

# agenda

## Briefing Session

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

**ON** **TUESDAY 9 MAY 2023**

**COMMENCING AT** **6.30pm**

**JAMES PEARSON**  
Chief Executive Officer  
5 May 2023

### **Acknowledgement of Traditional Custodians**

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 8 May 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](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://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.

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 20 September 2022:

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### GENERAL PROCEDURES FOR BRIEFING SESSIONS

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME AT BRIEFING SESSIONS

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

### Questions asked verbally

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

- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). 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.

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

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

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

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

## PROCEDURES FOR DEPUTATIONS

The following procedures for the conduct of Deputations at Briefing Sessions were adopted at the Council meeting held on 20 September 2022:

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

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded and made available to the public on the City's website, 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*.

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

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

[\*AdditionalInformation.pdf\*](#)

# CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 May 2023** commencing at **6.30pm**.

## ORDER OF BUSINESS

### OPEN AND WELCOME

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

### DEPUTATIONS

The following summarised deputations were submitted to the Briefing Session held on Tuesday 11 April 2023.

#### DEPUTATION NO. 1 – ITEM 9 OCEAN REEF SEA SPORTS CLUB – CITY CONTRIBUTION

Mr Ken Wood, Commodore, Ocean Reef Sea Sports Club addressed the Elected Members in relation to this Item.

Mr Wood provided information in support of the Officer's recommendation to Council.

The full audio of the deputation is available [here](#) at 6.25.

### PUBLIC QUESTION TIME

### PUBLIC STATEMENT TIME

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Apology**

Cr Russell Poliwka.

### **Leave of Absence Previously Approved**

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

## **PETITIONS**

### **PETITION REQUESTING THE CITY RESCIND THEIR DECISION OF 16 AUGUST 2022 TO REMOVE THE 100% WAIVER OF CHARGES FOR THE USE AND FACILITIES AND RECREATION PARKS FOR ALL YOUNG PEOPLE UNDER THE AGE OF 18 YEARS**

A 753 signature petition has been received from residents of the City of Joondalup requesting that Council reconsider and rescind their decision of 16 August 2022 (CJ139-08/22 refers) to remove the 100% waivers of charges for the use of facilities and recreation parks for all young people under the age of 18 years.

### **PETITION IN RELATION TO THE CITY TAKING INTO CONSIDERATION RESIDENTS VIEWS WHEN UNDERTAKING TREE PLANTING AND PLANT SMALLER TREES (SUCH AS BOTTLEBRUSH) WHERE VIEWS WILL BE AFFECTED (VIEWS BEING OCEAN VIEWS, PARK VIEWS OR CITY VIEWS)**

A 27 signature petition has been received from residents of the City of Joondalup requesting that Council take into consideration residents views when undertaking tree planting and plant smaller trees (such as Bottlebrush) where views will be affected (views being ocean views, park views or city views).

## **RECOMMENDATION**

That the following petitions be RECEIVED and REFERRED to the Chief Executive Officer for action:

- 1** A 753 signature petition has been received from residents of the City of Joondalup requesting that Council reconsider and rescind their decision of 16 August 2022 (CJ139-08/22 refers) to remove the 100% waivers of charges for the use of facilities and recreation parks for all young people under the age of 18 years;
- 2** A 27 signature petition has been received from residents of the City of Joondalup requesting that Council take into consideration residents views when undertaking tree planting and plant smaller trees (such as Bottlebrush) where views will be affected (views being ocean views, park views or city views).

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – MARCH 2023

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 07032, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1 Monthly Development Applications Determined – March 2023<br>Attachment 2 Monthly Subdivision Applications Processed – March 2023   |
| <b>AUTHORITY / DISCRETION</b> | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’) |

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during March 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 March 2023 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 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 March 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 | 7                   | 8                             |
| <b>TOTAL</b>                    | <b>8</b>            | <b>9</b>                      |

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

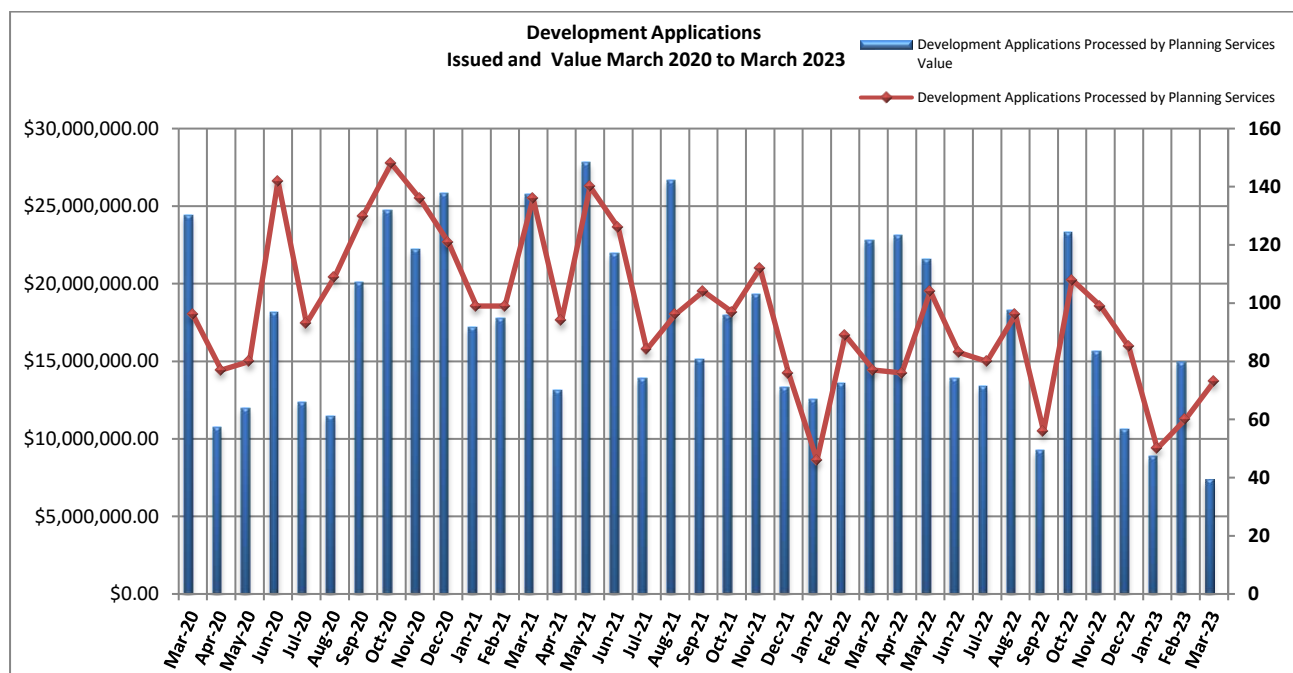
Development applications

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

|   | Number | Value (\$)     |
|---|--------|----------------|
| Development applications processed by Planning Services | 73     | \$7,363,547.45 |

Of the 73 development applications, one was for new dwelling developments in housing opportunity areas, proposing a total of two additional dwellings.

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



The number of development applications received during March 2023 was 98.

The number of development applications current at the end of March was 163. Of these, eight were pending further information from applicants and 10 were being advertised for public comment.



In addition to the above, 228 building permits were issued during the month of March with an estimated construction value of \$38,546,803.10.

### **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 73 development applications were determined for the month of March with a total amount of \$27,077.80 received as application fees.

All figures quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

## **Consultation**

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

## **COMMENT**

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

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

- 1 Development applications described in Attachment 1 to this Report during March 2023;**
- 2 Subdivision applications described in Attachment 2 to this Report during March 2023.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf230509.pdf](#)

## ITEM 2                      PROPOSED REVOCATION OF THE MACNAUGHTON CRESCENT STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | North  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development   |
| <b>FILE NUMBER</b>            | 105172, 101515   |
| <b>ATTACHMENT S</b>           | Attachment 1      Location plan<br>Attachment 2 <i>MacNaughton Crescent Local Structure Plan</i><br>Attachment 3      Scheme amendment map<br><br>(Please Note:      Attachment 2 is only available electronically). |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies.  |

### PURPOSE

For Council to consider progressing the revocation of the *MacNaughton Crescent Structure Plan*, following advertising of the proposal. The proposed revocation will be progressed by way of an amendment to *Local Planning Scheme No. 3*.

### EXECUTIVE SUMMARY

The *MacNaughton Crescent Structure Plan* (the structure plan) was adopted by Council at its meeting of 13 December 2016 (CJ204-12/16 refers) and approved by the Western Australian Planning Commission (WAPC) on 1 May 2017. The structure plan was developed to facilitate the subdivision, zoning, allocation of density and built form standards of a parcel of land previously earmarked for development as a school site. The structure plan area has one remaining vacant lot.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the 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 structure plan area is zoned 'Urban Development' under LPS3, and the structure plan specifies that land use permissibility is in accordance with the corresponding zone or reserve under the (now former) *District Planning Scheme No. 2* (DPS2). Development provisions within the structure plan area are set out in both the *MacNaughton Crescent Local Development Plan* and the City's *Medium-density Single House Development Standards Local Planning Policy*. As such, there are no development provisions within the structure plan area that need to be retained and incorporated into LPS3.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the *MacNaughton Crescent Structure Plan*, and subject to a statement to that effect being included as part of the scheme amendment proposal, will require the WAPC to revoke the structure plan. 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 was considered appropriate to seek feedback on the proposal from the landowners within the structure plan area, prior to preparing a basic amendment to LPS3 to rezone the land within the *MacNaughton Crescent Structure Plan* area.

At its meeting held on 28 February 2023 (CJ004-02/23 refers), Council considered the intention to revoke the *MacNaughton Crescent Structure* and resolved to advertise the proposal for a period of 14 days.

The advertising period closed 28 March 2023 and no submissions were received. It is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *MacNaughton Crescent Structure Plan area*, which, if approved by the Minister for Planning, will facilitate the revocation of the structure plan.

## BACKGROUND

|                        |  |
|------------------------|--|
| <b>Suburb/Location</b> | Kinross, including MacNaughton Crescent, Lochnagar Way, Grangemouth Turn, Skene Lane and Darroch Loop. |
| <b>Applicant</b>       | Not applicable.  |
| <b>Owner</b>           | Various.   |
| <b>Zoning</b>          | <b>LPS</b> Urban Development.  |
|                        | <b>MRS</b> Urban.  |
| <b>Site area</b>       | 4.027 hectares.  |
| <b>Structure plan</b>  | <i>MacNaughton Crescent 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.

### MacNaughton Crescent Structure Plan

The *MacNaughton Crescent Structure Plan* applies to the land bounded by MacNaughton Crescent to the east, Lochnagar Way to the north, Grangemouth Turn to the west and Darroch Loop to the south (Attachment 1 refers). The structure plan area was originally identified for the development of a primary school by the Department of Education however, in 2012, the site was determined to be surplus to its requirements. The site was subsequently rezoned in 2015 to 'Urban Development' under DPS2 to facilitate residential development.

The structure plan was adopted by Council at its meeting held on 13 December 2016 (CJ204-12/16 refers) and approved by the Western Australian Planning Commission (WAPC) on 1 May 2017 (Attachment 2 refers). Following approval of the structure plan, a local development plan was approved by Council at its meeting held on 21 August 2018 (CJ131-08/18) for those lots with direct frontage to an area of Public Open Space, for lots with rear-loaded (laneway) vehicle access and for lots where the driveway or dwelling design was impacted by the retention of specified trees.

Additionally, Council adopted the *Medium-density Single House Development Standards Local Planning Policy* which provides the standards for development within the structure plan area.

The subject area has now been fully developed, with the exception of one lot on Darroch Loop.

Council considered the intention to revoke the *MacNaughton Crescent Structure Plan* at its meeting held on 28 February 2023 (CJ004-02/23 refers), and resolved the following:

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

## **DETAILS**

It is proposed that the structure plan be revoked as the estate has been developed, with the exception of Lot 51 (8) Darroch Loop. 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 within the amendment to that effect.

It is proposed to rezone the land within the *MacNaughton Crescent Structure Plan* from ‘Urban Development’ to the ‘Residential’ zone and apply residential density codes of ‘R25’, ‘R30’, ‘R40;’ and to the ‘Public Open Space’ and ‘Local Road’ reserves (Attachment 3 refers). There are no changes proposed to the existing density codes as part of this scheme amendment. This scheme amendment is classified as ‘basic’ under the LPS Regulations as the amendment to the scheme map is consistent with the approved structure plan and the scheme includes the zones outlined in the structure plan. There is no provision in the LPS Regulations to advertise a basic amendment.

## **Issues and options considered**

### Current need for the *MacNaughton Crescent Structure Plan*

The structure plan consists of two zones being ‘Residential’ and ‘Public Open Space’. The latter is a portion of public open space adjoining MacNaughton Park reserve. The ‘Residential’ zone is divided between three densities, being R25, R30 and R40 (Attachment 2 refers).

The structure plan was developed to facilitate the subdivision of the estate, in particular setting the proposed land use zones, residential density, public open space requirements and provisions around tree retention. All provisions within the structure plan have been met and addressed through the subdivision of the estate and as such it is not considered necessary to include any of the provisions within the scheme.

Development provisions for the dwellings are incorporated in both the *MacNaughton Crescent Local Development Plan* (LDP) and more specifically within the *Medium-density Single House Development Local Planning Policy* (LPP). The LDP has a life span of ten years and is not able to be revoked prior. Both the LDP and the LPP remain applicable for future development within the estate.

The future development of the one vacant lot on Darroch Loop will be subject to the requirements of the LPP, noting that the LDP and tree retention provisions are not applicable to this lot.

Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. If the proposed revocation of the structure plan is supported, it is proposed to rezone this land to 'Residential R25', 'Residential R30', 'Residential R40' and the 'Public Open Space' and 'Local Road' reserves in accordance with the structure plan map (Attachment 3 refers).

Land use permissibility

The structure plan states that land use permissibility 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 be in accordance with the 'Residential' zone of LPS3.

Tree retention

The structure plan includes provisions to support the retention of trees. As part of the subdivision of the site, trees were retained within road reserves and public open space, which are now under the control and management of the City. The LDP includes provisions relating to mandatory crossover and driveway locations to ensure the retention and survival of trees located within the verge.

Options

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

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

**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**                              *Medium-density Single House Development Standards Local Planning Policy.*

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.

Should Council resolve to prepare the proposed amendment, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. Should the EPA decide that an environmental review is not required, the City will notify the WAPC of the EPA's decision.

Separately, Council's decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment, or require the amendment to be advertised for public comment. If the Minister approves the scheme amendment, the *MacNaughton Crescent Structure Plan* will be revoked by the WAPC.

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

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

| Reserve name      | Objectives   |
|-------------------|--|
| Public Open Space | <ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul> |
| Local Road        | <ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>   |

### **Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the local newspaper and the Government Gazette should the amendment be approved by the Minister for Planning. The cost of publishing the amendment in the local newspaper is approximately \$130 and the cost for publishing within the Government Gazette is approximately \$160.

**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 was considered appropriate to advise the landowners within the structure plan area of the proposal to revoke the structure plan and obtain any feedback prior to Council making a final decision.

The proposal was advertised for a period of 14 days by way of 67 letters to landowners within the structure plan area, closing on 28 March 2023. No submissions were received.

**COMMENT**

The area encompassed by the *MacNaughton Structure Plan* is nearing completion with one lot remaining to be developed. The provisions of the *MacNaughton Crescent Local Development Plan* and the City's *Medium-density Single House Development Standards Local Planning Policy* are considered sufficient to ensure that any further development or redevelopment has an appropriate built form outcome.

