alignment with the Advocacy Framework. This is the recommended option.
- 2 Not support advocacy for the installation of community batteries within the City.

Legislation / Strategic Community Plan / Policy implications

Legislation *Climate Change Act 2022 (Cwlth).*

10-Year Strategic Community Plan

Key theme Environment.

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

Key theme Leadership.

Proactive and Represented – you are confident that the City is advocating on your behalf for initiatives that benefit the community.

Policy *Sustainability Policy.*
Western Australian Climate Policy.

Risk management considerations

There have been rapid advances in renewable energy technology and swift uptake of renewable energy in Western Australia. Higher levels of renewable energy uptake present risks to power system security and reliability because power systems were not designed for high levels of intermittency and two-way flow of power. To address these risks, the State Government is moving towards a decentralised supply chain comprising a variety of downstream distributed energy resources and away from a centralised power system.

Financial / budget implications

The installation of a community battery within the City may have financial implications for the City in regard to contributing land for infrastructure. However, community batteries generally have a lifespan of 10-15 years at which point the community battery may be maintained or removed. The infrastructure costs for a community battery would be funded by Federal grant funding and Western Power. The estimated costs for a 400kWh community battery that is fully installed and commissioned is approximately \$650,000.

Regional significance

The City uses energy from the South West Interconnected System (SWIS) electricity grid which serves more than 1.1 million customers in the southwest of Western Australia. The SWIS also allows for penetration of renewable energy resources. The SWIS is geographically and electrically isolated, with no interconnections to other transmission systems. It was planned and developed around centralised, large-scale, dispatchable generation. The SWIS will be at risk of experiencing widespread outages within the next five years if challenges associated with integrated significant levels of utility-scale renewables and distributed energy resources are not addressed.

Sustainability implications

Distributed Energy Resources such as solar panels contribute to decarbonise the power system, reduce emissions and lower the cost of electricity bills. As Distributed Energy Resources capabilities improve and technology costs continue to fall, these benefits will increase, and the technologies become more accessible. Community batteries assist to remove the barriers to Distributed Energy Resource participation and supports the State governments commitment to a low-carbon future for the State, as demonstrated in the Western Australian Climate Policy.

The proposed community battery in Kinross is estimated to avoid annual emissions of approximately 61,430 kg CO₂-e due to the benefits associated with the mitigation of future solar hosting constraints.

Consultation

The City has liaised with Synergy and Western Power in regard to the Federal Government community battery grant opportunity for Kinross. If the community battery funding application is successful, Western Power, with the assistance of the City will consult with the community regarding the specific location of the community battery in Kinross.

COMMENT

Advocacy regarding the installation of community batteries within the City would further enhance current activities and increase opportunities to seek support for the use of local energy, increase energy efficiency and assist to stabilise the energy network.

Council adopted the City of Joondalup Advocacy Framework at the October 2022 meeting (CJ168-10/22). Advocacy, in alignment with the Framework, for community batteries will encourage support from the State and Federal Governments and the private sector regarding the installation of community batteries within the City.

Advocating for community batteries aligns with the City's Advocacy Framework which states a focus area is the "physical and digital infrastructure to enable the region's economic environmental and community development goals."

The City supports Western Power's funding application for a community battery in Kinross and will engage with Synergy and Western Power in regard to other opportunities to install community batteries within the City to reduce greenhouse gas emissions, lower the cost of electricity bills and assist to decentralise and stabilise the energy network.

The City implements a *Climate Change Strategy 2014-2019* with a corporate and community focus to reduce greenhouse gas emissions to minimise the severity of climate change. The City is also currently developing a new Climate Change Plan. The installation of community batteries in the City would reduce greenhouse gas emissions from the community and meet the objectives of the City's *Climate Change Strategy 2014-2019*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that the City is currently engaging with Synergy and Western Power regarding a Federal Government funding opportunity for a community battery in Kinross;**
- 2 NOTES that the City will continue to engage with Synergy and Western Power regarding opportunities to install PowerBank batteries and/or Virtual Power Plants in other suburbs within the City;**
- 3 NOTES advocacy for community batteries will be undertaken in alignment with the City's Advocacy Framework.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf230314.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ040-23/23 - Outcomes of Community Consultation - Draft Weed Management Plan 2022 – 2032.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston is the Secretary of the Friends of Yellagonga, which conducts weed management activities in the regional park in conjunction with the City.

Name / Position	Cr John Logan.
Item No. / Subject	CJ040-03/23 - Outcomes of Community Consultation - Draft Weed Management Plan 2022 – 2032.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Friends of Yellagonga which has an interest in weed management programs in the park.

CJ040-03/23 OUTCOMES OF COMMUNITY CONSULTATION - DRAFT WEED MANAGEMENT PLAN 2022 - 2032

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	102082, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report Attachment 2 Weed Management Plan 2023 – 2033 Attachment 3 Weed Management Plan 2023 – 2033 (marked up).
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 outcomes of community consultation on the draft Weed Management Plan 2022 – 2032 and endorse the final Weed Management Plan 2023 – 2033.

EXECUTIVE SUMMARY

Weeds are one of the major threats to Australia's natural environment and biodiversity and can change the natural diversity and balance of ecological communities. The City is committed to the ongoing management and conservation of the City's natural and urban environment. Integrated weed management, inclusive of utilising a suite of weed control techniques and timely interventions, is essential to the ongoing protection, enhancement and amenity of the City's natural environment, public open spaces and urban landscapes.

The Weed Management Plan 2023 – 2033 (the Plan) builds upon the outcomes of the previous *Weed Management Plan 2016 – 2021*.

The Weed Management Plan 2023 - 2033 details an integrated weed management approach to prevent, monitor, prioritise and control the introduction and spread of weeds in the City. The Plan describes the potential impacts from weeds, weed control methods, the City's current weed management approach and proposes management strategies to be implemented over the life of the Plan to minimise potential impacts.

Seven approaches are included within the Plan as part of the integrated approach to weed management with 24 management actions recommended which aim to coordinate and improve the City's weed management activities.

In developing the Weed Management Plan 2023 - 2033 consideration has been given to previous Council decisions, outcomes of the Strategic Community Reference Group meeting held in May 2021 and community concerns regarding herbicide use, including two open petitions. The Plan is based on the latest science, research and relevant advice from the State Government and industry agencies. A peer review process has also been undertaken with experts providing feedback on the draft Plan.

At its meeting held on 15 November 2022 (CJ194-11/22 refers), Council endorsed the release of the draft Weed Management Plan 2022 - 2032 for community consultation, for a period of 21 days. The feedback received during the community consultation period is outlined within the community consultation summary, shown as Attachment 1. Amendments have been made to the Plan to incorporate feedback, where appropriate.

It is therefore recommended that Council:

- 1 *ENDORSES the Weed Management Plan 2023 – 2033 shown as Attachment 2 to Report CJ040-03/23;*
- 2 *DOES NOT SUPPORT the petition request for glyphosate advisory signage to remain in place for a minimum of 24 hours;*
- 3 *DOES NOT SUPPORT the petition request to cease the use of pesticides within 50 metres of playspaces;*
- 4 *ADVISES the lead petitioners of Council's decisions.*

BACKGROUND

The City manages approximately 533 hectares (ha) of natural bushland in over 100 reserves, many of which are recognised as having local, regional or national significance. Weeds are a key management issue for the City's natural areas and threaten the biodiversity values they contain.

The City also contains large areas of assets and infrastructure, parks and urban landscaping areas. Assets maintained by the City include 550ha of parks, 17ha of urban streetscapes, 1,060km of roads, 120ha of grassed medians, 15 artificial wetlands, 927km of pathways and cycleways, numerous play spaces, public garden beds, sporting fields and more. The invasion of weeds in these areas affects the amenity, functionality and aesthetics and impacts upon community use of the sites.

The City conducts weed management on City managed or owned land across its 22 suburbs. Weed management is conducted in the City to differing degrees, depending on the primary function and usage type of public open space. Weed management of the City's natural areas differs substantially to weed management in parks and urban landscaping areas, due to the difference in weed density and biodiversity values.

Within the City, there are 285 identified weeds including 15 declared pest plants and five Weeds of National Significance. These weed species are often widespread and without control can alter public open spaces reducing viability and biodiversity.

Weed prevention and control in the City's natural areas, parks and urban landscaping areas, including the use of herbicides, has been the subject of much discussion over the past decade and has resulted in a number of considerations and decisions by Council.

Council endorsed the *Weed Management Plan 2016 – 2021* at its meeting held on 13 December 2016 (CJ211-12/16 refers) which included a number of recommended actions to be undertaken during the life of the plan of which substantial progress has been made with recommendations been either completed or commenced.

During the life of this Plan, weed prevention methodology, particular the use of herbicides including glyphosate, continued to be a topic of interest as raised in a number of petitions, motions, and the Annual General Meetings of Electors which have culminated in a number of decisions by Council between July 2020 and April 2022.

There are still two open petitions related to the use of herbicide which are detailed below:

- At its meeting held on 20 July 2021 (C60-07/21 refers), Council received a 40 signature petition from residents of the City of Joondalup in support of the following:
 - glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate as undertaken within City of Joondalup managed land.
 - glyphosate advisory signage being left in place to protect health despite the very small cost to Special Area Rate (SAR) payments each year.
- At its meeting held on 12 October 2021 (C108-10/21 refers), Council received a 67 signature petition from residents requesting the City cease the use of any pesticides within 50 metres of playspaces in City's parks and reserves; with the exceptions for broad leaf treatment of parks and reserves, and natural area management if no other alternatives are available.

Following a decision of Council in July 2020 (CJ096-07/20 refers), the City implemented a number of enhanced notification provisions to inform interested parties when chemical weed control is being undertaken by the City. These include the following:

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

It should be noted that the petition in relation to 24 hour glyphosate signage presented to Council at its meeting held on 20 July 2021, was in support of a Notice of Motion (C63-07/21 refers) seeking to revert the placement time of glyphosate advisory signage back to a 24-hour timeframe. Council did not support this motion. Council's decision to display signage in accordance with the *Health (Pesticide) Regulations 2011* was also reconfirmed at its meeting held on 19 April 2022 (CJ049-04/22 refers).

In considering the petition request on glyphosate signage, it is the City's view that leaving this type of signage out longer than prescribed in the regulations caused confusion as to when the application actually took place which in turn potentially created anxiety for residents and visitors. The enhanced notification provisions offered by the City to residents and visitor is deemed more appropriate to ensure that the community is aware of the timing and location when chemical weed control is undertaken. As such, Council's current decision on glyphosate signage is reflected in the Plan.

In relation to the petition request to cease the use of any pesticides within 50 metres of playspaces, it must be noted that the City already utilises non-chemical weed control within playspaces. However, pesticides such as insecticides and rodenticides will be required to be used within these areas to ensure the appropriate management of dangerous and destructive pests, such as ants, termites and spiders, and as such, the request cannot be supported and has not been reflected in the Plan. It must be noted that when applying these pesticides, the City will comply with label instructions and relevant regulation.

In developing the Weed Management Plan 2023 - 2033 consideration was given to previous Council decisions, outcomes of the Strategic Community Reference Group meeting held in May 2021 and the two open petitions (as detailed above).

DETAILS

The purpose of the Weed Management Plan 2023 – 2033 is to provide an integrated approach to the management of weeds within the City which is a continuation of the approach adopted by Council.

The objectives of the Weed Management Plan 2023 – 2033 are as follows:

- Implement the integrated weed management program to protect biodiversity and maintain amenity in accordance with regulatory requirements.
- Reduce the reliance on herbicide use by increasing non-chemical weed control methods, where appropriate.
- Minimise bushfire risk by undertaking weed control to mitigate fire fuel loads.
- Increase communication to the community regarding the City's weed management practices.
- Support the community's role in weed management through increased community awareness initiatives.

The Weed Management Plan 2023 – 2033 is presented in two parts – parks and urban landscaping and natural areas to reflect the need for different approaches to be implemented within these areas. The integrated approach to the management of weeds within the City is provided under seven sections.

The plan is based on current science, research and relevant advice from state government and industry agencies including advice from the Department of Health which states that glyphosate products that are registered with Australian Pesticides and Veterinary Medicines Authority (APVMA) are safe when used in accordance with the label instructions. Furthermore, advice provided states that glyphosate is not a confirmed class 1 human carcinogen and is registered for use throughout the world and current regulatory assessment is that it does not pose a risk to humans when used according to the label instructions.

At its meeting held on 15 November 2022 (CJ194-11/22 refers), Council endorsed the release of the draft Weed Management Plan 2022 - 2032 for community consultation for a period of 21 days. The feedback received during the community consultation period is outlined within the community consultation summary, shown as Attachment 1.

From Thursday 24 November 2022 to Wednesday 14 December 2022, as per Council's decision of 15 November 2022 (CJ194-11/22 refers), community consultation was undertaken on the draft Weed Management Plan 2022 – 2032. Information was provided to the general community via the community engagement page on the City's website that included an on-line feedback form along with targeted engagement with the City's Friend's Groups and Resident / Ratepayer Groups.

A total of 280 submissions were received from community members and stakeholders within the consultation period, as outlined within the community consultation summary (Attachment 1 refers).

Amendments have been made to the Plan to incorporate feedback from community consultation and the peer review process, where appropriate and include the following:

- Community consultation section (1.2.4) updated to include information regarding the community consultation and peer review process undertaken.
- Weed Management at the City section (4.0) updated to include reference to the City complying with WorkSafe WA processes regarding working with pesticides.
- Weed Control section (4.2.8) updated to include additional text regarding the City's use of WeedSeeker Technology to minimise herbicide use.
- Amendments to operational aspects of the Plan to reflect feedback from the City's Friends Groups.

The proposed changes to the draft Weed Management Plan 2022 – 2032 are shown in tracked changes as shown in Attachment 3 to Report CJ040-03/23.

Issues and options considered

Weed Management Plan

Council may choose to either:

- 1 Endorse the Weed Management Plan 2023 – 2033 without any amendments.
- 2 Endorse the Weed Management Plan 2023 – 2033 with amendments as shown in tracked changes within Attachment 3. This is the recommended option.
- 3 Endorse the Weed Management Plan 2023 – 2033 with further amendments.

Petition Request for glyphosate advisory signage to remain in place for a minimum of 24 hours

Council may choose to either:

- 1 Not support the request and reconfirm its position to comply with the *Health (Pesticide) Regulations 2011*. This is the recommended option.
- 2 Support the request.

Petition Request to cease the use of pesticides within 50 metres of playspaces

Council may choose to either:

- 1 Not support the request. This is the recommended option as pests such as ants, termites and spiders need to be controlled in playspaces.
- 2 Support the request.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Pest Plant Local Law 2012.*
 Biosecurity and Agriculture Management Act 2007.
 Work Health and Safety Act 2020.
 Health (Pesticide) Regulations 2011.

10-Year Strategic Community Plan

Key theme Environment.

Outcome Managed and protected - you value and enjoy the biodiversity in local bushland, wetland and coastal areas.

Key theme Place.

Outcome Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.

Policy *Sustainability Policy.*

Risk management considerations

A coordinated and planned approach is required to address weed management in natural areas, parks and urban landscaping areas and provide strategies for ongoing long-term management. Without a coordinated and planned approach, there is a risk that the overall condition of the native bushland areas of the City will become degraded and that the City's parks and urban landscaping areas will decrease in amenity, functionality and aesthetic values.

To maximise safety and minimise risk to staff and the community while undertaking weed management activities, the City implements a number of actions including the following:

- Complying with relevant legislation including the *Health (Pesticides) Regulations 2011*.
- City of Joondalup Pesticide Use Notification and Pesticide Exclusion Register.
- Use of non-chemical weed control for hardstand areas within a 50m radius of schools, within playspaces and within kerbs, footpaths, hardstand median islands, mulched median islands and general paved areas within the Central Business Precinct.
- Utilising technology such as WeedSeeker to improve efficiency of herbicide application.
- Herbicide use adjacent to sensitive facilities is subject to the City's assessment of authorised chemicals process.

Financial / budget implications

The revised budget for 2022-23 and the draft budget for 2023-24 include provision for non-chemical weed control to be undertaken using steam and hot water. This has seen an increase of between \$628,000 and \$745,000 on the actual expenditure in 2021-22 which was the last financial year that did not include weed control using steam and hot water as detailed in the table below.

Weed Control Method	2020-21 Actual Expenditure	2021-22 Actual Expenditure	2022-23 Revised Budget	2023-24 Draft Budget Amount
Chemical	\$857,923	\$1,064,170	\$1,175,272	\$1,270,487
Manual	\$75,239	\$39,875	\$75,096	\$89,135
Weed control trials	\$38,802	\$20,240	N/A	N/A
Steam and hot water	N/A	N/A	\$501,884	\$509,850
TOTAL	\$971,965	\$1,124,285	\$1,752,252	\$1,869,472

The costs associated with the implementation of the Weed Management Plan have been incorporated into the 2022-23 revised budget and 2023-24 draft budget.