The proposed scheme amendment to rezone the land within the *MacNaughton Crescent Structure Plan* from 'Urban Development' to 'Residential R25', 'Residential R30', 'Residential R40', and the 'Public Open Space' and 'Local Road' reserves in accordance with the structure plan is considered appropriate. In the event that the Minister for Planning approves the scheme amendment, the *MacNaughton Crescent Structure Plan* will be revoked by the WAPC.

No issues were identified through the advertising of the proposal and it is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the MacNaughton Crescent Structure Plan area in accordance with the zones and reserves outlined in the structure plan, which will facilitate the revocation of the structure plan.

**VOTING REQUIREMENTS**

Simple Majority.



**RECOMMENDATION****That Council:**

- 1** In accordance with section 75 of the *Planning and Development Act 2005*, resolves to PREPARE an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:
  - 1.1** rezone the land within the *MacNaughton Crescent Structure Plan* from 'Urban Development' to the 'Residential' zone and the 'Public Open Space' and 'Local Road' reserves;
  - 1.2** apply the 'R25', 'R30' and 'R40' residential density codes;as shown in Attachment 3 to this Report;
- 2** In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINES that the scheme amendment is a basic amendment as the proposal is consistent with the zones, reserves and residential density codes within the *MacNaughton Crescent Structure Plan*;
- 3** Pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:

*“Approval of the City’s MacNaughton Crescent Structure Plan is to be revoked when this amendment is approved and takes effect.”;*
- 4** AUTHORISES the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf230509.pdf](#)

### **ITEM 3 EDUCATIONAL ESTABLISHMENT (NEW TWO STOREY BUILDING) AT LOT 2 (18) MONTESSORI DRIVE, KINGSLEY**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | South East  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 00481, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Location plan<br>Attachment 2 Development plans<br>Attachment 3 Bushfire Management Plan<br>Attachment 4 Applicant's cover letter<br>Attachment 5 Applicant's statement addressing SPP7<br>Attachment 6 Traffic Impact Statement<br>Attachment 7 DFES comments and applicant response            |
| <b>AUTHORITY / DISCRETION</b> | 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 a new two storey school building at the Montessori School at Lot 2 (18) Montessori Drive, Kingsley.

#### **EXECUTIVE SUMMARY**

An application for development approval has been received for a new two storey school building associated with the Montessori School at Lot 2 (18) Montessori Drive, Kingsley (subject site).

The subject site is zoned 'Private Community Purposes' under the City's *Local Planning Scheme No. 3* (LPS3) and 'Urban' under the *Metropolitan Region Scheme* (MRS). The land use 'Educational Establishment' is a permitted ('P') use in this zone.

The new two storey building is proposed to the eastern side of the subject site, south of the existing school buildings. The building will consist of four new classrooms, a science laboratory, student room, a staff room and library.

The proposed development results in a 10 car parking bay (33%) shortfall onsite and therefore, in accordance with the City's *Register of Delegated Authority*, Council is required to determine the application.

The application was advertised to landowners/occupants who gain vehicular access to their property from Montessori Place for a period of 14 days in accordance with the City's *Planning Consultation Local Planning Policy*, between 22 March and 6 April 2023. Advertising was undertaken by way of letters, and information uploaded to the City's website for public viewing during the consultation period. No submissions were received.

It is considered that the proposed development will not result in an adverse impact on the amenity of the surrounding locality. It is therefore recommended that Council approve the application subject to conditions.

## BACKGROUND

|                        |            |  |
|------------------------|------------|--|
| <b>Suburb/Location</b> |            | Lot 2 (18) Montessori Drive, Kingsley. |
| <b>Applicant</b>       |            | Mt Eyk Architects.                     |
| <b>Owner</b>           |            | The Montessori School Kingsley Inc.    |
| <b>Zoning</b>          | <b>LPS</b> | Private Community Purposes.            |
|                        | <b>MRS</b> | Urban.                                 |
| <b>Site area</b>       |            | 20,234m <sup>2</sup> .                 |
| <b>Structure plan</b>  |            | Not applicable.                        |

The subject site adjoins residential properties and Wandearah Way to the west, residential properties and Mooltunya Court to the south, residential properties to the east, and Montessori Place and the Robertson Road Cycleway to the north. A location plan is provided as Attachment 1.

The subject site is zoned 'Private Community Purposes' under LPS3 and the land use 'Educational Establishment' is a permitted ('P') use in this zone. An 'Educational Establishment' is defined under LPS3 as a "*premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution*".

The Montessori School Kingsley currently provides education to 191 students between the ages of three to 18 years. Development on the site comprises of 20 formalised car parking bays, five buildings which contain classrooms, an administration building and an outbuilding. The Montessori School has operated within the area since the 1960's and has undergone numerous works since this time.

Primary vehicle and pedestrian access to the subject site is achieved via Montessori Place located to the north which is a no-through road. Road upgrade works on Montessori Place were completed in November 2021 as part of the Australian Government's *Local Roads and Community Infrastructure Program*. The Montessori School provided a financial contribution to these works, which included an upgrade of pedestrian connectivity, road widening, a median island and resurfacing of the carriageway and associated on-street parking embayments. The works further resulted in a total of 31 formalised on-street car parking bays located within the Montessori Place road reserve, which was an increase from the previous seven car parking bays located adjacent the subject site.

The subject site is located within a Bushfire Prone Area and the proposed development presents intensification of a vulnerable land use (being a 'school') as identified under the *Guidelines for Planning in Bushfire Prone Areas* and is therefore subject to the requirements of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP7.3). The applicant has submitted a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) to demonstrate compliance with SPP7.3, which are included as Attachment 3 to this Report.

The subject site contains Banksia Woodlands of the Swan Coastal Plain which is a Threatened Ecological Community and previously identified as Black Cockatoo habitat. A clearing permit issued by the Department of Water and Environmental Regulation will likely be required, with a flora survey and Black Cockatoo habitat assessment to be undertaken to inform that permit application.

## DETAILS

The development can be summarised as follows:

- A new two storey school building consisting of classrooms, a science laboratory, staff and student rooms and amenities.
- The building is bound by bushland to the west and connected to an existing two storey building to the north via a ramp to the upper floor and a pedestrian thoroughfare on the ground floor.
- A courtyard space on the ground floor of the building with an open connection to the school sports oval.
- The number of employees at the school will remain the same at 11 full time and 20 part time positions.
- The proposed development would result in an additional 39 students, meaning a total student population of 230 students, up from the existing 191 students.
- No additional car parking is proposed onsite.
- An additional 57 bicycle bays will be provided, meaning a total of 75 bicycle bays, up from the existing 18 bicycle bays.

The proposed development plans, the applicant's covering letter and statement against the design principles of *State Planning Policy 7: Design of the Built Environment* (SPP7) are provided as Attachments 2, 4 and 5 respectively.

### Joondalup Design Review Panel

The proposal was presented to the Joondalup Design Review Panel (JDRP) on 20 December 2022. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below.

It should be noted that the comments provided by the JDRP are based on the original development plans submitted by the applicant. Changes were undertaken in response to comments received at design review and are reflected in the plans presented for Council determination in Attachment 2.

| Summary of Design Review<br>Panel comment  | Summary of Applicant response   |
|--|---|
| Request a Masterplan that integrates the current and proposed new building, with rational provided on the site planning, and refinement of development to possibly preserve more existing trees. | <ul style="list-style-type: none"> <li>• Masterplan provided to illustrate future intentions.</li> <li>• The building location achieved the greatest overall tree retention.</li> <li>• Separation of buildings (14m) required to provide 1:14 ramp gradient for universal access.</li> <li>• Building separation allows for adequate space for fire truck access.</li> <li>• Building location allows for solar access and central courtyard design. Current design achieved 61% building solar access in winter.</li> <li>• Building location allows for greater fire separation between building.</li> </ul> |

| Summary of Design Review<br>Panel comment   | Summary of Applicant response  |
|---|--|
| Provide detailed landscape plan and possible relocation of the existing open play areas. Re-use removed trees in nature play and provide locations of new tree planting to replace removed trees. | <ul style="list-style-type: none"> <li>• The chicken coop has been relocated.</li> <li>• Natural playground has been included in the design proposal using removed trees.</li> <li>• Replacement trees to be planted on the southern lot boundary.</li> <li>• Landscape seating and walkway incorporated into the design.</li> <li>• Montessori School Bush Committee provides for student seed collection, raising of seedling and planting.</li> </ul> |
| Provide a photomontage view from Koolyn Grove of the proposed building form and retained trees to demonstrate no visual impact to locality.   | <ul style="list-style-type: none"> <li>• The photomontage and photographs illustrate that the proposed building will be screened by existing mature trees along the eastern boundary. The building scale will not cause any negative visual impact to the surrounding context.</li> </ul>  |
| Demonstrate any installation of air conditioning units and solar panels on the plans.   | <ul style="list-style-type: none"> <li>• A designated area for air conditioners and other plant was designed from the beginning to ensure they do not have any negative visual impact. The plant area will be screened behind a sliding gate.</li> <li>• A 30kW system was installed in January 2023 on an existing building that will also service the proposed development.</li> </ul>   |
| Provide a plan indicating the provision of car and bike bays.   | <ul style="list-style-type: none"> <li>• An additional 57 bicycle bays have been provided.</li> <li>• An additional eight car bays on-site will be implemented at a later stage and are shown on the Masterplan.</li> </ul>  |
| Provide further detail on sustainability initiatives, including use of rainwater and solar.   | <ul style="list-style-type: none"> <li>• A new 30kW solar panel system has recently been installed.</li> <li>• From the advice provided by the school and a hydraulic consultant, the existing water tank has the capacity to also be connected to the new building and service the proposed toilets and science lab sinks.</li> </ul>   |
| Clarify the legibility and universal accessibility of routes to the proposed building and within the building.  | <ul style="list-style-type: none"> <li>• Adjustments made to the circulation routes within and to the proposed building.</li> <li>• The bridge has been removed and instead a more direct ramp to the first floor is located adjacent to the down ramp.</li> </ul>   |
| Consider greater 'playfulness' in the aesthetic of the building façade.   | <ul style="list-style-type: none"> <li>• An attempt to introduce playfulness has been made through changes to levels, geometry, routes, materials and edges.</li> </ul>  |

### Planning Assessment

The City has undertaken a detailed assessment of the proposal against the relevant development standards under LPS3 and the City's *Private Community Purposes Zone Local Planning Policy* (PCPZLPP). The proposal meets the applicable development standards and/or relevant objectives under the local planning framework. The key matters associated with the proposal are discussed in further detail below:

### Parking and Traffic Management

In accordance with the City's PCPZLPP, the car parking requirements for the subject site are summarised in the table below:

|                           | <b>Required</b>  | <b>Proposed</b>  | <b>Compliance</b>               |
|---------------------------|--|--|---------------------------------|
| <b>Land Use</b>           | <b>No. classrooms</b>  | <b>No. parking bays</b>  | <b>Shortfall/Surplus</b>        |
| Educational Establishment | Two bays per classroom, but not less than 10.<br><br>15 classrooms in total onsite, resulting in <u>30 bays</u> required in total. | No additional car parking bays, with <u>20 bays</u> existing onsite. | <u>10 bay shortfall onsite.</u> |

Montessori Place is a cul-de-sac-road with the head located directly adjacent to the vehicle access point of the subject site. There are 31 existing on-street parking bays on Montessori Place that are predominately used for student pick-up and drop-off, with users of the adjacent Robertson Road Cycleway and Talbot Park not considered to generate a high parking demand. Only 13 residential properties gain vehicular access from Montessori Place.

A Traffic Impact Statement (Attachment 6 refers) has been provided by the applicant to demonstrate that the existing 20 on-site car parking bays and the 31 on-street car parking bays located along the Montessori Place road reserve (directly opposite the subject site) can accommodate the additional car parking demand generated by the proposal.

The City has reviewed the Traffic Impact Statement and supports the proposal based on the capacity of the existing road network to accommodate the additional vehicle trips, and have considered the methodology and conclusions associated with parking to be reasonable.

The proposed development will also provide for an additional 57 bicycle bays which will address the existing site's bicycle bay shortfall and meet the number of bicycle bays required by PCPZLPP, as outlined below:

|                           | <b>Required</b>  | <b>Proposed</b>                      | <b>Compliance</b>  |
|---------------------------|--|--------------------------------------|--|
| <b>Land Use</b>           | <b>No. classrooms</b>  | <b>No. bicycle bays</b>              | <b>Shortfall/Surplus</b>   |
| Educational Establishment | Five bays per classroom<br><br>15 classrooms in total onsite, resulting in <u>75 bays</u> required in total. | An additional <u>57 bicycle bays</u> | A total of <u>75 bays</u> provided. Meets required provision of bicycle bays |

In addition to the above, parking infringements and cautions issued by the City's Field Officers along Montessori Place have been minimal when compared to other schools within the City of Joondalup. Montessori Place is therefore not considered to be problematic with respect to traffic and existing parking capacity.

In view of the above, it is considered that the proposed parking shortfall will not have a detrimental impact with regarding to traffic and parking.

*Building height*

In accordance with the City's PCPZLPP, the required building heights for the development are summarised in the table below:

|                                    | <b>Required</b> | <b>Proposed</b> | <b>Compliance</b>   |
|------------------------------------|-----------------|-----------------|---------------------|
| <b>Top of external wall height</b> | 6 metres        | 7.79 metres     | <b>+1.79 metres</b> |
| <b>Top of pitched roof</b>         | 9 metres        | 9.97 metres     | <b>+0.97 metres</b> |

In considering the proposed building height, the City is required to assess the proposal against the following objectives of the PCPZLPP as outlined below:

- *To create good quality built form and functional development that contributes towards a sense of place and community.*
- *To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.*
- *To establish a framework for the assessment of applications for development within this zone.*

The proposed building height is considered to meet the following applicable objectives of the City's PCPZLPP as outlined below:

- The natural ground level of the building footprint slopes west to east by approximately 2.5 metres, and therefore a combination of excavation and fill is required. This has contributed to the perceived height of the building when viewed from the east but has reduced the perceived building height when viewed from the west.
- A number of large established trees are to be retained along the eastern side of the proposed building in order to provide natural screening and reduce the perceived bulk and scale of the development as viewed from the adjoining properties.
- The PCPZLPP requires a minimum eastern boundary setback of three metres and the development proposes a setback of 13.48 metres. The increased setback will minimise any negative impact of the height on the amenity of the adjoining properties.
- The subject site predominantly consists of brown brick buildings and therefore the proposed building materials and colours will complement the existing architecture and landscape aesthetic. The JDRP were generally supportive of the overall appearance of the building, and it is considered a good quality-built form that positively contributes to the context and character of the area, and more broadly to the local community.
- The building height proposed is a result of an internal floor to ceiling height of 2.7 metres for classrooms and allowing for 0.6 metre service spaces. The floor to ceiling height will allow for adequate sunlight and natural ventilation to increase the internal amenity for students and functionality of the building. As a result, it is not considered appropriate to reduce these internal room heights in this instance.

Noting the above, the height and bulk of the proposed school building is sufficiently mitigated and will not impact adjoining properties. As a result, it is recommended that the proposed building height be supported.

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

SPP3.7 provides guidance in determining appropriate land use planning in bushfire prone areas and appropriate bush fire protection measures being incorporated into the new development which are at risk of bush fire attacks. Decision makers are to have due regard to the provisions of SPP3.7 when determining development applications within bushfire prone areas, as set out in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The applicant has submitted a BMP and BEEP (Attachment 3 refers) which has been prepared by an accredited bushfire assessor to support the proposal. An Asset Protection Zone (APZ) of 21 metres from the building will be established to achieve a Bushfire Attack Level of BAL-29. This will ensure that the building can meet the relevant requirements of SPP3.7 and *Australia Standards AS3959*, and ensure that future revegetation efforts onsite are not significantly impacted.