Regional significance

A variety of regionally, nationally and internationally significant natural areas located within and adjacent to the City including the Yellagonga Regional Park and a number of Bush Forever sites. These areas contain species of high conservation value. The City also manages a number of regional public open spaces that provide recreation and sporting functions to the community and the wider Perth region.

Sustainability implications

Environmental

Weeds have the potential to degrade natural areas and reduce biodiversity values, as well as negatively affect the amenity, functionality and aesthetics of parks and urban landscaping areas. The ongoing implementation of the City's integrated approach to weed management will ensure that the threat of weeds within the City is addressed and provide strategies for ongoing long-term management which will result in protection of the City's natural environment, parks and urban landscaping areas.

The Weed Management Plan includes actions that target community education and awareness to ensure that the community is well-informed regarding the City's environmental values and actions that can be taken to prevent the spread of weeds.

Social

The City contains large areas of assets and infrastructure, parks and urban landscaping areas which provide recreational and health benefits to the community. The invasion of weeds in these areas affects the amenity, functionality and aesthetics and impacts upon community use of the sites.

Economic

The City aims to attract visitors to the City by providing high quality areas that are attractive and welcoming. Attraction of visitors has economic benefits to the City and local businesses. The ongoing management of weeds ensures that the City is maintained to a high standard that encourages visitor investment into the City.

Consultation

On 31 May 2021, the City's Strategic Community Reference Group (SCRG) met to review the City's strategic integrated weed management approach and identify opportunities to inform the development of the new Weed Management Plan.

Key feedback from the SCRG members included the following:

- There is varied perception in the community regarding weed control and further education is required.
- Impacts and risks of not using herbicides on biodiversity and amenity.
- Information on the use of herbicides needs to be based on science, incorporating risk vs reward and the costs.
- Need for greater communication and education regarding weed management in the City.

The draft Weed Management Plan 2022 – 2032 was provided to the following agencies / organisations as part of a peer review process:

- Department of Health.
- Department of Primary Industries and Regional Development.
- Botanic Gardens and Parks Authority.
- Edith Cowan University.

Feedback was received from the Department of Health and Edith Cowan University experts which indicates that the City's current approach is in accordance with regulatory requirements and poses minimal risks to staff, the community, animals and the environment.

The community were invited to provide feedback from 24 November 2022 to 14 December 2022 on the draft Weed Management Plan 2022 – 2032. A total of 280 responses were received during the 21-day consultation period. Respondents were asked to indicate their level of support for the following three weed management methods used by the City:

- Physical weed control.
- Chemical weed control.
- Steam and hot water weed control.

There was a strong level of support for physical weed control and steam and hot water weed control. The majority of respondents opposed the use of chemical weed control.

Respondents were asked if they had any comments on the draft Weed Management Plan 2022 – 2032 and 186 respondents provided feedback. Approximately half of the comments related to the use of glyphosate specifically, or chemical weed control more generally. Comments and / or themes raised by respondents included:

- Prefer the City use more physical / non-chemical weed control.
- Prefer the City display signage for longer / improve notifications.
- Concerned that weed spraying is undertaken completed incorrectly / ineffectively by the City.

- General praise for the draft Plan / suggestions for weed types to be added to the Plan.
- General praise for Friends Groups / request for more funding.

The City received three submissions from Friends Groups and three submissions from resident / ratepayer groups.

The Community Consultation Outcomes Report – Weed Management Plan is provided in Attachment 1.

COMMENT

The ongoing implementation of an integrated approach to weed management will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas, parks and urban landscaping areas and raise community awareness regarding the need to protect the biodiversity values of the environment for the future.

The integrated approach to weed management considers the latest science, research and relevant advice from state government and industry agencies. In addition, the Plan provides a balance between the use of chemical and non-chemical weed management to ensure biodiversity and amenity within the City is maintained and fire risk is reduced. The Plan considers the financial and resource implications related to the delivery of weed management services and provides for a sustainable approach into the future.

The Weed Management Plan 2023 – 2033 will inform and prioritise maintenance schedules by providing prioritised management recommendations to be implemented within the City's natural areas, parks and urban landscaping areas over a ten-year period. The Plan will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out, and will provide guidance to City employees, contractors and Friends Groups operating within the City.

The Weed Management Plan 2023 – 2033 includes the continued use of herbicides such as glyphosate as part of an integrated approach to weed management. The use of chemical weed control as a tool to maintain amenity, biodiversity and reduce the risk of fire within the community is an important element of the City's approach to weed management. The comments received throughout the community consultation period regarding community concern for herbicide use and, specifically glyphosate, have been considered and as per the objectives of the Plan, the City will continue to reduce reliance of herbicide use by increasing non-chemical weed control methods where appropriate including trialling alternative forms of weed control and utilise non-chemical weed for hardstand areas within 50 meter radius of schools and within playspaces. Additionally non-chemical control will be used within kerbs, footpaths, hardstand median islands, mulched median islands and general paved areas within the City's Central Business Precinct.

As per advice from the Department of Health glyphosate is not a confirmed human carcinogen and is safe when used in accordance with the label instructions. The City complies with regulations and implements a number of initiatives to maximise safety and minimise risk to staff and the community. The City will continue to be guided by the relevant State and Federal Government agencies and industry bodies regarding the use of chemicals including herbicides.

The Plan will be continually monitored to track the progress of implementation. A review will be conducted at the end of a five year and ten year periods.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ENDORSES the Weed Management Plan 2023 – 2033 shown as Attachment 2 to Report CJ040-03/23;**
- 2 DOES NOT SUPPORT the petition request for glyphosate advisory signage to remain in place for a minimum of 24 hours;**
- 3 DOES NOT SUPPORT the petition request to cease the use of pesticides within 50 metres of playspaces;**
- 4 ADVISES the lead petitioners of Council's decisions.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf230314.pdf](#)

CJ041-03/23 REQUEST FOR LIGHTING AT BRIDGEWATER PARK, KALLAROO AND OTAGO PARK, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	05514, 101515
ATTACHMENTS	Attachment 1 Site Investigation Summary Bridgewater Park Attachment 2 Site Investigation Summary Otago Park
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the installation of additional lighting for passive recreational use in Bridgewater Park, Kallaroo and Otago Park, Craigie.

EXECUTIVE SUMMARY

At its meeting held on 21 September 2021 (C96-09/21 refers), Council considered a notice of motion from Cr May and subsequently resolved the following:

“That Council REQUESTS the Chief Executive Officer prepare a report on the feasibility and costs associated with the installation of additional lighting in:

- 1 *Bridgewater Park, Kallaroo, between the toilet block and Batavia Place;*
- 2 *Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent.”*

The City has developed a Prioritisation and Warrant Criteria (PWC) for determining lighting projects for pedestrian usage areas, such as lighting public access ways and parks. An investigation was undertaken to determine the additional lighting required at the two sites with the resulting projects assessed and prioritised accordingly.

It is therefore recommended that Council:

- 1 *SUPPORTS IN PRINCIPLE the installation of additional lighting at Bridgewater Park, Kallaroo, between the toilet block and Batavia Place;*
- 2 *SUPPORTS IN PRINCIPLE the installation of additional lighting at Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent;*
- 3 *NOTES that the projects referred to in Parts 1 and 2 above have been listed in the City’s Prioritisation and Warrant Criteria Matrix for consideration as part of the City’s budget development process.*

BACKGROUND

At its meeting held on 21 September 2021 (C96-09/21 refers), Council considered a notice of motion from Cr May and subsequently resolved the following:

“That Council REQUESTS the Chief Executive Officer prepare a report on the feasibility and costs associated with the installation of additional lighting in:

- 1 *Bridgewater Park, Kallaroo, between the toilet block and Batavia Place;*
- 2 *Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent.”*

The reason for the notice of motion was stated as follows:

“To allow Council to consider options for improvement to lighting at the above parks for passive recreational use. These locations present a lack of spillage from streetlights during the evenings and early mornings. Many residents have experienced safety concerns when using these parks in the early mornings and evenings, particularly during the winter months.

While the ovals at large are illuminated for users, some key access points to these parks are not.

This motion will facilitate options being presented to Council to consider improving overall lighting with cost effective, energy efficient options for passive recreational use for pedestrians, exercisers and dog walkers. This is particularly relevant as these areas of Kallaroo and Craigie have experienced urban infill and larger numbers of families and individuals using the City’s parks.”

DETAILS

At its meeting held 13 December 2022 (CJ209-12/22 refers), Council adopted the City’s *Public Open Space Framework* whereby both Bridgewater Park in Kallaroo and Otago Park in Craigie are classified as Neighbourhood Sports Park. For this classification, lighting for the purpose of security and amenity is listed as optional infrastructure.

The City has developed a Prioritisation and Warrant Criteria (PWC) for determining lighting projects for pedestrian usage areas, such as lighting public access ways (PAWs) and parks. This begins with a number of initial considerations in alignment with 'Crime Prevention through Environmental Design' (CPTED) principles such as the following:

- Is the lighting in place compliant to minimum standards?
- Is there evidence of incidental spill lighting?
- Are the lights in place reliably operating?
- Are the lights in place obscured by trees / buildings?
- Is entry and exit points into area clearly lit to approximately 25 metre radius?

These initial considerations are then tallied along a number of other criteria including the following:

- Weekly public crime statistics for the suburb based on the Western Australian Police Force data. The greater the number the higher the score.
- Linkage with other nearby projects which may complement the project and if so, over what time horizon. The sooner the complementary project the higher the score.

- Whether the site has an existing power supply. An existing power supply scores slightly higher as it reduces the cost of individual projects allowing funding to stretch to potentially a greater number of projects.
- In the case of parks and public open spaces:
 - The relative demand for both bookings and frequent events in the area. The higher demand per month, the higher the score.
 - The park classification according to the City's *Public Open Space Framework*. The more significant the park, the higher the score.
- In the case of public accessways (PAW):
 - The level of connectivity for the PAW, ranging from a direct connection to either inside or outside of a 400m radius (five-minute walk) of a trip attractor or significant path connection.

Each project is scored on its merit and in a consistent fashion to be considered alongside other possible projects to determine where limited funds should be directed in the first instance, if at all. Ranking occurs in two ways, initially on the overall outright score, and based on a cost benefit ratio basis.

On occasion, new projects are either identified or an existing project's scoring changes in such a way to justify a re-ranking of the program. Further, proposed projects may be considered to be brought forth or delayed to be delivered at the same time as other nearby works.

In relation to the request for additional lighting as detailed in the Notice of Motion, an assessment was undertaken to determine the additional lighting requirements at the two sites with the resulting projects assessed against the PWC. Details of these assessment can be found in Attachments 1 and 2 to Report CJ041-03/23.

Based on the assessment undertaken, the installation of lighting at Bridgewater Park between the toilet block and Batavia Place is currently ranked as number 11 and lighting at Otago Park between Revitalise Circuit and Fenellia Crescent is currently ranked as number 12.

High ranking projects generally provide improved safe passage linkages to schools, public transport and community facilities/shopping centres. The two projects considered in this report are mostly for recreational use and this is reflected in the current ranking.

Issues and options considered

Installation of additional lighting at Bridgewater Park, Kallaroo between the toilet block and Batavia Place

Council can either:

- 1 Not support the installation of additional lighting and use the existing sports lighting to illuminate the parks during the evenings and early mornings. This is not supported as it is not a cost effective solution.
- 2 Support the installation of additional lighting in principle. This is the recommended option.

Installation of additional lighting at Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent

Council can either:

- 1 Not support the installation of additional lighting and use the existing sports lighting to illuminate the parks during the evenings and early mornings. This is not supported as it is not a cost effective solution.
- 2 Support the installation of additional lighting in principle. This is the recommended option.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Place.

Outcome Attractive and leafy – you have access to quality public open spaces and enjoy appealing streetscapes.

Policy Not applicable.

Risk management considerations

The PWC takes into consideration various factors including Crime Prevention Through Environmental Design (CPTED), crime rates, lighting standards and usage of park facilities, and allows the City to adopt a systematic approach in prioritising the lighting of parks for passive recreational use.

Financial / budget implications

The installation costs for the additional lighting are currently estimated as follows:

- Bridgewater Park - \$22,000.
- Otago Park - \$50,000.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

As with any new lighting installation, there will be an increase of illumination into the night sky which will result in a minor increase in sky glow. However, the amount of light is within the applicable standards. Furthermore, due to the specific optic chosen, the Annual Energy Consumption Indicator value is very low at 0.79 KWh/m².

Consultation

Not applicable.

COMMENT

The City receives many requests for lighting of parks during the evenings and early mornings and to manage community expectations a Prioritisation and Warrant Criteria (PWC) for determining lighting projects for pedestrian usage areas was developed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **SUPPORTS IN PRINCIPLE the installation of additional lighting at Bridgewater Park, Kallaroo, between the toilet block and Batavia Place;**
- 2 **SUPPORTS IN PRINCIPLE the installation of additional lighting at Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent;**
- 3 **NOTES that the projects referred to in Parts 1 and 2 above have been listed in the City's Prioritisation and Warrant Criteria Matrix for consideration as part of the City's budget development process.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf230314.pdf](#)

**CJ042-03/23 CONFIDENTIAL - PROPOSED LEASE - SILVER
CHAIN GROUP AT 11 MOOLANDA BOULEVARD,
KINGSLEY**

WARD	South-East
RESPONSIBLE DIRECTOR	Mr Nico Claasen Infrastructure Services
FILE NUMBER	00067, 101515
ATTACHMENTS	Nil.

(Please note: This Report is 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.
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This report is confidential in accordance with section 5.23(2)(e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal:*
 - (ii) *information that has a commercial value to a person.*

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

REPORTS – POLICY COMMITTEE - 27 FEBRUARY 2023

CJ043-03/23 BEACH MANAGEMENT ACTIVITIES POLICY REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	100932, 101515
ATTACHMENT	Attachment 1 <i>Beach Management Activities Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider a minor review of the *Beach Management Activities Policy*.

EXECUTIVE SUMMARY

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed a *Beach Management Plan* in response to several coastal-related petitions received by the City in 2009. The plan detailed the City's approach to its beaches and coastline across three key areas; infrastructure, management and development.

Following the introduction of the *Beach Management Plan*, many of its initiatives such as the permanent establishment of dedicated summer beach patrols, beach activity restrictions, incident reporting systems and major infrastructure improvements were embedded into operational business-as-usual services delivered by the City. As a result, the *Beach Management Plan* was finalised in 2018 and replaced by the *Beach Management Activities Policy* (the Policy) (CJ028-02/18 refers).

The Policy has assisted the City in continuing to regulate and manage activities occurring along its coastline. A number of changes to beach use patterns have emerged since its adoption, requiring updates to the Policy to capture these changes and clarify the Policy's application to new recreational activities.

It is therefore recommended that Council adopt the revised Beach Management Activities Policy to manage ongoing beach activities as per Attachment 1 of Report CJ043-03/23.

BACKGROUND

In 2009, the City received community petitions requesting that kitesurfing activities be banned at North Mullaloo Beach and the City consider extending the current Hillarys Dog Beach further north. The *Beach Management Plan* (the Plan) was developed in response to these petitions.

The purpose of the Plan was to provide a management framework for the use, enjoyment, maintenance, protection, preservation and appropriate development of the lands covered by the *Beach Management Plan* within available resources. The Plan was guided by the following principles:

- 1 To maintain the natural integrity of the City's coastline.
- 2 To facilitate high quality experiences for visitors to coastal locations within the City through the provision of quality infrastructure and services.
- 3 To enable a safe environment for beach users to undertake a variety of coastal activities.
- 4 To support activity diversity and growth with the Joondalup coastal region.

Divided into three key focus areas (infrastructure, management and development), the Plan identified issues and corresponding statements to articulate the City's position on how these issues should be resolved or managed. These statements provided guidance to decision-making processes on the provision of coastal services and infrastructure.

A variety of initiatives were undertaken to operationalise the issue statements in the Plan. Following a progress review, many of the identifiable actions were either completed, formed part of ongoing capital works programming or were incorporated into the delivery of issue-specific plans. In addition, many of its initiatives such as the permanent establishment of dedicated summer beach patrols, beach activity restrictions, incident reporting systems and major infrastructure improvements were embedded into operational business-as-usual services delivered by the City.

As a result, the *Beach Management Plan* was finalised in 2018 and replaced by the *Beach Management Activities Policy* (CJ028-02/18 refers). The Policy retained the three key focus areas and was created to provide ongoing guidance for decisions related to the City's beaches.