A total of 12 trees are proposed to be removed to accommodate the new building and to meet bushfire management requirements, however the vast majority of onsite vegetation will be retained. A number of retained trees will need to be pruned to avoid branches overhanging the proposed building and to ensure they are managed appropriately so they can be retained onsite without impacting bushfire mitigation measures within the APZ.

In accordance with SPP 3.7, as the proposed works are located in a bushfire prone area and relate to a vulnerable land use (school), the Bushfire Management Plan (BMP) prepared by the applicant's bushfire consultant was referred to the Department of Fire and Emergency Services (DFES) for comment.

The City received comments from DFES on 30 March 2023, which are summarised as follows:

- DFES does not have any specific concerns regarding the intensification of the vulnerable land use onsite.
- Further information was required to substantiate the vegetation classifications and those areas excluded.
- Administrative errors were identified regarding measurements, photo directions, plot separations and incorrect APZ distance shown in Figure Ex1.
- The emergency access way to be updated to address adequate trafficable surfacing, vertical clearance and connection to a second public road.
- Supplementary comments associated with AS3959, the BEEP and requirements under the *Building Regulations 2012*.

The applicant's bushfire consultant has updated the BMP and provided comments in response to DFES's advice which is included as Attachment 7 to this Report. The comments provided by the applicant's bushfire consultant are considered appropriate in addressing the items raised by DFES.

It is considered that the bushfire risk applied to the development can be effectively managed and that necessary bushfire protection measures can be incorporated into the development through the implementation of the BMP and BEEP. Therefore, the proposed development is considered to meet the applicable requirements under SPP3.7 and it is recommended that a condition of approval be included to ensure the applicant/landowner implements the recommendations of the BMP/BEEP.

### **Issues and options considered**

Council is required to determine whether the proposed two storey building 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  
building and have access to diverse options in your neighbourhood.

**Policy**                              *Private Community Purposes Zone 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 Private Community Purposes zone as follows:

- To provide sites for privately owned and operated recreation, institutions and places of worship.
- To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.

#### *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.*

#### Private Community Purposes Zone Local Planning Policy

This policy provides assessment criteria for the consideration of development within a Private Community Purposes zone. The objectives of the policy are as follows:

- To create good quality built form and functional development that contributes towards a sense of place and community.
- To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.
- To establish a framework for the assessment of applications for development within this zone.

#### State Planning Policy 7 Design of the Built Environment

State Planning Policy 7 – Design of the Built Environment sets out the following objectives:

- 1 *A consistent framework to define the desired design quality outcomes from the planning and design of built environment projects across the State.*
- 2 *A coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:*
  - *Design Principles – performance-based approach to policy*
  - *Design review – skilled evaluation expertise*
  - *Design skills – skilled design expertise.*
- 3 *Timely and efficient review of planning and development proposals against the Design Principles.*

### State Planning Policy 3.7 – Planning in Bushfire Prone Areas

#### 6.6 *Vulnerable or high-risk land uses in areas where BAL-12.5 to BAL-29 applies*

*Subdivision and development applications for vulnerable or high-risk land uses in areas between BAL-12.5 to BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the State authority for emergency services. Subdivision applications should make provision for emergency evacuation. Development applications should include an emergency evacuation plan for proposed occupants and/or a risk management plan for any flammable on-site hazards.*

#### *SPP 3.7 definitions:*

*Vulnerable land use: A land use where persons may be less able to respond in a bushfire emergency. Examples of what constitutes a vulnerable land use are provided in the guidelines.*

#### **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 \$6,326 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 22 March and 6 April 2023. Consultation was undertaken in the following manner:

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

No submissions were received.

## COMMENT

As outlined above, it is considered that the proposed two storey building at the Montessori School is appropriate in the context of its location and continues to meet the applicable objectives and intent under PCPZLPP and LPS3.

The BMP provided by the applicant is considered to meet the requirements of SPP3.7 based on the advice provided by DFES and the applicants bushfire consultant.

The application is therefore recommended for approval, 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 9 February 2023 submitted by Mt Eyk Architects, the applicant, for the **EDUCATIONAL ESTABLISHMENT** (new two storey building) at Lot 2 (18) Montessori Place, KINGSLEY, subject to the following conditions:

- 1 This approval relates to the new two storey building only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 3 An additional 57 bicycle parking spaces shall be designed and installed onsite in accordance with the *Australian Standard for Off-street Car parking – Bicycles* (AS2890.3-1993) prior to occupation of the development and thereafter maintained to the satisfaction of the City;
- 4 All external fixtures and utilities (for example air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with the building design to the satisfaction of the City;
- 5 The development shall at all times comply with the requirements and recommendations of the *Bushfire Management Plan* (version 3a) prepared by Envision Bushfire Protection dated 31 March 2023;
- 6 The colours and materials of the proposed building are to complement the existing development onsite, to the satisfaction of the City.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf230509.pdf](#)



The City received seven valid nominations: five for the four vacant community representative positions, and two for the two vacant organisational representative positions. A copy of the response nominations (Attachment 6 refers) and the City's assessment and recommendation (Attachment 4 and Attachment 5 refers) have been provided to Elected Members under confidential separate cover for their consideration.

The City has assessed these nominations and recommends three nominees be appointed as community representatives, and two nominees be appointed as organisational representatives.

The remaining vacant community representative position will be considered by the City and the RAPCRG and is expected to be addressed in late 2023 when Council will be asked to re-appoint the RAPCRG members as is required under its Terms of Reference.

*It is therefore recommended that Council:*

- 1 *APPOINTS the following nominees to the Reconciliation Action Plan Community Reference Group:*
  - 1.1 *Community Representative three representatives;*
  - 1.2 *Organisational Representatives two representatives;*
- 2 *NOTES that one vacancy remains on the Reconciliation Action Plan Community Reference Group, and that the City will look to fill this vacancy later in 2023 when Council will be asked to consider re-establishing the Reconciliation Action Plan Community Reference Group and the appointment of members to the Reconciliation Action Plan Community Reference Group;*
- 3 *REQUESTS the Chief Executive Officer to advise all nominees of the outcome of the selection process.*

## **BACKGROUND**

At its meeting held on 17 September 2019 (CJ118-09/19 refers), Council approved the establishment of the Reconciliation Action Plan Community Reference Group (RAPCRG) and the associated Terms of Reference (refer Attachment 1). This included the structure of the RAPCRG being comprised of:

- the Mayor
- two Elected Member representatives
- eight community representatives
- four organisational representatives.

The City undertook an expression of interest process to fill the 12 community and organisational roles and, at its meeting held on 15 September 2020 (CJ125-09/20 refers), it was resolved that Council:

- "1 *APPOINTS the following eight Community Members to the City's Reconciliation Action Plan Community Reference Group:*
  - 1.1 *Ms Nicole Liesis;*
  - 1.2 *Ms Pauline Boscato;*
  - 1.3 *Ms Kathy Kickett;*
  - 1.4 *Ms Ann Marie Mullaney;*
  - 1.5 *Ms Jane Burns;*

- 1.6 *Mr Adam Casley;*
  - 1.7 *Mr Marcus Kaden;*
  - 1.8 *Ms Fabienne Hill Faskel;*
- 2 *APPOINTS the following four Organisational Members to the City's Reconciliation Action Plan Community Reference Group:*
- 2.1 *Ms Gaelle Gouillou - The Spiers Centre;*
  - 2.2 *Ms Sharon Wood-Kenney - Djinda Falcons - Djinda Bridiya Wellbeing Australian Aboriginal Organisation;*
  - 2.3 *Mr Jason Barrow - Edith Cowan University;*
  - 2.4 *Mr Dennis Simmons - Maar Koodjal Aboriginal Corporation;*
- 3 *APPOINTS the following two elected members to the City's Reconciliation Action Plan Community Reference Group:*
- 3.1 *Cr Philippa Taylor*
  - 3.2 *Cr John Raftis"*

Between September 2020, and November 2021, the following members resigned from their position on the RAPCRG:

- Ms Nicole Liesis
- Ms Fabienne Hill Faskel
- Mr Jason Barrow (Edith Cowan University).

Cr Phillipa Taylor was not re-elected at the 2021 Council election, and therefore was no longer eligible to sit on the RAPCRG as an Elected Member representative.

At a Special Meeting held on 1 November 2021 (JSC03-11/21 refers), Council resolved to re-appoint the remaining members for a further two-year period, noting that there were three vacancies on the group. Cr Christine Hamilton-Prime was also appointed by Council to take the vacant Elected Member representative role.

Since that last appointment of RAPCRG members in November 2021, a further three members of the RAPCRG have resigned:

- Mr Adam Casley
- Ms Anne Marie Mullaney
- Ms Gaelle Gouillou (The Spiers Centre).

This leaves the RAPCRG with six vacancies: four community representatives, and two organisational representatives.

## **DETAILS**

The City commenced an open Expression of Interest nomination process to fill the six vacant RAPCRG positions on Friday, 10 March 2023. The nomination period was open for 32 days, closing on Monday, 10 April 2023.

The EOI nomination opportunity was promoted throughout this period as follows:

- Three emails to RAPCRG members encouraging them to share with their networks.
- Two emails to those who had previously expressed an interest in the RAPCRG.
- Two emails were sent to the Community Development database.
- One advert in Perth Now.



- One advert in the Joondalup Voice.
- Two boosted Facebook posts reaching 102,592 accounts.
- Advertising on the City's website.
- Advertising via the CEO email.

The City received seven valid nominations, five for the community representative positions, and two for the organisational representative positions. One nomination was received late and was not considered.

Four senior City officers assessed the nominations against three qualitative criteria:

- Connection to Joondalup and its community
- Experience with reconciliation (development and / or delivering RAPs)
- Experience with Aboriginal and Torres Strait Islander culture

Three nominees have been recommended for appointment to the RAPCRG as community representatives, all scoring consistently high scores against all three criteria.

A summary of community representative nominations and assessments is provided in Attachment 4 to this Report.

Both nominations for the two vacant organisational representative positions have nominated to represent organisations that operate within the City of Joondalup, and both organisations work closely with Aboriginal and Torres Strait Islander peoples.

Both organisational nominees have been recommended for appointment to the RAPCRG, scoring consistently high scores against all three criteria.

A summary of organisational representative nominations and assessments is provided in Attachment 5 to this Report.

#### Remaining Vacant Position

As it is being recommended to appoint three community representatives, one community representative position on the RAPCRG would remain vacant.

The City would look to recruit a suitable candidate for this vacant role (as well as any other roles that become vacant during this period) and make recommendations for Council to consider further appointments in November 2023 when Council will be required to consider re-establishing the RAPCRG and the appoint of members for a further two-year period.

#### **Issues and options considered**

Council may choose to accept the City's recommendations or may choose to select alternate nominees for RAPCRG membership.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme** Community.

**Outcome** Cultural and diverse - you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

**Policy** Not applicable.

**Risk management considerations**

Only accepting three of the five nominations for the community representative roles given there are four vacancies, may result in the unsuccessful nominees feeling disappointed with the decision.

However, the City believes the recommended appointments provide the best result for the RAPCRG going forward, while also providing the City and the RAPCRG the opportunity to identify further nominees in the coming months for consideration by Council later in 2023.

**Financial / budget implications**

The cost of advertising and promoting the RAPCRG Expression of Interest process was \$839.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The City considers that the five individuals recommended to join the RAPCRG in both community and organisational representative roles will add value to the City's reconciliation journey.

The remaining vacancy, and any other additional vacancies that may arise will be considered by the City and the RAPCRG in the coming months and will be considered by Council later in 2023 when Council will be asked to consider re-establishing the RAPCRG along with the appointment of its members.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 APPOINTS the following nominees to the Reconciliation Action Plan Community Reference Group:**
  - 1.1 Community Representatives three representatives;**
  - 1.2 Organisational Representatives two representatives;**
- 2 NOTES that one vacancy remains on the Reconciliation Action Plan Community Reference Group, and that the City will look to fill this vacancy later in 2023 when Council will be asked to consider re-establishing the Reconciliation Action Plan Community Reference Group and the appointment of members to the Reconciliation Action Plan Community Reference Group;**
- 3 REQUESTS the Chief Executive Officer to advise all nominees of the outcome of the selection process.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf230509.pdf](#)

## ITEM 5 EXECUTION OF DOCUMENTS

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr James Pearson<br>Office of the CEO  |
| <b>FILE NUMBER</b>            | 15876, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1    Signing and Common Seal Register -<br>extract for 1 March 2023 to 4 April 2023   |
| <b>AUTHORITY / DISCRETION</b> | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for 1 March 2023 to 4 April 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 for 1 March 2023 to 4 April 2023 as detailed in Attachment 1 to this Report.*

### 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 March 2023 (CJ032-03/23 refers).

### DETAILS

From 1 March 2023 to 4 April 2023, one document was Executed by affixing the Common Seal. A summary is provided below:

| Type                 | Number |
|----------------------|--------|
| Withdrawal of Caveat | 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 1 March 2023 to 4 April 2023 as detailed in Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf230509.pdf](#)*

## ITEM 6                      DRAFT COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN 2023-2033

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE A/DIRECTOR</b> | Mrs Simone Holmes-Cavanagh<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 104477, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1      Draft Coastal Hazard Risk Management and Adaptation Plan 2023 – 2033  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

### PURPOSE

For Council to endorse the release of the draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) 2023 – 2033 for community consultation.

### EXECUTIVE SUMMARY

The City manages 17km of coastline from Marmion in the south to Burns Beach in the north. The coastline is highly valued by the community and its visitors and supports a variety of land uses including recreation, conservation, residential and commercial. The coastline includes foreshore reserves with regionally significant vegetation and Bush Forever sites.

The draft CHRMAP is a strategic long-term plan that informs the City and the community about the expected coastal hazards, such as erosion, over the next 100-years and provides options and pathways to adapt to these hazards and changing conditions over time. The CHRMAP highlights coastal hazard risks in 2015, 2065 and 2115, and acknowledges the need to balance environmental, social, and economic values to ensure the City's coastline is sustainable in the long term.

Developing a CHRMAP is a requirement under *State Coastal Planning Policy 2.6* and requires consideration of coastal hazard impacts over a 100 year planning timeframe. There are numerous funding sources available to contribute to coastal protection measures, some of which are only available to land managers with an endorsed CHRMAP.

*It is therefore recommended that Council:*

- 1      *ENDORSES the draft CHRMAP 2023 – 2033, provided as Attachment 1 to this Report, for community consultation;*
- 2      *NOTES that the endorsement of the CHRMAP will increase opportunities for the City to pursue external funding opportunities;*
- 3      *NOTES that once the final CHRMAP is endorsed, the City will prepare a separate Business Case to evaluate funding opportunities and identify potential City costs.*

## BACKGROUND

The City manages 17 km of coastline from Marmion in the south to Burns Beach in the north. The coastline is highly valued by the community and its visitors and supports a variety of land uses including recreation, conservation, residential and commercial. The coastline includes foreshore reserves with regionally significant vegetation and Bush Forever sites.

The City's coastal zone is already affected by coastal hazards, such as erosion, and it is anticipated that the effects of these hazards will increase into the future, due to climate change and sea level rise.

The City currently implements the following coastal protection measures:

- Three groynes at Sorrento Beach and one groyne at Burns Beach.
- Seawalls protecting the Sorrento Surf Life Saving Club, Mullaloo Surf Life Saving Club and Marmion Angling and Aquatic Club (MAAC).
- Beach nourishment program around Hillarys Boat Harbour.
- Coastal Monitoring Program annually.
- Coastal protection assets condition inspections.
- Coastal Hazard Assessments.
- Coastal hazard risk planning controls (Coastal Local Planning Policy, coastal foreshore reserve management and Coastal Infrastructure Adaptation Plan).
- Stabilisation of sand in coastal foreshore reserves through revegetation and weed control works.