The majority of the Policy focused on the management of beach activities, specifically conflicting recreational activities such as kitesurfing, jet and water skiing, animal beach exercising and para-motoring, as well as commercial trading.

DETAILS

The *Beach Management Activities Policy* has assisted the City in regulating and managing activities occurring along its coastline, however a number of changes to beach use patterns have emerged since its adoption. The policy now requires updates to the policy to capture these changes and clarify the policy's application to new recreational activities.

Application

Section 1 of the *Beach Management Activities Policy* specifies which areas along the City's coastline are applicable under the Policy:

"1. *Application:*

This policy applies to land stretching from the City's northern boundary at Burns Beach to its southern boundary at Marmion, and 200m west into the sea from the low water mark to where the first sealed road commences in the east."

In 2022, the City clarified with the Department of Transport as to which party was responsible for enforcement of activities within the water at the City's beaches. The Department confirmed that it manages all waters up to the high tide line including those within 200 metres from the shore. While the City has the ability to gazette local laws within 200 metres from shore, those laws shall not conflict with state legislation and where a conflict occurs, state legislation will take precedence.

As the Department is already responsible for water-based activities within 200 metres of the high tide line, and the City does not have the assets to conduct water-based patrols, it was identified that the current wording in the Policy creates confusion as to who enforces activities occurring in the water.

Changes to Section 1 of the Policy are proposed to remove the reference to the City's role in water-based activities. These changes are shown in Attachment 1 to Report CJ043-03/23.

The City will still retain the option to gazette local laws within 200 metres of the high tide line, and to manage the land components of water-based activities, such as boat launching and commercial trading in order to regulate conflicting activities.

Recreational Activities

Since its adoption in 2018, the *Beach Management Activities Policy* has provided context for the consideration of requests for activities to be undertaken on City beaches.

Section 2 of the Policy provides definitions for low, medium and high intensity recreation zones and the types of facilities and activities that would be expected in each zone. The Policy does not provide a map or specify where these zones are located along the coastline. This allows the City flexibility to adapt to changes in usage patterns over time and consider beach activities within the context of the time.

Section 2 of the Policy also provides definitions of low, medium and highly conflicting activities, with examples of each provided in section 4.2. Under the Policy, only medium intensity recreation zones permit highly conflicting activities to occur, with these activities subject to exclusion zones, designated areas and licence requirements.

Exclusion zones currently exist in the City for kite surfing, with designated areas for the activity located at Pinnaroo Point and North Mullaloo Beach. For other water-based activities, the Department of Transport specifies designated launching areas for powered watercraft, in addition to speed restrictions and on-water exclusion zones for these activities.

Since the adoption of the *Beach Management Activities Policy*, the City has received requests to conduct a number of emerging activities not captured within the policy. These include but are not limited to fly-boarding, jet-ski hire, and non-motorised equipment hire such as stand-up paddle boards.

While the policy can be interpreted to apply to these sports, in order to provide clarity for the City and beach users, additions to the policy to include reference to these activities are proposed.

Vehicle access

Section 4.2.b of the Policy outlines the City's position on commercial trading on beaches in addition to vehicle access onto beaches. While the information regarding vehicle access has historically been applied to all beach users, not just commercial traders, its position in the policy has led to some confusion about when the City will permit vehicle access to beaches.

The City regularly receives requests for vehicle access from non-commercial organisations hosting events on beaches. This is primarily for the purposes of equipment setup and pack down, however the current policy is not clear on the City's position on permitting vehicle access in these scenarios.

In order to improve clarity for beach users not conducting commercial activities, it is proposed to introduce a specific sub-section of the policy to separate out vehicle access to beaches from being exclusively for commercial traders, and instead applicable to all beach users.

Infrastructure and Development

Section 4.1 and 4.3 of the *Beach Management Activities Policy* contain guiding statements for the City's consideration of infrastructure provision and coastal commercial development opportunities:

4.1 Infrastructure:

The City aims to provide quality infrastructure to service the region's needs within designated activity locations and to ensure the preservation of natural areas through effective infrastructure design and location.

4.3 Development:

The City aims to effectively plan for commercial development opportunities along the City's coastline. It is acknowledged that commercial development and activities require a balance against existing character of an area and potential environmental impacts."

These statements provide the City with the flexibility to respond to the needs, priorities and expectations of the City's residents and visitors as they change. They also provide direction for the development of a number of strategies and plans that facilitate infrastructure provision along the City's coastline, including the *Public Open Space Framework*, *Five Year Capital Works Program* and the *Asset Management Strategy*.

In addition, the City has recently progressed planned commercial cafe / restaurant developments at both Burns Beach Park, Burns Beach and Pinnaroo Point, Hillarys. Both developments considered the *Beach Management Activities Policy*, in addition to being guided by local and state legislation and planning policies.

No changes have been proposed to these sections of the policy to ensure the City continues to acknowledge the significance of its coastal areas when considering infrastructure provision and commercial development.

Issues and options considered

The proposed changes to the *Beach Management Activities Policy* aim to provide clarity for the City and users about recreational beach activities. To support the Policy, information about activity restrictions and permissions along the City's coastline is updated regularly on the City's website. In addition, information or links to planned capital works, coastal development and approval processes continue to be published on the City's website and other locations as appropriate.

To support the ongoing consideration of beach activity requests, Council may choose to adopt the proposed amendments to the *Beach Management Activities Policy* for the management of beach activities. Should Council choose not to adopt the proposed changes, the City may be unable to effectively and consistently manage recreational activities and use of the City's beaches.

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

Local Government and Public Property Local Law 2014.
Western Australian Marine Act 1982.
Environmental Protection Act 1986.
Biodiversity Conservation Act 2016.

10-Year Strategic Community Plan**Key theme**

Environment.

Outcome

Managed and protected – you value and enjoy the biodiversity in local bushland, wetland and coastal areas.

Policy

Asset Management Council Policy.
Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.
Environmentally Sustainable Design for City Buildings Policy.
Sustainability Policy.
Requests for New of Capital Upgrades to Existing Community Venues Council Policy.

Risk management considerations

Considering the significant interest received by the City during the development of the *Beach Management Plan*, it is important that ongoing issues identified in this Plan continue to be effectively managed over the long term to ensure community expectations are met. If the City fails to manage these issues, it risks criticism from the community on the effectiveness of its beach management practices.

Financial / budget implications

While the *Beach Management Activities Policy* is intended to guide infrastructure provision and development along the City's coastline, there are no specific projects listed within the document. Any costs associated with coastal infrastructure, development or enforcement of recreational activities are included in other project budgets, ongoing staff costs, or within the City's *Five Year Capital Works Program*.

Regional significance

Based on the City's coastal location, the implementation of beach management strategies impact upon regional visitors to the area and should therefore seek to accommodate and consider both regional and local needs.

Sustainability implications

The purpose of the *Beach Management Activities Policy* is to guide the sustainable use and management of the City's coastline.

Consultation

Not applicable.

COMMENT

The *Beach Management Plan* resulted in the successful implementation of initiatives that have either resolved or significantly reduced conflicts previously present along the City's coastline. These initiatives have been incorporated into the City's normal operational regime, while other aspects of the plan relating to infrastructure, development activity and general management considerations are now duplicated across the City's planning framework and capital works programming.

The *Beach Management Activities Policy* was adopted to manage ongoing and emerging beach activities, and has done so successfully since its adoption in 2018. Due to changing beach use patterns and newly emerging recreational activities, the Policy now requires updates to capture these changes and clarify the Policy's application to new recreational activities.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ043-03/23 (as detailed below) was resolved by the Policy Committee at its meeting held on 27 February 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council ADOPTS the revised Beach Management Activities Policy, as detailed in Attachment 1 of this Report.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *ADOPTS the revised Beach Management Activities Policy, as detailed in Attachment 1 of this Report subject to the following amendments to the Policy:*
 - 1.1 *In relation to section 2 – Definitions, the “medium intensity recreation zones” dot point three, to remove the words, such as animal exercising, boating, boat launching, sailing and windsurfing and replace with (refer Table 1);*
 - 1.2 *In relation to section 2 – Definitions, the “medium intensity recreation zones” dot point four, to remove the words, such as areas for water skiing, jet skiing and kitesurfing and replace with (refer Table 1);*
 - 1.3 *In relation to section 4.2.1 – Recreational Activities, insert a heading above the table, named Table 1.*

RECOMMENDATION

That Council:

- 1 ADOPTS the revised *Beach Management Activities Policy*, as detailed in Attachment 1 of Report CJ043-03/23 subject to the following amendments to the Policy:**
 - 1.2 In relation to section 2 – Definitions, the “medium intensity recreation zones” dot point three, to remove the words, such as animal exercising, boating, boat launching, sailing and windsurfing and replace with (refer Table 1);**
 - 1.3 In relation to section 2 – Definitions, the “medium intensity recreation zones” dot point four, to remove the words, such as areas for water skiing, jet skiing and kitesurfing and replace with (refer Table 1);**
 - 1.4 In relation to section 4.2.1 – Recreational Activities, insert a heading above the table, named Table 1.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf230314.pdf](#)

CJ044-03/23 PROPOSED AMENDMENTS TO THE DEVELOPMENT PROPOSALS BEFORE THE STATE ADMINISTRATIVE TRIBUNAL LOCAL PLANNING POLICY - CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBERS	101281, 101515
ATTACHMENTS	Attachment 1 <i>Current Development Proposals before the State Administrative Tribunal Local Planning Policy</i> Attachment 2 <i>Draft Revised Development Proposals before the State Administrative Tribunal Local Planning Policy – as advertised</i> Attachment 3 <i>Draft Revised Development Proposals before the State Administrative Tribunal Local Planning Policy – as modified following advertising</i> Attachment 4 <i>Draft Revised Development Proposals before the State Administrative Tribunal Local Planning Policy – clean version</i> Attachment 5 <i>Summary of submissions received</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft revised Development Proposals before the State Administrative Tribunal Policy following public advertising.

EXECUTIVE SUMMARY

The *Development Proposals before the State Administrative Tribunal Local Planning Policy* (the Policy) broadly outlines the manner in which planning decisions before the State Administrative Tribunal are to be dealt with by the City.

A review of the Policy was undertaken to ensure it aligns with relevant legislation and processes. Amendments to the Policy are proposed to provide further detail on the City's current practice, which aims to ensure these matters are dealt with in an open and accountable manner. Minor amendments are also proposed to align with the City's current policy template and to refer to *Local Planning Scheme No. 3* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At its meeting held on 16 August 2022 (CJ140-08/22 refers), Council resolved to proceed to advertise the draft revised *Development Proposals before the State Administrative Tribunal Local Planning Policy* for a period of 21 days. Public consultation concluded on 15 December 2022, with five submissions received, being one submission in support, and four neutral or comment-only submissions.

In response to the submissions received, a further minor modification is proposed to the policy, to clarify when external professional services would be engaged to represent the City in State Administrative Tribunal proceedings.

It is therefore recommended that Council proceeds with the draft revised Development Proposals before the State Administrative Tribunal Local Planning Policy, as modified following advertising.

BACKGROUND

The *State Administrative Tribunal – Mediation and Revised Development Proposals Policy* was adopted by Council at its meeting held on 11 October 2005 (CJ206-10/05 refers). The Policy was renamed and updated in 2012 to remove procedural elements and better reflect its intent. At its meeting held on 20 November 2012 (CJ254-11/12 refers), Council adopted the modified *Development Proposals before the State Administrative Tribunal Local Planning Policy* (the Policy) (Attachment 1 refers).

At its meeting held on 16 August 2022 (CJ140-08/22 refers), Council resolved to proceed to advertise the draft revised *Development Proposals before the State Administrative Tribunal Local Planning Policy* (Attachment 2 refers) for a period of 21 days.

DETAILS

The Policy is proposed to be updated to align with the City's current policy template and to refer to *Local Planning Scheme No. 3* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Policy has also been expanded to include any planning decision subject to review, not just applications for development approval.

The draft amendments to the Policy expand on the processes to be followed for planning decisions subject to review by the State Administrative Tribunal and aim at ensuring these matters are dealt with in an open and accountable manner. These processes include the following:

- Informing Elected Members and any submitters to a development proposal when an application is subject to review by the State Administrative Tribunal.
- Engaging external parties where a decision made by Council varies significantly from the Administration's recommendation.
- Seeking sufficient time from the State Administrative Tribunal to undertake further community consultation when an amended proposal has been presented.
- Establishing a position for instances where a community member makes a submission to the State Administrative Tribunal or applies to intervene in a review, the City will not oppose community members participating in the process.

Clarification has also been provided where the City or Council is not the decision maker (for example an application determined by a Development Assessment Panel or Western Australian Planning Commission). In these instances, where the City can participate in the State Administrative Tribunal process, regard will be given to the policy to the extent possible.

The processes incorporated into the draft revised policy are consistent with similar policies of other local governments. It is noted that some local government policies include further information, including detail on when costs may be sought, mediation and appeals against State Administrative Tribunal decisions. A set position on these matters is not considered practical to include in a policy as they would need to be considered on a case-by-case basis and in some instances would be subject to seeking legal advice on the best course of action.

Submissions were received during community consultation in relation to:

- concerns over the role of the State Administrative Tribunal
- the added clarity provided by the revised policy
- when the City would engage external representation
- community consultation on amended proposals being considered by the State Administrative Tribunal.

All comments are outlined and addressed in the summary of submissions (Attachment 5 refers).

In response to the submissions received, a further minor modification is proposed to the Policy, to clarify when external professional services would be engaged to represent the City in State Administrative Tribunal proceedings. This proposed modification is noted in italics below:

External professional services will be engaged to represent the City in State Administrative Tribunal proceedings where a Council decision is significantly different to the Administration's recommendation, *including a reversal of that recommendation.*

The revised policy, as modified after advertising, is included as Attachment 3 (tracked changes) and Attachment 4 (clean version) to Report CJ044-03/23.

Issues and options considered

Council can either:

- proceed with the revised Development Proposals before the State Administrative Tribunal Local Planning Policy, as modified after advertising
- proceed with the revised *Development Proposals before the State Administrative Tribunal Policy* without further modifications
- or
- not proceed with the revised *Development Proposals before the State Administrative Tribunal Policy.*

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development Act 2005.*
 State Administrative Tribunal Act 2004.
 Planning and Development (Local Planning Schemes)
 Regulations 2015.
 Local Planning Scheme No. 3.

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy *Development Proposals before the State Administrative Tribunal Policy.*
Planning Consultation Local Planning Policy.

Risk management considerations

The amendments to the Policy provide transparency by outlining the manner in which planning matters before the State Administrative Tribunal are to be managed by the City. Should the policy not be updated, the City would still undertake these processes, but there could be a perceived lack of transparency.

Financial / budget implications

There would be no cost associated with the notice of final adoption being placed on the City's website.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft revised policy was advertised for a period of 21 days closing on 15 December 2022, by way of:

- a notice published in the local newspaper
- an email to the Community Engagement Network
- an email to registered resident and ratepayer groups
- a notice on the City's social media platforms
- a notice and documents placed on the City's website.

Five submissions were received, comprising one submission of support, and four neutral or comment-only submissions.

A summary of submissions and the City's comment is included as Attachment 5 to Report CJ044-03/23.

COMMENT

The proposed amendments to the Policy aim to provide transparency in how the City approaches matters before the State Administrative Tribunal.

In response to the submissions received, a further minor modification is proposed to clarify when external professional services would be engaged to represent the City in State Administrative Tribunal proceedings. It is recommended that Council proceeds with the policy, as modified following advertising.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 27 February 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 In accordance with clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Development Proposals before the State Administrative Tribunal Local Planning Policy* as detailed in Attachment 4 to Report CJ044-03/23;
- 2 NOTES that the revised *Development Proposals before the State Administrative Tribunal Local Planning Policy* will come into effect when published on the City's website.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf230314.pdf](#)

CJ045-03/23 REVIEW OF VARIOUS LOCAL PLANNING POLICIES – COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY AND LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	106157, 101515
ATTACHMENTS	Attachment 1 Draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy - tracked changes Attachment 2 Draft revised Light Industry Zone Local Planning Policy – tracked changes
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a review of the operation of various existing local planning policies, specifically the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy*.

EXECUTIVE SUMMARY

The City has a suite of local planning policies that provide guidance on a range of planning matters, including specifying development standards and guiding the exercise of discretion.

Local planning policies are prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). While there is no requirement under the LPS Regulations for local planning policies to be reviewed at specific intervals, it is good practice to ensure that the City's local planning policy framework remains appropriate and relevant to changes in planning legislation.

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* set out the development requirements for non-residential development on land that is zoned 'Commercial', 'Mixed Use' and 'Service Commercial' and 'Light Industry' respectively under the City's *Local Planning Scheme No. 3* (LPS3).