Climate change and sea level rise increase the risk of coastal hazards, which pose a risk to the assets located within the coastal zone. These assets include both built and natural assets, which provide a range of values to the community, including social, environmental, economic and heritage values.

Developing a CHRMAP is a requirement under State Coastal Planning Policy 2.6 and requires consideration of coastal hazard impacts over a 100-year planning timeframe. There are funding sources available to contribute to coastal protection measures, some of which are only available to land managers with an endorsed CHRMAP.

## DETAILS

The draft CHRMAP is a strategic long-term plan that informs the City and the community about the expected coastal hazards, such as erosion, over the next 100-years and provides options and pathways to adapt to these hazards and changing conditions over time. The CHRMAP highlights risks in 2015, 2065 and 2115, and acknowledges the need to balance environmental, social, and economic values to ensure the City's coastline is sustainable in the long term.

The objectives of the CHRMAP are as follows:

- Protect, conserve, and enhance coastal zone values including environmental, social, cultural significance and economic values.
- Identify the coastal hazard risks over the next 100 years.
- Develop and prioritise adaptation pathways and options to help mitigate coastal hazard risks, where necessary, over the 100-year planning timeframe.
- Engage stakeholders and the community in the coastal hazard planning and decision-making process.

### Study area

The City's coastal zone has been split into seven coastal management zones based on geographic and coastal characteristics, as well as the coastal uses along the City's coastline:

- 1 Marmion
- 2 Sorrento
- 3 Hillarys-Kallaroo
- 4 Mullaloo
- 5 Ocean Reef
- 6 Iluka
- 7 Burns Beach.

The CHRMAP applies to the entire City coastal zone, except for Hillarys Boat Harbour, which is managed by the Department of Transport, and the Ocean Reef coastal management zone, which is subject to its own CHRMAP due to the Ocean Reef Marina development.

### CHRMAP development

The City's CHRMAP development commenced in 2016 and has involved a number of coastal technical assessments and investigations. The draft CHRMAP has been developed in the following stages:

#### **Stage 1** (completed in 2016):

- Identified the vulnerable areas by assessing the ongoing coastal monitoring program results.
- Identified the City's coastal hazards through a Coastal Hazard Assessment.

#### **Stage 2** (completed in 2018):

- Defined the City's community coastal values through a Community Coastal Values Survey.
- Assessed the coastal infrastructure through the Coastal Infrastructure Adaptation Plan.

#### **Stage 3** (completed in 2022):

Engagement of certified engineers MP Rogers and Associates to analyse the existing coastal data and develop a technical CHRMAP, which included:

- Identifying the City's coastal hazards and their likely impacts today, in 2065 and 2115.
- A detailed risk analysis for the assets within the City's coastal zone.
- A range of proposed adaptation options for each coastal management zone.
- A Multi-Criteria Analysis and Cost Benefit Analysis for each of the proposed adaptation options.
- A list of preferred adaptation options, based on the outcomes of the Multi-Criteria Analysis and Cost Benefit Analysis, for each asset and coastal management zone.

#### **Stage 4** (in progress):

- Development of a community facing CHRMAP based on the technical CHRMAP.

### Adaptation options

The draft CHRMAP includes mapping of the City's coastal erosion hazard lines for present day, 2065 and 2115. The erosion hazard lines highlighted that significant public and private assets may be vulnerable to coastal erosion over the 100-year planning timeframe.



As per *State Coastal Planning Policy 2.6* there are a range of approaches available for coastal adaptation, including the following:

- Do nothing – accept the risk and do not implement any actions.
- Avoid – prevent new development in vulnerable areas.
- Retreat – remove existing infrastructure and assets from vulnerable areas.
- Accommodate – re-design and adapt existing infrastructure to new conditions.
- Protect – introduce methods to protect vulnerable areas, such as beach nourishment, constructing groynes and seawalls, and revegetating and stabilising dunes.

To select the most suitable adaptation option for each of the coastal management zones, the following steps were followed:

- Step 1 – a Multi-Criteria Analysis was used to identify suitable and unsuitable adaptation options for each coastal management zone.
- Step 2 – a Cost Benefit Analysis was then used to assess the viability of the options proposed in Step 1.
- Step 3 – using the results from the Multi-Criteria Analysis and Cost Benefit Analysis, the preferred adaptation option, trigger point and pathway were determined for each coastal management zone.

From this process, a recommended adaptation option for each coastal management zone has been proposed, as outlined in the table below.

| <b>Coastal Management Zone</b> | <b>Recommended Adaptation Option</b>          |
|--------------------------------|---|
| Marmion                        | Beach nourishment                             |
| Sorrento                       | Groynes                                       |
| Hillarys to Kallaroo           | Groynes                                       |
| Mullaloo                       | Groynes                                       |
| Ocean Reef                     | Do nothing (zone managed by State government) |
| Iluka                          | Beach nourishment                             |
| Burns Beach                    | Managed retreat (public assets only)          |

Each coastal management zone has a proposed adaptation pathway which includes the recommended adaptation option and triggers specific to that zone which will identify when the adaptation option should commence.

### **Issues and options considered**

With regard to the draft CHRMAP, Council has the option to:

- endorse the draft CHRMAP as presented in Attachment 1 to this Report, for community consultation. This is the recommended option  
or
- endorse the draft CHRMAP, subject to amendments, for community consultation.

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

**Legislation**                      *Planning and Development Act 2005.*

### **10-Year Strategic Community Plan**

**Key theme**                        Environment.

**Outcome**                        Resilient and prepared – you understand and are prepared for the impacts of climate change and natural disasters.

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

**Policy**

*Coastal Local Planning Policy.*  
*Sustainability Policy.*  
*State Planning Policy No. 2.6 - State Coastal Planning Policy.*  
*WA Coastal Zone Strategy.*

**Risk management considerations**

The City's coastal zone is already at risk of coastal erosion and this risk is predicted to worsen in the future, due to climate change and sea level rise impacts. The draft CHRMAP provides a strategic approach to identifying and adapting to these coastal erosion risks into the future, as conditions potentially worsen.

**Financial / budget implications**

The draft CHRMAP identifies public and private assets valued at approximately \$222 million that are at potential risk of coastal erosion by 2115. The proposed adaptation options within the draft CHRMAP are based on the Cost Benefit Analysis which comprises of two elements, the social / environmental benefits and the direct costs. The direct costs over a 100-year period, in today's dollars, are estimated at \$127.6 million, which equates to \$1.276 million per year. The direct costs relate to a real cost that would be incurred by one or more agencies for the one-off infrastructure, ongoing maintenance, and beach nourishment activities over a 100-year period in today's dollars.

Over 50% of the costs (circa \$72 million) would be required in years 51 to 100, a further \$30 million required in years 21 to 50 and circa \$25 million required in years 1 to 20 if the adaptation options were implemented. This is a significant financial impost, and it is not proposed that the City accepts full responsibility for these costs. The estimated costs are subject to detailed design and further considerations such as coastal hazard information that may be available in the future. The City will advocate for external funding support for these costs.

A Business Case will be developed following endorsement of the CHRMAP by Council which will evaluate the options for funding the direct costs over the full 100-year period to deliver the proposed adaptation pathways. The Business Case will also evaluate the options for funding the proposed adaptation pathways in the next 10 to 20 years.

**Regional significance**

All coastal land managers in Western Australia are required to develop a CHRMAP over a 100-year planning timeframe, in accordance with *State Planning Policy 2.6*.

The City's coastal zone is accessed and utilised by the community of the City of Joondalup as well as the community of the wider Perth region.

The City participates in the Western Australian Local Government Association (WALGA) Local Government CHRMAP Forum which was formed to provide opportunities for officers working in Local Governments in the coastal zone to share information, challenges and experiences in relation to coastal hazard risk management adaptation planning and coastal adaptation in general.

## **Sustainability implications**

### Environmental

The City's coastal zone is already affected by erosion, and the City's vulnerability to coastal erosion is predicted to increase into the future. Sandy beaches, dunes and native vegetation are vulnerable to coastal erosion impacts.

### Social

The City's coastal zone contains numerous natural and built assets such as the beach, vegetation and dunes, beach accessways, cycle paths, carparks, parks and associated infrastructure. These areas and assets provide recreational and health benefits to the community. Coastal vulnerability to erosion affects the coastal amenity, functionality and aesthetics and impacts upon community use of the coastal zone.

### Economic

The City aims to attract visitors to the City by providing high quality coastal areas that are attractive and welcoming. Attraction of visitors has economic benefits to the City and local businesses. Planning for and adapting to coastal hazards ensures that the City's coastal zone is managed to the best possible standard, continuing to encourage visitor investment into the City.

## **Consultation**

The City commenced the CHRMAP process with a Community Coastal Values Survey in 2018 to determine what the community valued most about the City's coastal zone and the adaptation options were supported. These outcomes were used to develop the draft CHRMAP.

The draft CHRMAP has been peer reviewed by:

- MP Rogers and Associates
- Western Australian Local Government Association
- Department of Planning, Lands and Heritage.

It is intended that the draft CHRMAP will be released for community consultation commencing in June 2023. Key stakeholders will be contacted directly and invited to participate in consultation on the draft CHRMAP including:

- City of Joondalup coastal vulnerability stakeholder group
- City of Stirling and City of Wanneroo
- Friends Groups
- Community clubs:
  - Sorrento and Mullaloo Surf Life Saving Clubs
  - Ocean Reef Sea Sports Club
  - Marmion Angling and Aquatic Club
  - Other coastal sports and community organisations
- Residents Associations.

The City will also advertise the consultation to the wider community via a range of communication methods.

## COMMENT

The draft CHRMAP highlights the City's coastal assets and areas that are vulnerable to coastal erosion over the 100-year planning timeframe and presents potential adaptation options to manage the risk.

A CHRMAP is a requirement under *State Planning Policy 2.6* and will provide the City with a strategic approach to managing and adapting to coastal hazards until 2115.

The CHRMAP will increase opportunities for the City to apply for grant funding, as some funding opportunities are only available with an endorsed CHRMAP.

Through the City's established Coastal Monitoring Program, the CHRMAP will be continually monitored to track the progress of implementation. A major review will be conducted every 10 years.

After the community consultation on the draft CHRMAP is completed, it is intended that a final draft CHRMAP will be presented to Council for adoption. Further to this, it should be noted that the plan will be subject to formal design and branding prior to publishing.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **ENDORSES** the draft CHRMAP 2023 – 2033, provided as Attachment 1 to this Report, for community consultation;
- 2 **NOTES** that the endorsement of the CHRMAP will increase opportunities for the City to pursue external funding opportunities;
- 3 **NOTES** that once the final CHRMAP is endorsed, the City will prepare a separate Business Case to evaluate funding opportunities and identify potential City costs.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf230509.pdf](#)

## **ITEM 7                      MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 7 MARCH 2023**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE A/DIRECTOR</b> | Mrs Simone Holmes-Cavanagh<br>Governance and Strategy   |
| <b>FILE NUMBERS</b>           | 107128, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1     Minutes of the Annual General Meeting of Electors held on 7 March 2023 (excluding Annual Report)   |
| <b>AUTHORITY /DISCRETION</b>  | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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### **PURPOSE**

For Council to note the Minutes of the Annual General Meeting of Electors held on 7 March 2023 (Attachment 1 refers) and to give consideration to the motions carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 7 March 2023 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable, or, if that is not practicable, at the first ordinary council meeting after that meeting, or at a special meeting called for that purpose, whichever happens first. On this occasion, the City has been unable to meet these timeframes, and as such the motions will be considered by Council at the May Ordinary Council meeting.

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 7 March 2023 in accordance with section 5.27 of the Act. The meeting was attended by 104 members of the public, with a total of 50 motions carried at the meeting and one lost motion.

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

### **DETAILS**

#### **Issues and options considered**

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

**MOTION NO. 1**

**MOVED M Sideris, SECONDED M Harrison that the Electors of the City of Joondalup REQUEST that Council to instruct the City to increase accessibility for visually impaired members of the community by having the Presiding Member of meetings read aloud all motions in full before voting takes place.**

Officer's comment

In recent years, the City has undertaken a number of activities to increase accessibility for visually impaired members of the community in the Council Chamber. In 2019, the City installed three large HD screens in the Council Chamber, positioned for viewing by members of the public in the public gallery. In addition, hard copy agendas are made available for members of the public, which are also available in alternative formats. The City also has a dedicated access and inclusion officer who is available to assist members of the public with any requests for documents in alternative formats, and is available to discuss with members of the public how the City can make the Council process more inclusive.

With regard to the request for the Presiding Member to read aloud all motions in full before voting takes places, this is a matter for the Presiding Member to consider and any such requests shall be at the Presiding Members' discretion.

Officer's recommendation

*That Council, in relation to Motion No. 1 carried at the Annual General Meeting of Electors:*

- 1 *NOTES that the City has undertaken a number of activities to increase accessibility for visually impaired members of the community in the Council Chamber in recent years;*
- 2 *NOTES that the request for the Presiding Member to read aloud all motions in full before voting takes place is a matter for the Presiding Member to consider, and any such requests shall be at the Presiding Members' discretion.*

**MOTION NO. 2**

**MOVED M Kwok, SECONDED N Dangar that the Electors of the City of Joondalup REQUEST that Council instructs the City to consult with First Nation Australians on the renaming of Blackboy Park, Mullaloo.**

Officer's comment

At its meeting held on 19 March 2019 (C15-03/19 refers), the Council considered a Notice of Motion and resolved to request the Chief Executive Officer prepare a report on the renaming of Blackboy Park, Mullaloo, on the basis that the use of the term blackboy may no longer be considered appropriate.

Subsequently, at its meeting held on 16 July 2019 (CJ086-07/19 refers), Council considered this report, with a recommendation to rename the park, Karalundie Park, subject to community consultation. Karalundie Park was recommended by the City as an appropriate alternate name that meets the requirements of the City's *Naming of Public Facilities Policy* and Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

Council did not support this recommendation and requested the City to seek further advice on appropriate Aboriginal place names to replace the current name of Blackboy Park. The City subsequently sought advice on potential appropriate Aboriginal names, however, enquires at that time did not produce any alternative names.

While the City considers the appropriate naming of a number of locations, including Blackboy Park, an Aboriginal-led consultant is being sought to engage with local Aboriginal stakeholders and to provide advice and recommendations to the City, for future consideration by Council. Once the advisor has been appointed, the City will progress with consultation with Aboriginal people on the renaming of Blackboy Park.

#### Officer's Recommendation

*That Council, in relation to Motion No. 2 carried at the Annual General Meeting of Electors NOTES that the City has commenced the process to seek and appoint an Aboriginal-led consultant to assist with consultation and engagement with Aboriginal people on the naming of a number of locations, including the renaming of Blackboy Park, Mullaloo.*

### **MOTION NO. 3**

**MOVED P Walker, SECONDED R Matulich that the Electors of the City of Joondalup REQUEST that Council:**

- 1 instructs the City to INVESTIGATE the feasibility of having a second chemical free dog park located in the City of Joondalup;**
- 2 NOTES that Elcar Park is the only chemical free dog park in the City of Joondalup and it is popular and well utilised dog exercise area. It is requested that the City should invest into having at least another chemical free dog park to provide residents and their pets a safe environment.**

#### Officer's comment

At its meeting held on 20 September 2022 (CJ149-09/22 refers), Council requested the City to undertake a holistic review of the City's animal exercise areas and develop a framework to guide the planning, identification, and delivery of animal exercise areas to be presented to Council by June 2023. Access for dogs to public areas and access to dedicated dog exercise areas within the City of Joondalup will be covered in this framework.

At its meeting held on 13 December 2022 (CJ203-12/22 refers), Council resolved in part as follows:

*"2.1 NOTES that the holistic review on animal exercise areas and the development of a framework to guide the planning, identification, and delivery of animal exercise areas within the City of Joondalup will include the foreshore areas and a specific, standalone policy regarding dog access to the foreshore is not required."*

In line with Council's Decision, the City is currently developing this framework and will be seeking Elected Member input at a Strategy Session in June 2023.

#### Officer's recommendation

*That Council, in relation to Motion No. 3 carried at the Annual General Meeting of Electors NOTES that the holistic review on animal exercise areas and the development of a framework to guide the planning, identification, and delivery of animal exercise areas within the City of Joondalup will include the consideration of additional dog exercise areas that are chemical free.*

**MOTION NO. 4**

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

Officer's comment

This elector's motion is identical to motions raised at the Annual General Meeting of Electors held on 23 March 2021 and 8 February 2022.

When considering this motion at its meeting held on 18 May 2021 (CJ063-05/21 refers), Council resolved as follows:

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

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

When considering this motion at its meeting held on 19 April 2022 (CJ049-04/22 refers), Council resolved as follows:

*"That Council in relation to Motion No. 14 carried at the Annual General Meeting of Electors:*

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

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

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

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



Officer's recommendation

*That Council, in relation to Motion No. 4 carried at the Annual General Meeting of Electors REAFFIRMS its decisions of 18 May 2021 (CJ063-05/21 refers) and 19 April 2022 (CJ049- 04/22 refers) that NOTED:*

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

**MOTION NO. 5**

**MOVED S Apps, SECONDED F Gilbert that the Electors of the City of Joondalup REQUEST that Council instructs the City to develop a Privacy Policy, with regard to:**

- 1 the principles set out by the Australian Human Rights Commission;**
- 2 the *Australian Privacy Act 1988*;**
- 3 other relevant legislation to ensure that the City takes all reasonable steps to protect the public's rights to privacy;**
- 4 the policy being sufficient to prevent incidents such as the unlawful or unnecessary publication or release of residents' personal information;**
- 5 how information about residents is collected, stored, accessed, and used to ensure privacy of residents is of paramount concern;**
- 6 that members of the public are not being required to state their full address when speaking in public meetings at the City of Joondalup Civic Chambers.**

Officer's comment

The *Privacy Act 1988* (the Privacy Act) is Commonwealth legislation that sets out the manner in which personal information is handled by Commonwealth Government agencies and many private organisations however, it does not specifically address these matters for State Government agencies. The Privacy Act includes thirteen Australian Privacy Principles which set out the standards, rights and obligations for the handling, holding, use, accessing and correction of personal information. Whilst the City is not bound to comply with these Principles, where possible the City endeavours to meet these principles taking into account the legislative context as it applies to local government agencies in Western Australia.

Currently, Western Australia and South Australia are the only two jurisdictions which do not have specific privacy legislation. There are, however, privacy principles contained within the *Freedom of Information Act 1992 (WA)*, which relate to the disclosure and amendment of personal information held by Western Australian State and local government agencies.

In 2019, the State Government commenced an extensive consultation process to develop a legislative model for Western Australia. The outcomes of that consultation process can be found on the WA Government website [Privacy and Responsible Information Sharing Consultation Summary Report \(www.wa.gov.au\)](http://www.wa.gov.au).

The report identifies the following:

- Any proposed new laws should complement existing laws in WA, as well as align with other Australian laws and global best practice.
- Be clear on how the new laws will operate.
- Build on existing knowledge and skills.
- Agencies should be open about what they're doing with personal information.
- The proposed Privacy Commissioner should be independent of Government and have the powers to keep agencies accountable.
- There should be consequences when people do the wrong thing.
- People should provide their consent to providing personal information and be able to opt out.
- The security of personal information is paramount.
- The potential for bias and discrimination in 'AI' must be addressed.

On 14 December 2022, the State Government announced new privacy laws to protect the personal data of Western Australians. The proposed new legislation will establish the new position of a Privacy Commissioner, as well as introduce a comprehensive privacy framework to regulate the way the WA public sector collects, holds, uses and discloses personal information. A new mandatory data breach scheme will be implemented, requiring Government agencies to notify the Privacy Commissioner and affected individuals of serious data breaches – including breaches of personal information. Further information can be found on the WA Government website [Privacy and Responsible Information Sharing \(www.wa.gov.au\)](http://www.wa.gov.au)

On Thursday 11 April 2023, the Director General of the Department of Premier and Cabinet issued a communication to all heads of agencies (including local governments), to raise awareness about the anticipated timeframe for the new legislation, and resources that will be available to help agencies to plan and prepare. In particular, the Department has provided a Privacy and Responsible Information Sharing (PRIS) Readiness Checklist which outlines four self-assessment activities, and 18 key actions that agencies need to prioritise to develop their culture and capability in readiness for the proposed PRIS reforms.

The primary purpose of the Readiness Checklist is to ensure agencies understand and are engaged with the process of reform and are prepared and capable of meeting the requirements of the proposed PRIS legislation, which is scheduled to be implemented by 31 December 2024.

Part of the key actions to be undertaken by agencies (including the City) over the next 20 months will include developing and publishing a Privacy Policy.

With regard to Part 6 of the motion, the procedures for public question time are provided for in the *City of Joondalup Meeting Procedures Local Law 2013* and the *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic meetings*. Clause 5.7(3) of the City's Meeting Procedures Local Law, provides as follows:

*'A member of the public wanting to ask a question during public question time must first state their name and full address.'*

At its meeting held on 16 August 2022 (CJ124-08/22 refers), Council considered an item on the adoption of an Amendment Local Law, which incorporated changes to the City's Meeting Procedures Local Law. At that meeting, Council resolved to refer this item back to the Policy Committee for further consideration so that each local law could be considered separately.

A review of the City's Meeting Procedures Local Law was considered at the Policy Committee meeting held on 31 October 2022 (Item 11 refers), and Council on 13 December 2022 (CJ218-12/22 refers), where Council resolved to make no changes to the City's Meeting Procedures Local Law, given the impending changes to the *Local Government Act 1995*, and the proposal to standardise meeting procedures across all local governments in Western Australia.

In addition, at the Council meeting held on 20 September 2022 (CJ155-09/22 refers), Council considered an item on the review of the *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic meetings*. At that meeting, no amendments were proposed to the requirement for members of the public to state their name and full address when addressing the Council at public meetings. However, it is open to the Council to amend the Procedures when they are next reviewed, for example; following the implementation of the new standardised meeting procedures.

#### Officer's recommendation

*That Council, in relation to Motion No. 5 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the proposed new privacy laws to be introduced by the State Government, which will introduce a comprehensive privacy framework to regulate the way the Western Australian public sector collects, holds, uses and discloses personal information;*
- 2 *NOTES the City will develop a Privacy Policy, in line with the Privacy and Responsible Sharing of Information legislation, and the requirements of the Readiness Checklist.*

#### **MOTION NO. 6 – LOST MOTION**

MOVED P Navas-Parejo, SECONDED A Semprini that the Electors of the City of Joondalup REQUEST that Council instructs the City to not permit telecommunication providers to use any local government resources for 5G infrastructure. LOST

#### Officer's comment

It is noted that Motion No. 6 was not carried (lost motion) by the Electors of the City of Joondalup present at the meeting and no further action is required by the City. The motion number has been retained to align with the motions stated in the AGM Minutes of the meeting held on 7 March 2023. This is to minimise any confusion in the report between the motion numbers and alignment to parts referred to in the Officer's Recommendation.

#### Officer's recommendation

*That Council NOTES that Motion No. 6 was not carried by the Electors of the City of Joondalup present at the meeting and no further action is required by the City.*

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

MOVED J Swanepoel, SECONDED M Sideris that the Electors of the City of Joondalup REQUEST that Council instructs the City:

- 1 **to immediately install warning signs at Pinnaroo Point and the dog beach for potential asbestos which is being exposed through beach erosion;**
- 2 **to investigate the potential asbestos laden materials at these locations and ensure it is safely removed.**

Officer's comment

The City is aware that pieces of asbestos are exposed from time to time by wind and wave action at the Hillarys Dog Beach and engaged specialist contractors to undertake regular inspections of the site and remove any asbestos they find. The City also contracted an environmental consultant to assess the nature and extent of the asbestos issue and the risk to beach users.

Following the assessment by Talis Consultants, the City is utilising a specialist contractor to remove asbestos. In addition, the City has commenced extensive rehabilitation works which will include the hydro mulching of approximately 6,000 square metres of the unstable foreshore dune. The purpose being to stabilise the dune and provide a thick cover of native vegetation to reduce the potential for further erosion. This project will also reduce the possible exposure of more asbestos residues.

The City is also in discussion with the Department of Water and Environmental Regulation and is awaiting their direction, as the regulator, on how to manage the asbestos contamination at this site.

Officer's recommendation

*That Council, in relation to Motion No. 7 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the works being undertaken to stabilise the dunes at the Hillarys Dog Beach to reduce further erosion and the wind exposing more asbestos;*
- 2 *NOTES that the City is awaiting direction from the Department of Water and Environmental Regulation on how to manage the contamination at this location.*

**MOTION NO. 8**

**MOVED N Brammer, SECONDED M Blonk that the Electors of the City of Joondalup REQUEST that Council instructs the City to:**

- 1 **include garden beds in the Central Business District (CBD) as part of the non-chemical weeding contract;**
- 2 **NOTES that garden beds are usually mulched and weeds can easily be removed by hand weeding;**
- 3 **NOTES it is not acceptable to invest in non-chemical weeding while still using chemical weeding in the same area.**

Officer's comment

Weed management within the Central Business District (CBD) is undertaken using non-chemical weed control methods in hardstand areas and chemical weed control within garden beds for which the City has two contracts in place. Changing the requirement would impact the current contractual arrangements; and using steam within the garden beds, especially within the CBD, with a very high level of service will also scatter mulch and soil and reduce amenity within the CBD.

Hand weeding is not financially sustainable over large areas and certain perennial weed varieties are difficult to remove by hand weeding. So, both chemical and non-chemical weed control is needed within the CBD which is in line with the integrated weed management approach as detailed in *2023-33 Weed Management Plan*.

Officer's recommendation

*That Council, in relation to Motion No. 8 carried at the Annual General Meeting of Electors:*

- 1 *NOTES that weed management across the City, including the Central Business District, will be undertaken in alignment with the adopted the 2023-33 Weed Management Plan;*
- 2 *DOES NOT SUPPORT limiting weed management within the garden beds in the Central Business District to non-chemical weed management only.*

**MOTION NO. 9**

**MOVED Nicky Dangar, SECONDED M Harrison that the Electors of the City of Joondalup REQUEST that Council instructs the City to provide at no cost printed copies of the City's Annual Report and Annual / Primary Returns upon request by ratepayers and residents.**

Officer's comment

S5.94 of the *Local Government Act 1995* (Act) provides that the public can inspect certain local government information, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection:

- (b) any register of financial interests.
- (c) any annual report.

S5.96 of the Act provides that a person may request a copy of the information and, unless regulations prescribe otherwise, the local government is to ensure that copies are available and that the price at which it sells copies does not exceed the cost of providing the copies.

The Council sets fees and charges each year in accordance with Subdivision 2 of Division 5 of the Act.

The fees and charges applied to photocopying (per page) for 2022-23 are:

- Black and white A3 \$0.40
- Black and white A4 \$0.20
- Colour A3 \$2.00
- Colour A4 \$1.00

Photocopying fees/charges are endorsed by the Council as part of the annual budget process, and should it determine that some or all information be made available at no charge, this is a matter which it may consider, taking into account the principles of Subdivision 2 of Division 5 of the Act.

With regard the particular information raised in the elector's motion:

- The City's annual reports are freely available on the website.
- As part of the local government reforms it is proposed that all local governments will be required to publish on their websites an Interest Disclosure Register which is to collate all disclosures made by Elected Members about their interests related to matters considered by Council. It is anticipated this would also include Primary and Annual Returns. The Council at its February 2022 meeting indicated its support for this initiative.

Officer's recommendation

*That Council, in relation to Motion No. 9 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the City providing at no cost printed copies of the City's Annual Report and Annual/Primary Returns upon request by ratepayers and residents.*

**MOTION NO. 10**

**MOVED A Baker, SECONDED E Swanepoel that the Electors of the City of Joondalup REQUEST that Council instructs the City to make available to the members of the public the Construction Management Plan(s) for the Ocean Reef Marina Development including any related dust management plans.**

Officer's comment

The Ocean Reef Marina development is under the control of the Western Australian Land Authority (trading as DevelopmentWA), and not the City of Joondalup. It is the responsibility of DevelopmentWA to ensure it complies with all laws, regulations, and guidelines, including those set by the Department of Water and Environmental Regulation (DWER) as it relates to the control of dust.

As the City is neither the regulator nor the planning authority for the Ocean Reef Marina project, it does not have the authority to make the Construction Management Plan(s) publicly available.

Officer's recommendation

*That Council, in relation to Motion No. 10 carried at the Annual General Meeting of Electors:*

- 1 *NOTES that Council is not the planning authority or the owner of the Ocean Reef Marina Project;*
- 2 *DOES NOT SUPPORT that the Construction Management Plan(s) are to be made available to members of the public as the City is not the owner of the Ocean Reef Marina project.*

**MOTION NO. 11**

**MOVED B Gould, SECONDED F Gilbert that the Electors of the City of Joondalup REQUEST that Council instructs the City to reinstate 24 hour signage for areas being sprayed with Glyphosate and/or Scheduled Poisons so as to protect the community from the potential effects of exposure to these types of chemicals.**

Officer's comment

Council considered the reinstatement of 24-hour signage at its meeting held on 28 March 2023 (CJ040-03/23 refers) and a motion to support the petition for Glyphosate advisory signage to stay in place for 24 hours was lost.

Signage and appropriate warnings are compulsory when spraying a pesticide in a public place. The type of signage and warning requirements will vary depending on where, when and how the pesticide treatment is being conducted.

Department of Health's *Health (Pesticides) Regulations 2011* sets out the requirements that must be adhered to at all times. They can include a flashing light, warning sign on the pest control vehicle and a warning sign on the ground. All of these may be required in various combinations dependant on the situation.

Officer's recommendation

*That Council, in relation to Motion No. 11 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the reinstatement of 24-hour glyphosate advisory signage;*
- 2 *NOTES that signage will be displayed as per the Department of Health's Health (Pesticides) Regulations 2011.*

**MOTION NO. 12**

**MOVED R Matulich, SECONDED C Gonser that the Electors of the City of Joondalup REQUEST that Council instructs the City:**

- 1 **to keep residents on the Pesticide Exclusion Register and Pesticide Use Notification Register without the need for annual re-registration;**
- 2 **NOTES the removal of the re-registration requirement will prevent unnecessary anxiety if residents have forgotten to re-register in July.**

Officer's comment

The City's ability to notify residents on the Pesticide Exclusion Use Register and the Pesticide Use Notification Register depends on the correct contact details to enable accurate and timely notifications. The annual re-registration process is the best way to ensure that the City obtains the most up to date contact details from registrants. It also provides the opportunity for registrants to consider if they want to continue to receive the notification or if they want to view the Pesticide Use Notification – Locations Map and Schedule on the City's website.

Registrants are reminded to re-register via a public notice on the City's website and social media posts. These notices also advertise the opportunity for residents to register that may not have been registered previously.