Both policies include development provisions relating to building setbacks, height, built form design, parking standards and access, landscaping, and service arrangements to facilitate development.

A review of the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* has been undertaken to ensure alignment with current legislation and processes. Amendments to the policies are proposed to align with the City's current policy template and correct legislative clauses, provide for consistency with the Residential Design Codes (R-Codes) in relation to height, include additional parking standards and to address other minor inconsistencies (Attachments 1 and 2 refer).

It is therefore recommended that Council supports the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and Light Industry Zone Local Planning Policy for the purposes of public consultation for a period of 21 days.

BACKGROUND

Local planning policies are prepared in accordance with the provisions of the LPS Regulations. While there is no requirement for local planning policies to be reviewed, it is good practice to ensure that the policy framework remains relevant to changes in the planning legislation.

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* were created to provide the development provisions which were previously included in the City's former *District Planning Scheme No. 2 (DPS2)*. Both policies came into effect in October 2018 at the time LPS3 was gazetted.

DETAILS

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* applies only to land within the 'Commercial', 'Mixed Use' and 'Service Commercial' zones and the *Light Industry Zone Local Planning Policy* within the 'Light Industry' zone. Where a development is covered by an activity centre plan, structure plan or precinct structure plan which more appropriately provides detailed guidance aimed at enhancing the character of an area, it will be subject to those provisions to the extent that they apply. While it is considered that the policies have been working adequately since adoption, several amendments are proposed to both policies. These include the following:

- Minor format changes to align with the current policy template.
- Updating the statement section to include reference to other local planning policies.
- Aligning the maximum building heights and coastal area building heights with the R-Codes.
- Including an additional parking standard in relation to 'Reception Centre' and 'Restaurant/Café' and an additional parking standard for 'Consulting Rooms', 'Medical Centre' and 'Veterinary Centre'.
- Updating clause references.

The main proposed amendments to the policy are outlined below.

It is noted that this review is only in regard to the current operation of the policies in order to ensure that there are no fundamental issues with the implementation of the policies. A comprehensive review will be undertaken as part of the review of the local planning scheme which is scheduled to commence in the 2023-24 financial year.

Building Height

In developing the policies, height requirements were derived from the now revoked policy '*Height of Non-Residential Buildings Local Planning Policy*'. In considering the building heights within that policy, a report presented to Council at its meeting held on 17 August 2015 (CJ147-08/15 refers) contained the following advice in relation to height:

"Non-residential development in the 'Mixed-Use', 'Business' and 'Commercial' zones will be limited to the maximum height set out in Table 4 of the R-Codes for the applicable coding of that lot. This will maintain consistency in height in these zones between residential and non-residential development."

"In addition to the above requirement, where a lot is zoned 'Mixed-Use', 'Business' and 'Commercial', 'Service Industrial'...and abuts a 'Residential' zoned lot, the maximum building height is limited to six metres within six metres of this common boundary. This requirement is proposed to limit this development to a height comparable to two storeys to manage the impact of these developments on adjoining residential properties."

In February 2019, the *R-Codes Volume 2 – Apartments* was released as part of the State Government's planning reform project, 'Design WA'. In relation to maximum building heights, Volume 2, unlike Volume 1 and the City's policies, does not include reference to maximum wall heights, only the overall building height.

It is proposed to update both policies to align with the current maximum height requirements of the R-Codes Volume 2, effectively allowing the same maximum height provisions for commercial development and multiple dwelling development within the 'Commercial' and 'Mixed Use' zones. The proposed amendment does not change the overall maximum height currently permitted within the policies.

Similar to the above, it is proposed that the references to maximum wall height are removed from the *Light Industry Zone Local Planning Policy*, however the overall maximum building height will continue to be 12 metres.

Car Parking Standards

The following amendments to the required number of car parking bay standards are proposed:

Commercial, Mixed Use and Service Commercial Zone Local Planning Policy:

- For 'Reception Centre' and 'Restaurant/Café', amend the standard to read '1 per 4 people accommodated *or 1 per 5m² of dining room, whichever is greater*' (addition in italics).
- For 'Consulting Rooms', 'Medical Centre' and 'Veterinary Centre', amend the standard to read '5 bays per practitioner *or 5 bays per consulting room, whichever is greater*' (addition in italics).

Light Industry Local Planning Policy:

- For 'Veterinary Centre', amend the standard to read '5 bays per practitioner *or 5 bays per consulting room, whichever is greater*' (addition in italics).

The additional parking standards will assist in the planning assessment of new developments where a specific operator of the land use is not known at the time of the planning application being submitted. The City has recently encountered scenarios where applications have been received for developments that do not have a pre-determined end user or tenant. In such instances the applicant is unable to provide specific information that would address the car parking needs of a particular business. As the number of people to be accommodated in a restaurant/café, or the number of practitioners within a consulting room, may not be determined by the applicant at that point, the car parking assessment can be based on floorspace or the number of consulting rooms as applicable. It is noted that in certain instances, the additional standard may be more onerous, however it will ensure sufficient parking is provided.

It is noted that the Department of Planning, Lands and Heritage are currently progressing planning reform projects which include a review of car parking requirements in commercial and mixed-use precincts as well as standards for the provision of electric vehicle charging facilities. It has been advised that interim guidelines for non-residential parking are to be released for consultation in the first quarter of 2023-24. A detailed review of car parking standards can be undertaken once these guidelines have been formalised and in conjunction with the review of LPS3.

Issues and options considered

Council can either:

- advertise the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and/or Light Industry Zone Local Planning Policy as recommended
- advertise the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and/or Light Industry Zone Local Planning Policy, with modifications
or
- not support the advertising of the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and/or Light Industry Zone Local Planning Policy.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development Act 2005.*
 State Administrative Tribunal Act 2004.
 Planning and Development (Local Planning Schemes) Regulations
 2015.
 Local Planning Scheme No. 3.

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.*

Risk management considerations

If the review of the local planning policies is not progressed there will be no specific risk, however not progressing with a review will mean references to outdated legislative clauses will be retained and the policies will not align with other current planning documents.

Financial / budget implications

The costs associated with any public advertising of the draft revised local planning policies will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The consultation requirements for proposed amendments to a local planning policy are stipulated in the LPS Regulations and the City's *Planning Consultation Local Planning Policy*.

The LPS Regulations require a major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is a minor amendment.

The *Planning Consultation Local Planning Policy* states minor amendments include correction of typographical or formatting errors, updates to legislation references and similar, but does not include an amendment to development provisions or standards. As some amendments are proposed to the development provisions of the policies, consultation is considered appropriate in this instance.

The draft revised local planning policies are proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Letter sent to registered resident and ratepayer groups.
- An email to the Community Engagement Network.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

COMMENT

While the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* have been working well since adoption it is considered minor changes could be made to improve their operation. The changes recommended are considered to reflect current requirements and improve consistency and clarity.

It is recommended that Council supports the proposed amendments to the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* for the purposes of public consultation for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ045-03/23 (as detailed below) was resolved by the Policy Committee at its meeting held on 27 February 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council, in accordance with Clauses 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, ADVERTISES the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and Light Industry Zone Local Planning Policy, as shown in Attachments 1 and 2 to Report CJ045-03/23 for a period of 21 days.

RECOMMENDATION

That Council, in accordance with Clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADVERTISES the draft revised Commercial, Mixed Use and Service Commercial Zone Local Planning Policy and Light Industry Zone Local Planning Policy, as shown in Attachments 1 and 2 to Report CJ045-03/23 for a period of 21 days, subject to the following changes:

1 Amend the *Commercial, Service Commercial and Mixed Use Zone Local Planning Policy* to:

1.1 Separate the building height requirements for R40 and R80 coded Commercial and Mixed Use zones as provided in clause 5.2 as follows:

Zone	Maximum height of wall (m)	Maximum total building height (m)	
		Gable, skillion and concealed roof	Hipped and pitched roof
Commercial R40	7	8	10
Mixed Use R40	7	8	10

Zone	Maximum total building height (m)
Commercial R80*	15
Mixed Use R80*	15

***Where a lot abuts the Residential zone, the maximum building height within 6 metres of the common boundary shall be in accordance with Commercial and Mixed Use R40;**

1.2 Amend Coastal Area Building Height clause 5.3a to state ‘The maximum building height as measured from the natural ground level is to be in accordance with Commercial and Mixed Use R40’;

2 Amend the *Light Industry Zone Local Planning Policy* to:

2.1 Retain Building Height clause 5.2a as per the current, adopted version of the local planning policy;

2.2 Amend Building Height clause 5.2b to state ‘Where a lot abuts the Residential zone, the maximum building height within 6 metres of the common boundary shall be 7 metres’.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf230314.pdf](#)

REPORTS – AUDIT AND RISK COMMITTEE – 8 MARCH 2023

CJ046-03/23 2022 COMPLIANCE AUDIT RETURN

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	32481, 09492, 101515
ATTACHMENTS	Attachment 1 2022 Compliance Audit Return Attachment 2 Compliance Audit Return (2019 to 2022)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the City's 2022 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government, Sport and Cultural Industries (the Department).