Officer's recommendation

*That Council, in relation to Motion No. 12 carried at the Annual General Meeting of Electors:*

- 1 *NOTES that the success of the Pesticide Use Notification Register and Pesticide Exclusion Use Register is highly dependent on accurate contact details of registrants;*
- 2 *DOES NOT SUPPORT the motion to keep residents on the Pesticide Exclusion Register and Pesticide Use Notification Register without the need for annual re-registration.*

**MOTION NO. 13**

**MOVED E Swanepoel, SECONDED M Moore that the Electors of the City of Joondalup REQUEST that Council instructs the City:**

- 1 to take all necessary and immediate actions to work with Development WA, to ensure that the limestone rock needed for the construction are crushed on site at a quarry (Ocean Reef Marina is not a quarry), and then brought to the Ocean Reef Marina Construction site;**
- 2 NOTES that the reason for this request is that the current plan involves crushing 200,000 tonnes of limestone per annum at the site, which is located in very close proximity to a residential area;**
- 3 NOTES that the Electors of Joondalup are concerned that the crushing of the limestone on the site will result in the release of more limestone and silica dust. Silica dust is a known health hazard and the potential exposure to it will affect the mental and physical well-being of the Ocean Reef residents.**

Officer's comment

In August 2022, and under section 54 of the *Environmental Protection Act 1986*, DevelopmentWA submitted an application to the Department of Water and Environmental Regulation (DWER). The application sought a works approval to enable the construction and operation of crushing and screening infrastructure as part of the delivery of the Ocean Reef Marina project.

The City, along with Government stakeholders were provided with an update on the application in November 2022 through the project Government Steering Committee and on 31 January 2023, the City was informed that the application had been approved. However, DevelopmentWA has since confirmed that although the application has been approved, there is currently no requirement to crush and screen material as part of the current scope of works being undertaken on site.

Consistent with the publicly advertised *Metropolitan Region Scheme Amendment* initiated by the City of Joondalup in 2014 and subsequent *Ocean Reef Marina Improvement Scheme No. 1* approval achieved by DevelopmentWA in 2020, one of the fundamental engineering and sustainability objectives for the Ocean Reef Marina project has been to achieve a cut to fill balance, whereby the earthworks levels across the project area and reclamation components predominantly utilise material sourced from site, minimising the need to import material from external sources.

This approach is the most sustainable construction and delivery methodology significantly reducing truck movements to and from site. If on-site material was unable to be crushed within the project area to meet geotechnical requirements and instead had to be exported to a quarry for crushing, there would be a significant increase in truck movements and traffic to and from site, leading to more dust on the roads, rendering the process costly and unsustainable.

The City will continue to work with DevelopmentWA ensuring that community concerns are addressed in a timely manner and in accordance with established processes, approval conditions and protocols.

Officer's recommendation

*That Council, in relation to Motion No. 13 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the request for DevelopmentWA to crush the limestone rock at a quarry and subsequently brought back to the Ocean Reef Marina construction site to undertake works.*



**MOTION NO. 14**

**MOVED D Luketin, SECONDED P Ryan that the Electors of the City of Joondalup REQUEST that Council instructs the City to remove restrictions 1.1 and 1.3 detailed below:**

- 1 NOTES the City currently charges a fee for community events. These fees are waived for the “not for profit” organisations, but only if:**
  - 1.1 a primary base registered within the City of Joondalup;**
  - 1.2 incorporated and/or registered as Not for Profit;**
  - 1.3 50 percent of attendees reside in the City of Joondalup;**
- 2 NOTES the fee currently discourages Not for Profit organisations to run events in the City, hence reducing opportunities to have community events in the City.**

Officer's comment

Under the City's *Facility Hire Subsidy Policy* (FHSP), the City offers a subsidy on hire fees at City managed venues to not-for-profit community groups if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. To be eligible for the subsidy, these groups must also have their primary base of operation within the City. This is to ensure that subsidies are only provided for groups and / or activities that primarily benefit the Joondalup community.

Waiver requests for hire fees under the FHSP may be submitted by any hirer for the City's consideration. The City regularly supports requests to waive hire fees for charitable purposes.

The FHSP is due to expire on 31 December 2023. The *Venue Hire Fees and Charges Policy* (VHFCP) will replace the current policy and does not require organisations to have their primary base within the City to be eligible for a subsidy of venue hire fees. Under the VHFCP charities, incorporated associations and community groups with an annual revenue of less than \$3 million, or an individual hiring a venue for non-commercial purposes will receive a 50% discount on the average hourly operating costs of the venue.

Fee waivers can be requested under the VHFCP for incorporated associations and charities if they can demonstrate they are experiencing financial hardship.

Officer's recommendation

*That Council, in relation to Motion No. 14 carried at the Annual General Meeting of Electors:*

- 1 NOTES that the City currently charges a fee for community events in line with the Facility Hire Subsidy Policy (FHSP);*
- 2 NOTES the Venue Hire Fees and Charges Policy (VHFCP) will come into effect on 1 January 2024, which does not require organisations to have their primary base within the City of Joondalup;*
- 3 NOTES, that under the Venue Hire Fees and Charges Policy, charities, incorporated associations and community groups with an annual revenue of less than \$3 million, or an individual hiring venue for non-commercial purposes, will receive a 50% discount on the average hourly operating costs of the venue.*

**MOTION NO. 15**

**MOVED J Tostevin, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to support the Lakeview Contemplation Garden (LCG) by way of the following:**

- 1 developing and signing a Memorandum of Understanding between the City of Joondalup and the LCG that will provide a basis on which LCG can have certainty and commitment from the City, sufficient for the requirements of funding organisations such as Lotterywest;**
- 2 removing LCG from the ‘Pedestrian Accessway Planting and Maintenance’ Program’ and the requirement to ‘Indemnify the City against damage to people or property as a result of the works undertaken in the PAW planting’;**
- 3 filling the 2,000 litre container/s (which will be used for watering the plants) on a fortnightly basis for a period of not less than three years.**

Officer’s comment

Lakeview Park, Edgewater is classified as low priority urban landscaping under the *City of Joondalup Public Open Space Framework* consisting of a small (755m<sup>2</sup>) non-irrigated parcel of land boarded mostly by residential properties and is considered by the City to be an extension of the existing Public Access Way (PAW) linking Lakeview Drive and Ridge Close which is used as a path network.

At its meeting held 15 March 2022 (CJ041-03/22 refers), Council considered a petition seeking support from Council for the community to create a native contemplative garden in Edgewater and resolved as follows:

- “1 NOTES the request from the Petition of Electors to create a native contemplation garden at Lakeview Park in Edgewater is consistent with the City’s recently established on-line process enabling applications to be received for Pedestrian Accessway Planting and Maintenance;*
- 2 SUPPORTS Lakeview Park in Edgewater as a site suitable for consideration under the City’s Pedestrian Accessway Planting and Maintenance application process;*
- 3 NOTES that if supported in Part 2 above, an application will need to be submitted to the City for assessment in line with the City’s on-line application process;*
- 4 ADVISES the lead petitioner of Council’s decision.”*

The approval is subject to a number of conditions the applicants must commit to as follows:

- Maintaining the PAW in a safe, good and tidy condition.
- Keeping footpaths clear of landscaping and trip hazards.
- Not using any chemical weed control.
- Adhering to the *Local Government and Public Property Local Law 2014* including planting of approved species only.
- Maintaining a one metre plant clearance zone from any City or public utility infrastructure such as, but not limited to, lighting, street signs, traffic signs, control boxes to name a few.
- Indemnifying the City against damage to people or property as a result of the works undertaken in the PAW.
- Reinstating the planting following works undertaken by the City or other service authorities.

Applicants must also note the following:

- Built structures, staking, plants with thorns and the planting of trees is not permitted.
- The City is not liable for any damage or vandalism to plants or landscaping treatments.
- The City will not supply plants, mulch or other landscaping materials to undertake the works.
- The City will not provide financial or practical assistance to undertake the works.
- The Pedestrian Accessway Planting and Maintenance Register does not apply to parks, reserves, or natural areas.
- Residents and stakeholders are responsible for the planting and maintenance of the PAW in its entirety (not just the section/s immediately adjoining their property).
- It is the responsibility of the applicants to pay for any damage caused to private, City or public utility infrastructure during the planting and maintenance process. If any damage or disturbance occurs to infrastructure, ensure you contact the City immediately.
- Residents and stakeholders must reapply every two years to ensure the continuing support of the adjoining property owners.

Based on the above it is the City's view that the Council resolution (CJ041-03/22 refers) is specific enough to show support for this project and it has been provided to the lead petitioner and a separate MOU is not required. A letter of support can again be provided to assist in funding applications to funding agencies if required.

One of the key conditions as detailed above is the requirement for the applicants to indemnify the City against damage to people or property as a result of the works undertaken in the PAW. This requirement is a standard condition and is not linked only to the Pedestrian Accessway Planting and Maintenance Program. It would be irresponsible to allow anybody to undertake works on public land under the care and control of the City without requiring this indemnification.

The request from residents to undertake additional works on public open space outside the level of service that the City provides such as the Lakeview Contemplation Garden can be supported on the condition that the City does not provide financial or practical assistance to undertake the works.

This condition is to ensure that the Pedestrian Accessway Planting and Maintenance process does not circumvent the prioritisation process of Capital Works Projects for consideration in the Capital Works Program. Otherwise, applicants could use this process to seek approval for works and then apply to the City to fund the works.

#### Officer's recommendation

*That Council, in relation to Motion No. 15 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the development and signing a Memorandum of Understanding between the City of Joondalup and the Lakeview Contemplative Garden noting a letter of support can again be provided if required for grant applications;*
- 2 *DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;*
- 3 *DOES NOT SUPPORT the request for further financial or practical assistance from the City towards this project.*

**MOTION NO. 16**

**MOVED P O'Donnell, SECONDED C O'Donnell that the Electors of the City of Joondalup REQUEST that Council:**

- 1 REVOKES the Council decision 'CJ139-08/22 Proposed Venue Hire Fees and Charges Policy' and undertake a comprehensive community engagement program as part of the process prior to developing an updated Facility Hire Fees and Charges Policy that delivers on the following:**
  - 1.1 a holistic review of the level of support provided to all hirers by the City of Joondalup (such as; grants, ground maintenance and support);**
  - 1.2 mitigating unnecessary "blanket bookings" by regular hirers which can restrict access to City venues by others;**
  - 1.3 ease of interpretation and application by hirers;**
  - 1.4 recognising the capacity to pay of different types of hirers;**
  - 1.5 ensuring all hirers have some exposure to operational costs (such as user-pays);**
  - 1.6 an extended transitional period to gradually introduce changes to enable existing hirers to adapt their operations over time.**

Officer's comment

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework (PMF)* with a supporting *Facility Hire Subsidy Policy (FHSP)*. The intent of both documents is to provide direction on the management and utilisation of City managed property under a variety of circumstances, including exclusive use and hire arrangements.

The FHSP deals with hire arrangements by determining fee subsidy levels and the circumstances in which they will apply. This is achieved by allocating community groups into certain categories of subsidy entitlement when hiring City venues (being community facilities, parks, beaches, courts and the like). Only when the groups exceed their allocation of hours for subsidised use, or are unable to pay the associated fees, is a further request made to either extend their subsidy or waive the applicable fees.

The primary intent of the FHSP is to mitigate the prevalence of 'blanket bookings' by regular users, which in effect, restricts access to City venues by others. Since the introduction of the policy in 2012, it is clear this intent has not been realised due to the continued experience of hirers being unable to access City venues based on bookings received.

To resolve the issue, the City commenced a review of the FHSP and sought input from Elected Members via an externally facilitated workshop in February 2019. Consistent and agreed feedback received through this workshop included the following:

- The need to maximise 'real' utilisation of City venues (this is mitigating blanket bookings).
- The requirement for any new policy to be easier to interpret and apply.
- The social value of groups to be 'proven' and not 'perceived' within a policy context.
- The importance of considering a hirer's financial capacity to pay.
- Ensuring all hirers have some exposure to operational costs.

Based on the workshop outcomes and discussions at subsequent information sessions, a draft *Venue Hire Fees and Charges Policy* (VHFCP) was prepared and presented to the Policy Committee meeting held on 1 August 2022, then the ordinary meeting of the Council on 16 August 2022, where at both meetings the proposed policy was adopted unanimously (Item CJ139-08/22 refers). The VHFCP proposes a significant departure from the City's current approach to administering fees and charges associated with community venue hire. In summary, the new policy recommends a simplified way of:

- classifying venue users, that is, reducing classifications to three categories (category A, B and C) rather than having multiple types of activity and location-based groupings
- charging for venue hire (using an hourly hire rate that is underpinned by a cost contribution model, rather than a pre-determined allocation of free / subsidised hours based on membership numbers and the perceived social value of individual groups).

The results of this approach is:

- the removal of all current subsidy and waiver allocations (including 100% subsidies to junior and senior groups)
- groups being charged on the basis of operational venue costs, with discounts applied in a standardised manner to all non-commercial (community) users
- increased hire fees for some groups that currently attract significant subsidies and free use compared to others
- removal of the reimbursement of junior hire fees for members of the Arena Community Sport and Recreation Association's (ACSRA) use of Joondalup Arena facilities
- all Category C users be afforded a set 50% subsidy.

The intended outcomes of the VHFCP are:

- reduce the level of inequity that exists between groups by assuming all non-commercial users provide similar levels of social value to the community
- apply an affordable charge as a mechanism for encouraging regular hirers to book venues based on actual need / usage in order to increase venue availability to others
- ensure increased fees are minimised and distributed across groups, rather than having a large increase apply to a small sub-set of groups
- lessen the demand on the City to construct new and extend existing buildings by maximising existing facility utilisation
- ensure equity across all hirers.

It was anticipated that the VHFCP would negatively impact 185 groups, with 139 positively impacted.

At the time of adoption of the VHFCP, the Council was conscious of what the change in policy could have on the operations of community groups. Therefore, it was agreed to not implement the policy immediately but delay the implementation until 1 January 2024 following a detailed community engagement program by the City. This decision effectively allowed community groups between 16 and 26 months to prepare for the new policy.

City officers offered to meet or did meet with every group anticipated to be negatively impacted on the policy change. This led to 77 face-to-face meetings with representatives of the clubs. This allowed City officers to explain the objectives and intent of the policy, listen to queries raised by hirers and help with strategies to implement the new cost structure, while also advising the financial hardship provision within the policy. Generally, the response from the groups was that they agreed with the intent of the policy but not the need to pay. Some groups were opposed to the policy while some groups, while negatively impacted, agreed with the policy, as it would free up facilities to make them more accessible for those groups struggling to get access.

Several groups that the City met with that were particularly impacted by the change, agreed with the policy as it applied equity to all community groups in being able to access City facilities.

As part of this engagement program, the City offered to work with a group of 16 summer hirers as if the VHFCP was in place, in an effort to review their bookings against their actual use. As a result of this, the City saw a reduction in bookings of 15% from the previous years. This demonstrates that clubs are likely booking more than they require, and providing a motivator in the form of a nominal fee to ensure clubs are reviewing and adjusting their bookings as required should see venue availability increase, and so allow more clubs and their members to use these facilities.

The City's Objectives / Principles for implementation of the *Venue Hire Fees and Charges Policy* are as follows:

|     | <b>Objective/Principle</b>   | <b>VHFCP</b>   |
|-----|--|--|
| 1.1 | A holistic review of the level of support provided to all hirers by the City of Joondalup (such as; grants, ground maintenance and support). | <p>The City regularly reviews its programs and services to ensure they meet the needs of the community.</p> <p>The City revised its community funding in 2021 with the intent of making funds more accessible to a wider section of community and sporting clubs. The Community Funding Program now provides financial support to incorporated community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. The program provides two levels of funding, with large grants (greater than \$10,000) offered annually and small grants (\$10,000 and lower) offered bi-annually.</p> <p>The City also conducted a review of its Clubs in-focus club development program in 2021. The review involved in-depth one-on-one discussions with several state sporting associations, other local governments, local club representatives, and supporting organisations to determine the existing level of club support, gaps in service delivery, and the most effective role the City could play to support sport within its community. The City developed a club development operational plan as a result that aims to assist community sporting clubs across a range of areas, with a focus on individualised support and flexibility to adapt to the needs of clubs as they experience environmental changes.</p> |
| 1.2 | Mitigating unnecessary "blanket bookings" by regular hirers which can restrict access to City venues by others.                              | This is not able to be formally assessed given the VHFCP is not yet implemented, but it is believed that applying a minimal charge for each booking places a value on that booking and therefore groups are likely to review their needs more appropriately.   |

|     | Objective/Principle  | VHFCP  |
|-----|--|--|
|     |  | <p>As part of the 2022-23 summer season booking process, the City assisted a group of hirers to review their bookings in line with their actual use as if the new policy was in place. As a result, the summer bookings were reduced by an average of 15% for the summer season. This demonstrates that clubs are likely booking more than they require, and providing a motivator in the form of a nominal fee to ensure clubs are reviewing and adjusting their bookings as required should see venue availability increase.</p>   |
| 1.3 | Ease of interpretation and application by hirers.                                | <p>The VHFCP removes the 11 different categories of subsidy, along with other criteria required to be met within those categories, such as team rates, primary base of occupancy to name a few. The VHFCP applies a simple hourly rate for all bookings which is easy to apply but more importantly easy to interpret.</p>   |
| 1.4 | Recognising the capacity to pay of different types of hirers.                    | <p>The proposed fees have been determined based on the actual costs for the City to operate its facilities and are a minimal charge. Initial modelling across those groups negatively impacted was an additional cost of approximately \$1 per member per week for the booking period. For seasonal users that is 26 weeks and for annual users 52 weeks. This costing is based on the current bookings, but this cost would be reduced if those groups who did ghost bookings were to remove those.</p> <p>VHFCP also includes a financial hardship provision where groups on a case-by-case basis could apply for some assistance with meeting the hire costs.</p>   |
| 1.5 | Ensuring all hirers have some exposure to operational costs (such as user-pays.) | <p>The VHFCP achieves this through a minimal charge. It also recognises the value of community groups classified as category C with a 50% discount for their work in building community.</p> <p>The introduction of a revised fee charging policy is not about generating additional income for the City, it is about achieving the other objectives. Initial modelling based on 2021-22 booking data shows an increase of annual venue hire income from \$787,048 to \$1,100,877, or a total of \$313,829.</p> <p>It is important to note that this is based on booking data not actual use, and it is envisaged that when bookings are reviewed and better aligned with actual use, the income will decline.</p> |

|     | Objective/Principle   | VHFCP   |
|-----|---|---|
|     |   | It is then anticipated that when bookings are released, income will increase based on new groups being afforded the opportunity to have venues where in the past they have been unable to.  |
| 1.6 | An extended transitional period to gradually introduce changes to enable existing hirers time to adapt their operations over time . | The Council agreed at its August 2022 meeting to adopt the VHFCP but for it to be effective as from 1 January 2024, with a detailed community engagement program. This effectively allows groups a minimum of 16 months and up to 26 months for summer users to prepare for the change. The City offered to meet with every group negatively impacted to assist them with the transition. As a result, the City met with 77 groups. |

Of the following twelve local governments being the Cities of Cockburn, Armadale, Busselton, Canning, Fremantle, Kalamunda, Mandurah, Stirling, South Perth, Swan, Vincent and Wanneroo:

- 92% charged junior sporting clubs for use of its facilities (use of any venue type).
- 90% charge for venue hire (such as clubrooms).
- 82% charge for floodlighting.
- 50% charge for park use.
- 42% charge for all the above.
- Only one City had a separate charge for storage.

Across these Local Governments the following typical scenario was proposed:

- Junior sporting team:
  - 15 teams across a 24-week season.
  - 4 weeks pre-season.
  - 24 hours of park hire per week including 15 hours requiring floodlights for training and competition.
  - 10 hours of facility hire per week.
  - One awards night.
  - Six meeting dates.
  - 20m<sup>2</sup> of storage.

The average cost for the above scenario is \$5,531 for the 24-week season with the range from \$0 to \$11,768. This same scenario under the proposed VHFCP for the City of Joondalup is \$4,948.

It should be noted following a decision at the April Ordinary Council meeting, Elected Members will be briefed, ahead of the 23 May 2023 Council meeting, on feedback received during the engagement process on the Venue Hire Fees and Charges Policy.

#### Officer's recommendation

*That Council, in relation to Motion No. 16 carried at the Annual General Meeting of Electors REAFFIRMS its decision of 16 August 2022 (CJ139-08/22 refers) regarding the proposed Venue Hire Fees and Charges Policy.*



**MOTION NO. 17**

**MOVED M Harrison, SECONDED J Sideris that the Electors of the City of Joondalup REQUEST that Council instructs the City in the last quarter of the 2022-23 financial year to adopt, implement and to fully integrate within its umbrella strategic document and to be measured by and maintain as up-to-date, after full consideration of all the latest peer-reviewed scientific data including that of the IPCC, and report in the Annual Report the following nine strategic KPIs for the City of Joondalup's true sustainability:**

- 1 the percentage of electors by each ward participating in any Local Government Election held;**
- 2 the percentage of total rate revenue that is directly allocated to the protection and enhancement of the supportive ecosystems provided by our natural bushland;**
- 3 the percentage of all land that is degraded natural bushland;**
- 4 the percentage of degraded natural bushland that is restored to its pristine and protected natural bushland condition;**
- 5 the percentage of all land that is protected natural bushland;**
- 6 the percentage of all land that is natural areas;**
- 7 the percentage of natural areas that is protected natural bushland;**
- 8 the percentage of coastline that is at risk from climate disruption in the next decade;**
- 9 the percentage of neighbourhoods by each suburb that are well-served enough to make car-free lifestyles viable.**

Officer's comment

The performance measures that are included within the City's Annual Report have been established using current datasets and in alignment with the Global Reporting Initiative. The City continually reviews and refines the measures to ensure their ongoing suitability and relevance. New indicators can only be adopted if reliable and robust data is available to inform reporting. The costs associated with obtaining, analysing and reporting on data needs to be considered, as well as the relevance and value that any new indicators will add to the City's current annual reporting.

Comments on the nine proposed Key Performance Indicators (KPIs) are as follows.

| <b>Proposed KPI</b>   | <b>Comment</b>   |
|---|--|
| The percentage of electors by each ward participating in any Local Government Election held   | The percentage of voter turnout per ward is reported by the Western Australia Electoral Commission and published on their website. The City includes total voter turnout as a percentage within the Annual Report, which is considered sufficient data to report on. |
| The percentage of total rate revenue that is directly allocated to the protection and enhancement of the supportive ecosystems provided by our natural bushland | The City currently publishes within the annual <u>State of the Environment Report</u> the annual budget and FTE to manage the City's Natural Environment.  |

| Proposed KPI  | Comment  |
|---|--|
| The percentage of all land that is degraded natural bushland  | The City assesses its major Conservation Areas and Coastal Foreshore Areas through five yearly flora assessments to determine vegetation condition, this information is included within Natural Area Management Plans and the annual <u>State of the Environment Report</u> . There would be significant financial implications if the City undertook these assessments in all natural areas which would be required to determine the amount of bushland within the City that was degraded.  |
| The percentage of degraded natural bushland that is restored to its pristine and protected natural bushland condition | <p>Pristine vegetation condition, as per the Keighery scale, is vegetation that is in a pre-European state meaning no disturbance.</p> <p>The City aims to maintain the conservation of biodiversity within bushland and does not have the financial or human resources required to restore bushland to previously undisturbed/pristine condition. In addition, the restoration of bushland is a very long-term project and annual reporting is unlikely to show measurable improvement over an annual time period.</p> <p>There would be significant financial implications if the City undertook these assessments in all natural areas which would be required to determine the amount of bushland within the City for each vegetation condition.</p> |
| The percentage of all land that is protected natural bushland   | The City currently measures and reports through the annual <u>State of the Environment Report</u> and Annual Report on the percentage of natural bushland under its management that is protected.  |
| The percentage of all land that is natural areas  | The City published information within the Annual Report related to the area that is managed as natural areas in hectares.  |
| The percentage of natural areas that is protected natural bushland  | The City currently measures and reports through the annual <u>State of the Environment Report</u> on the percentage of natural bushland under its management that is protected.  |
| The percentage of coastline that is at risk from climate disruption in the next decade                                | The City publishes information to the community via its website on coastal hazards including coastal hazard mapping. It is not feasible for the City to quantify the percentage of coastline as there are a number of factors that influence coastal risk including geological formations and climatic conditions.   |
| The percentage of neighbourhoods by each suburb that are well-served enough to make car-free lifestyles viable        | This proposed measure is subjective in nature and could not be measured by any quantitative data.  |

Officer's recommendation

*That Council, in relation to Motion No. 17 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the addition of the nine proposed Key Performance Indicators (KPIs) as part of the City's Annual Report.*

**MOTION NO. 18**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council as a priority writes to the Minister of Local Government to request the following changes to the current *Local Government (Elections) Regulations 1997*, in reference to Regulation 24(e) Candidate Profile – s.4.49(b):**

- 1 that Council requests that the candidate photograph be no older than six months before the date of the nomination form;**
- 2 that the Returning Officer no longer has the discretion to accept an old photograph on the basis that it shows a reasonable likeness of the proposed candidate;**
- 3 unless the proposed candidate can demonstrate an extreme hardship need when a photograph no older than two years old before the date of the nomination form to be accepted by the Returning Officer.**

Officer's comment

Regulation 24(e) of the *Local Government (Elections) Regulations 1997* provides that the profile of a candidate required by s4.49(b) of the Act “*can include a photograph (not larger than the size used in passports) of the proposed candidate's head or head and shoulders if the photograph was taken less than 6 months before the date of the nomination form or the RO considers that the photograph shows a reasonable likeness of the proposed candidate.*”

There is no provision in the Regulations to take into account financial hardship.

In relation to the acceptance of optional photographs of candidates, the City has no record of any complaints having been received for its 2021 election that photographs of candidates potentially breached the legislative requirements.

The Council endorses the WA Electoral Commission managing its local government elections. Returning Officers are appointed by the Commission to conduct the election. The Returning Officers are responsible for many aspects of the election process, including the management of polling places and polling place staff, candidate nominations and supervising the election in the district on polling day.

The Returning Officer has discretion as to what is acceptable and it is not up to the City to mandate aspects of the legislation that are in the purview of the Commission, which has been endorsed to conduct the City's elections.

The City's Returning Officers in the past have demonstrated a high level of compliance with the legislative requirements as they relate to elections; and integrity in their processes.

It is considered that the legislative requirements related to candidate profiles is sufficient, and it is more a matter of how the requirements are applied.

As a result of the elector's motion, it is proposed that the City raise with the Returning Officer appointed for the 2023 City of Joondalup election that this matter was raised at the Annual General Meeting of Electors as a matter of concern.

#### Officer's recommendation

*That Council, in relation to Motion No. 18 carried at the Annual General Meeting of Electors DOES NOT SUPPORT writing to the Minister of Local Government to request changes to Regulation 24(e) of the Local Government (Elections) Regulations 1997 relating to Candidate Profiles.*

#### **MOTION NO. 19**

**MOVED M Kwok, SECONDED C Gonser that the Electors of the City of Joondalup REQUEST that Council instructs the City to develop a Strategy to control and contain Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) as these substances are emerging contaminants of global concern, and considered persistent in the global environment, they are bio accumulative and can cause various adverse effects in wildlife and humans.**

#### Officer's comment

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are manufactured compounds within a family of fluorine-containing chemicals that are widely used in heat, stain and water-resistant products. PFAS have been used in a range of industrial and consumer products since the 1950s. Most people have come into contact with low levels of PFAS through eating food from grease-resistant food packaging and using consumer products like non-stick pots and pans, water-repellent clothing, carpet and carpet treatments, cosmetics, polish and paint. Until recently, PFOS and PFOA were added to aqueous film-forming foams (AFFF) to improve the foam's ability to smother fires.

The PFAS National Environmental Management Plan (NEMP) provides nationally agreed guidance on the management of PFAS contamination in the environment, including prevention of the spread of contamination. It supports collaborative action on PFAS by all levels of government in Australia. The NEMP is an Appendix to the Intergovernmental Agreement on a National Framework Responding to PFAS Contamination.

Sites within Western Australia that are known or suspected to be contaminated with PFAS must be reported to the Department of Water and Environmental Regulation (DWER) in accordance with the *Contaminated Sites Act 2003*.

Monitoring of the environmental and health impacts of PFAS are the responsibility of the Department of Water and Environmental Regulation and the Department of Health respectively.

#### Officer's recommendation

*That Council, in relation to Motion No. 19 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the development of a Strategy to control and contain Perfluoroalkyl and Polyfluoroalkyl Substances;*
- 2 *NOTES that there are currently federal and state level policy instruments and regulation in place to control and manage Perfluoroalkyl and Polyfluoroalkyl Substances.*

**MOTION NO. 20**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council:**

**1 REJECTS the City of Joondalup 2021-22 Annual Report, based on but not limited to the following reasons:**

**1.1 the inconsistencies and inaccuracies in reporting against the Key Performance Indicators from the *Strategic Community Plan*;**

**1.2 the inconsistent and inaccurate use of the Global Reporting Initiative;**

**1.3 concerns relating to financial reporting which include a lack of explanation for \$15 million in Waste Management expenses.**

Officer's comment

In accordance with Section 5.53 of the *Local Government Act 1995*, the City of Joondalup Annual Report was prepared for the 2021/22 financial year.

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

*5.54 Acceptance of annual reports*

*(1) Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\*absolute majority required*

*(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

The Annual Report was accepted by Council at the Special Council meeting held on 7 February 2023, JSC03-02/23 refers.

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

*5.55 Notice of annual reports*

*The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

*Regulation 15 of the Local Government (Administration) Regulations 1996 details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.*

There is no requirement under the *Local Government Act 1995*, for the Annual Report to be accepted by the City's Electors.

The GRI Standard is a best practice sustainability reporting framework that establishes guidelines, principles and indicators for organisations to measure and report about their impacts on the economy, environment and society. The City of Joondalup Annual Report does not include the GRI Standard in its entirety. The City has chosen disclosures that are supported by adequate qualitative and quantitative information, and that will provide the community and key stakeholders with information on progress towards sustainable development. A full list of the GRI Standards that the City reports against is provided on page 37 on the *2021/22 Annual Report*.

It is important to note that the City has voluntarily adopted the GRI and utilises the initiative as a framework rather than a "standard" that is assessed and accredited like an ISO certification would be. From 2022/23, all performance measures that are to be reported in the City's *Annual Report* are included in the *Corporate Business Plan* which is endorsed by Council. The City's performance measures have been established using current datasets and in alignment with the Global Reporting Initiative. The measures will be continually reviewed and refined to ensure their ongoing suitability and relevance. However, the resources required to establish new indicators, identify data sources and reporting requirements need to be considered and assessed against the City's capacity to deliver projects approved by Council in the City's *Corporate Business Plan*.