EXECUTIVE SUMMARY

The Compliance Audit Return for the period 1 January 2022 to 31 December 2022 has been completed and is required to be adopted by Council before being submitted to the Department by 31 March 2023.

It is therefore recommended that Council:

- 1 ADOPTS the completed 2022 Local Government Compliance Audit Return for the period 1 January 2022 to 31 December 2022 forming Attachment 1 to Report CJ046-03/23;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government, Sport and Cultural Industries.*

The Return has not identified any areas of non-compliance for 2022.

BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year.

After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister. The Audit and Risk Committee is to review the Return before it is presented to Council for adoption.

Regulation 15 requires the Return to be certified by the Mayor and the Chief Executive Officer before being submitted to the Department, along with the relevant section of the minutes, by 31 March next following the period to which the Return relates.

The 2022 Return was made available to local government authorities by the Department via its centralised portal for completion online. The 2022 Return is similar to previous years and focuses on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

DETAILS

The 2022 Return contains the following compliance categories:

- Commercial Enterprises by Local Governments.
- Delegation of Power / Duty.
- Disclosure of Interest.
- Disposal of Property.
- Elections.
- Finance.
- Integrated Planning and Reporting.
- Local Government Employees.
- Official Conduct.
- Other.
- Tenders for Providing Goods and Services.

The relevant Managers were required to complete the responses to the Return's questions which were approved by their Director before being forwarded to the Internal Auditor for review and input via the online portal on the Department website. The Return was also presented to the Executive Leadership Team for review and comment. The Return has been completed and is now required to be adopted by Council before being finalised and submitted to the Department by 31 March 2023.

The 2022 Return reveals a high level of compliance with legislation by the City, with no areas of non-compliance being identified.

Legislation / Strategic Community Plan / Policy implications

Legislation Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*.

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy Not applicable.

Risk management considerations

The risk associated with Council failing to adopt the 2022 Return would result in the Return not being submitted to the Department by 31 March 2023 and be non-compliant with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City's responses for Compliance Audit Returns from 2019 to 2022 is attached for comparison (Attachment 2 to Report CJ046-03/23 refers).

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ046-03/23 (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 8 March 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION**That Council:**

- 1 ADOPTS the completed 2022 Local Government Compliance Audit Return for the period 1 January 2022 to 31 December 2022 forming Attachment 1 to Report CJ046-03/23;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government, Sport and Cultural Industries.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf230314.pdf](#)

REPORTS OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR CHRISTOPHER MAY – CORONATION OF KING CHARLES III

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Christopher May has given notice of his intention to move the following Motion at the Council meeting to be held on 28 March 2023:

That Council:

- 1 NOTES the historical significance of the Coronation of King Charles III to Australia and the Commonwealth;**
- 2 REQUESTS Council to mark the date of the coronation of King Charles III on 6 May 2023 by hosting a High Tea at the City with key stakeholders and community representatives;**
- 3 REQUESTS DevelopmentWA give consideration to naming a road, park or open space within the new Ocean Reef Marina development in honour of Her Late Majesty, Queen Elizabeth II.**

REASON FOR MOTION

The Coronation of King Charles III marks a significant milestone not only in the marking of Australia's new Head of State, but as the first Coronation since Her Late Majesty's Coronation on 3 June, 1953. It is appropriate for the City of Joondalup, being among the largest local governments in Western Australia by population, to formally mark the occasion. It is also appropriate that, given Her Late Majesty's long and close relationship to Australia, including seven visits to Western Australia, that consideration be given to naming a landmark, road, or park in the District to commemorate and recognise Queen Elizabeth II's enduring legacy.

OFFICER'S COMMENT

The motion can be supported.

With regard to Part 2, from a Civic Functions point of view, the City is able to host an event on Saturday 6 May 2023 in the Councillor's Lounge. The Civic calendar is clear that day; there are no conflicts with other events. The estimated costs of conducting an event for up to 80 people is \$5,000, including \$3,000 for food and beverages and \$2,000 for staff time noting that overtime would be required to be paid on a Saturday.

With regard to Part 3, it is acknowledged that DevelopmentWA will be responsible for proposing roads names within the Ocean Reef Marina development with the Minister for Lands having the authority for officially naming roads. The motion, as written, can be supported.

CLOSURE



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

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

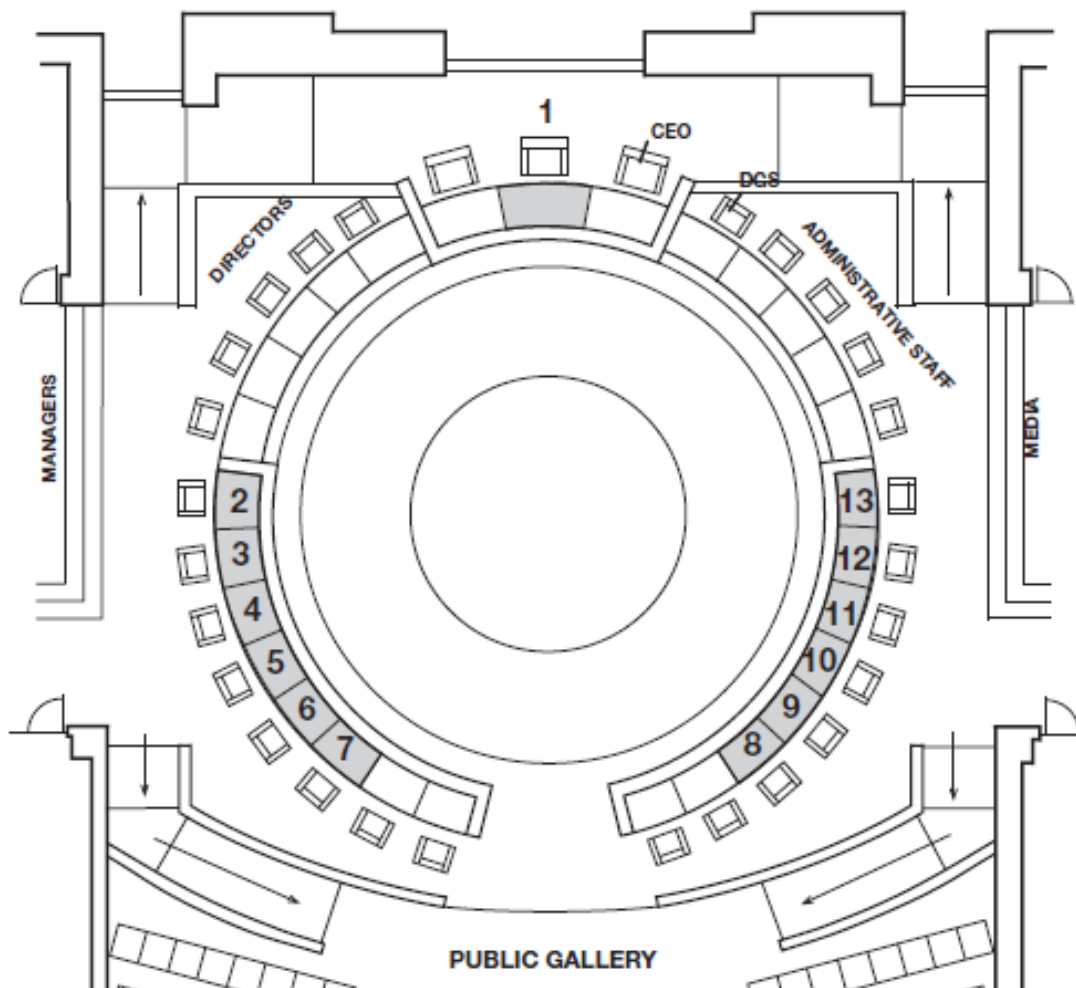
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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

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

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

Council Chamber – Seating Diagram



Mayor

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

North Ward

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

North-Central Ward

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

Central Ward

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

South-West Ward

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

South-East Ward

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

South Ward

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