### *Financials*

The *2021/22 Annual Report* includes the audited *2021/22 Annual Financial Report*. The *2021/22 Annual Financial Report* and the related audit report from the Office of the Auditor-General have already been accepted by the Council at its meeting on 7 February 2023, as recommended by the Audit and Risk Committee that considered these reports at its meeting held on 31 January 2023. The audited *2021/22 Annual Financial Report* is included in the City's *Annual Report* as accepted by Council. No information has been presented regarding this audited Annual Financial Report that would warrant Council considering rescinding its earlier resolution.

It is also noted that no concerns regarding waste management expenditure in 2021/22 have been raised by the Office of the Auditor-General during its audit.

### Officer's recommendation

*That Council, in relation to Motion No. 20 carried at the Annual General Meeting of Electors NOTES that the 2021/22 Annual Report was prepared and accepted by Council at its meeting held on 7 February 2023 (JSC03-02/23 refers), in accordance with Section 5.53 and 5.54 of the Local Government Act 1995.*

### **MOTION NO. 21**

**MOVED S Apps, SECONDED F Gilbert that the Electors of the City of Joondalup REQUEST that Council instructs the City to improve accessibility, in the understanding of all City documents, by ensuring they are written in such a way that people with limited literacy or English as a second language are able to easily and effectively understand what the documents are about.**

### Officer's comment

The 2021 census demonstrates the diversity of the Joondalup community with one in 10 residents speaking a language other than English at home (led by Afrikaans, Mandarin and Italian) and speak English well or very well; and one in 100 residents do not speak English well or at all (estimated 1,482 residents) – source [idcommunity](#)

Taking into account its demographic profile the City aims to create documents that are easily accessible, and as such has established a writing style guide, whereby it recommends documents should generally be written for those with a reading level of an Australian Year 7 student. It is considered this makes content usable for most people. The City also utilises the Flesch-Kincaid readability tests to understand how well it is performing. These tests indicate how difficult a passage is to understand and are relatively simple to run within Microsoft Word.

For those sections of the community that do not speak English well or at all, the City offers documents being available in alternative languages.

While the City will always try to communicate in a straight-forward manner, it should be acknowledged that at times it is necessary to use some technical language to ensure that the accurate meaning is conveyed, ensure that matters are not misinterpreted, or ensure that information presented does not become so general that the intended meaning is lost.

This occurs particularly in relation to planning documents/reports; and it is necessary to recognise that planning is a technical discipline, which involves reference to various pieces of legislation, regulations, policies, strategies, and technical architectural, planning and building terminology.

Notwithstanding, the City will continue to strive to improve the communication techniques to assist with the understanding of information it produces.

#### Officer's recommendation

*That Council, in relation to Motion No. 21 carried at the Annual General Meeting of Electors NOTES the request that the City ensure documents are written in such a way that people with limited literacy or English as a second language are able to easily and effectively understand what the documents are about.*

#### **MOTION NO. 22**

**MOVED P Navas-Parejo, SECONDED A Semprini that the Electors of the City of Joondalup REQUEST that Council instructs Elected Members of the City of Joondalup to disclose any affiliation, allegiance, obedience, or adherence to any foreign entity, including but not limited to, the World Health Organisation, the World Economic Forum, the United Nations, Young Global Leaders, UNESCO, Pfizer, ModeRna or Astra-Zeneca.**

#### Officer's comment

The elector's motion relates in the main to elected members declaring any interests regarding the organisations referred to within the motion.

An interest within the context of the local government legislative context is considered to:

- Mean an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- Include an interest arising from kinship, friendship or membership of an association.

The *Local Government Act 1995* (the Act) provides a range of requirements in relation to disclosure of interests, as follows:

- Division 6 of the Act (related to Disclosure of Financial Interests and Gifts) provides for circumstances when declarations of interest are to be made.

- S5.103 of the Act requires the City to adopt a Code of Conduct for Council Members (Elected Members), Committee Members and Local Government Election Candidates, the declaration of interests being a key section of the Code.

The Chief Executive Officer is also required to maintain a register of all elected member financial interests which is publicly accessible on request.

It is considered that should an individual elected member have an interest (as defined by the *Local Government Act 1995*) in any organisation referred to in the elector's motion they will have been legally bound to make the required declaration.

It is the responsibility of the individual Elected Member to make the necessary declaration(s), not the governing body (the Council). Failure to disclose an interest in a matter is a breach of the City's Code of Conduct and the *Local Government Act 1995*.

#### Officer's recommendation

*That Council, in relation to Motion No. 22 carried at the Annual General Meeting of Electors NOTES that the Local Government Act 1995 provides a range of legal obligations upon Elected Members in relation to disclosure of interests, which are publicly available for inspection.*

#### **MOTION NO. 23**

**MOVED A Baker, SECONDED E Swanepoel that the Electors of the City of Joondalup REQUEST that Council instructs the City to take all necessary and immediate actions to monitor air quality and mitigate dust levels in the suburb of Ocean Reef including but not limited to the following actions:**

- 1 Conduct laboratory analysis on dust collected in and around the dwellings immediately to the Northeast adjacent to Resolute Way to identify contaminants present and particulate size;**
- 2 Deploy appropriate particulate matter sensors (PM 2.5 and PM 10) in and around affected neighbourhoods to measure the particulate size and intensity;**
- 3 Conduct adequate site sampling and ensure necessary controls are in place for when the existing Ocean Reef Marina Carpark is removed.**

#### Officer's comment

- 1 Conduct laboratory analysis on dust collected in and around the dwellings immediately to the Northeast adjacent to Resolute Way to identify contaminants present and particulate size.**

The Ocean Reef Marina development is under the control of the Western Australian Land Authority (trading as DevelopmentWA), and not the City of Joondalup. It is the responsibility of DevelopmentWA to ensure it complies with all laws, regulations, and guidelines, including those set by the Department of Water and Environmental Regulation (DWER) as it relates to the control of dust.

The City is neither the regulator nor the planning authority for the Ocean Reef Marina project and does not conduct dust monitoring on behalf of Contractors undertaking land development site projects. Also the City does not possess any of the equipment that is required to undertake air monitoring measures and dust controls as determined in the guideline (*Department of Environment and Conservation March 2011*) for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.



**2 Deploy appropriate particulate matter sensors (PM 2.5 and PM 10) in and around affected neighbourhoods to measure the particulate size and intensity.**

The City confirms that DevelopmentWA have already deployed appropriate matter sensors in and around the Ocean Reef Marina project site, and the results continue to be within the DWER/EPA guidelines for air/health quality.

The Construction Management Plan documents the dust control methods implemented which are to meet the requirements set by the Department of Environment and Conservation *Guidelines for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities* and include the following:

- Hydro-mulch/gluon regularly applied to areas of the site which are not being actively worked on. Whilst this product typically lasts for a minimum of six months in standard conditions, the contractor has been applying it more frequently to account for the unique site characteristics.
- Installation of wind (dust) fencing where appropriate.
- Monitoring and recording weather forecast via BOM website on a daily basis and reviewing conditions at daily pre-shift meetings to determine optimum control strategies for the day.
- Ceasing dust generating activities in the event of extreme wind conditions.
- Use of water carts to dampen accessible work areas.
- Site Supervisor visually monitoring dust levels during operations and recording observations on the Supervisors/Engineers daily checklist.
- Any trucks transporting materials such as sand, limestone or crushed rock are not to be excessively loaded and are dampened when exiting the quarry at Neerabup.
- Plant and equipment inspected and maintained on a regular basis, including any dust suppression equipment that may be installed.
- Two-wheel washers are in use for trucks and vehicles leaving the sites.
- Nearby roads and entrances are cleaned fortnightly by a street sweeper.
- Contractor must comply with defined site speed limits (20 km/hr) to reduce the level of dust generated from vehicle movement.

**3 Conduct adequate site sampling and ensure necessary controls are in place for when the existing Ocean Reef Marina Carpark is removed.**

Similar to above, DevelopmentWA are the land developers of the Ocean Reef Marina project and through legislative and planning requirements will be responsible to ensure the necessary controls are in place when the existing Ocean Reef Marina Carpark is removed.

Officer's recommendation

*That Council, in relation to Motion No. 23 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the collection and laboratory analysis of dust in an around the dwellings immediately to the Northeast adjacent to Resolute Way to identify contaminants present and particulate size;*
- 2 *DOES NOT SUPPORT the deployment of matter sensors in and around affected neighbourhoods;*
- 3 *NOTES that the Ocean Reef Marina Development is under the control of DevelopmentWA who are responsible to ensure it complies with current regulatory requirements for land developments and construction sites.*

**MOTION NO. 24**

**MOVED E Swanepoel, SECONDED M Moore that the Electors of the City of Joondalup REQUEST that Council instructs the City to take all necessary and immediate action to work with Development WA and the Department of Land Administration to mitigate the dust problem from the land clearing and civil construction works at the Ocean Reef Marina site and ensure that all work carried out on site complies with current regulatory requirements for land developments and construction sites.**

Officer's comment

The Ocean Reef Marina development is under the control of the Western Australian Land Authority (trading as DevelopmentWA), and not the City of Joondalup. It is the responsibility of DevelopmentWA to ensure it complies with all laws, regulations, and guidelines, including those set by the Department of Water and Environmental Regulation (DWER) as it relates to the control of dust.

The City can confirm that DevelopmentWA have installed dust monitors at various locations of the Ocean Reef Marina site along with a number of processes to manage and monitor concerns, including the following:

- Dampening down roadways, excavations, and stockpiles with water carts.
- Regular cleaning of work areas and access paths.
- Use of shade cloth around work areas, where practicable.
- Hydro mulching of areas which are not actively being worked/driven on.
- The use of wheel washers by all trucks exiting the site.
- Adapting the work program to focus on earth moving on the ocean side of the sand dunes, effectively using the sand dunes as a physical barrier between the active works site and residents.

DevelopmentWA confirmed that the results continue to be within the DWER/EPA guidelines for air/health quality.

Officer's recommendation

*That Council, in relation to Motion No. 24 carried at the Annual General Meeting of Electors NOTES that the Ocean Reef Marina Development is under the control of DevelopmentWA who are responsible to ensure it complies with current regulatory requirements for land developments and construction sites.*

**MOTION NO. 25**

**MOVED M Sideris, SECONDED M Harrison that the Electors of the City of Joondalup moves a 'Motion of Concern' over the ongoing investigation into serious misconduct by the Corruption and Crime Commission and the City of Joondalup and the large legal costs of \$155,348.90 being paid to Civic Legal Pty Ltd without further explanation being provided to all Elected Members and ratepayers.**

Officer's comment

The City regularly reviews the fraud, corruption and misconduct risks it is exposed to, and develops and refines strategies and processes to address those risks. It is through internal audits, investigations and/or tip-offs that allegations of misconduct may be identified. When the Chief Executive Officer suspects, on reasonable grounds, that misconduct has occurred, the appropriate notification is made to the relevant external oversight agency on a timely basis, as required by the *Corruption, Crime and Misconduct Act 2003*.

At its meeting held on 8 March 2023, the Audit and Risk Committee were provided with details regarding serious misconduct of two employees. The matters related to corruptly using their position to obtain a benefit for themselves or another person, and improperly using information received in their capacity.

Costs associated with the investigating, establishing and reporting on the allegations were relatively high, due to the particular circumstances of the cases. The Corruption and Crime Commission closed one of the matters on 21 June 2022, and the other on 19 January 2023 due to the actions undertaken by the City.

#### Officer's recommendation

*That Council, in relation to Motion No. 25 carried at the Annual General Meeting of Electors DOES NOT SUPPORT a Motion of Concern over the investigation into serious misconduct by the Corruption and Crime Commission and the City of Joondalup.*

### **MOTION NO. 26**

**MOVED M Harrison, SECONDED J Sideris that the Electors of the City of Joondalup REQUEST that Council instructs the City to:**

- 1 implement and maintain an up-to-date, complete, accessible and secure definitive electronic database of all the City Projects that require the decisions of Elected Members and for use by our elected decision makers. To be located in one place all versions and variations of all project data and associated data chronologically set out on each projects timeline including the following:**
  - 1.1 all documents, all records, and all communications;**
  - 1.2 community reference data (from surveys and workshops);**
  - 1.3 consultant interpretations, reports, scopes and contracts;**
  - 1.4 confirmed minutes of meetings (Strategic and any other), including Council decisions;**
  - 1.5 business cases;**
  - 1.6 financial modelling, designs, special requirements and considerations;**
  - 1.7 CHRMAPS;**
  - 1.8 drawings;**
  - 1.9 approval applications, leases and sub leases;**
  - 1.10 development approvals;**
  - 1.11 construction and management plans.**

#### Officer's comment

The City already has in place systems and procedures for the organisation and sharing of project related documents and records. Elected Members are briefed regularly on Major City Projects that require decisions of Council through the Major Projects and Finance Committee and ad-hoc reports and briefings by way of the following methods:

- Strategy Sessions
- Council Portal
- Desk of the CEO weekly updates.

Elected Members can and do request additional information on projects to assist with decision making and where appropriate this is facilitated by the City. Generally, access to corporate information by Elected Members is managed in accordance with Section 5.92 of the *Local Government Act 1995* and the *City's Freedom of Information Guide*.

Additional resources would be required to set up and maintain an additional database of information such as that being proposed in this motion. This measure could create opportunity for misinterpretation of information without relevant background. Existing reports are carefully prepared in order to provide Elected Members with the relevant up to date information in order to make decisions.

#### Officer's recommendation

*That Council, in relation to Motion No. 26 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the implementation of an electronic database of information on all the City Projects that require the decisions of Elected Members for use by Elected Members.*

#### **MOTION NO. 27**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the Chief Executive Officer to:**

- 1 completely overhaul how the final polling day of the Local Government Elections is managed by the City of Joondalup and examine and report back in depth on all of the following in co-ordination with the West Australian Electoral Commission:**
  - 1.1 the report to make recommendations for the proper provisioning of polling booth materials;**
    - 1.1.1 NOTES that on Polling Day 2021 in all just four low-to-the-ground WAEC signage not easily seen, two near the road, one close to the Library entrance and one close to the arched entrance. As one walks from Administration through to the Reception Centre, signage is not visible from small disabled car bays. No materials visible from the Joondalup Carpark and signage on just one WAEC door, when there was a row of doors all locked before one met the only door that was open;**
  - 1.2 the report to look at the provisioning of at least four other sites for the walking in of the ballot paper on polling day 21 October 2023, with the Joondalup Reception Centre clearly signposted as the site for the re-issuing of Postal Ballots;**
- 2 explain during the 2021 Local Government Election that the one disabled lift to the only polling place operating in the district of Joondalup was synchronised to normal Joondalup Library Saturday opening times and not the opening times of the polling place;**
- 3 requests that disabled access is better managed and all facilities are made available to aid the disabled access polling places sites;**

**4 NOTES that this request is supported by the following legislation:**

- 4.1 Local Government Act 1995;**
- 4.2 Local Government (Elections) Regulations 1997;**
- 4.3 Disability Services Act 1993;**
- 4.4 Disability Access and Inclusion Plans (DAIPs);**
- 4.5 City of Joondalup Access and Inclusion Plan (2021/22 – 2023/24).**

Officer's comment

At its meeting held on 16 October 2018 (CJ174-10/18 refers) Council resolved to appoint the Western Australian Electoral Commissioner (WAEC) to be responsible for the conduct of the 2023 local government election to be held on Saturday 21 October 2023, with the election to be a postal election.

The City of Joondalup Reception Centre is once again booked as the venue for the election count and the City is responsible for the placing of signage on the day of the election. With regard to the 2021 Local Government election, the City has no record of any complaints being raised by electors in relation to the adequacy of signage and access. However, given the electors motion raised at the AGM, the City can review how and where signage is placed in order to increase visibility for members of the public. In addition, the City can review access and inclusion requirements to ensure the lift remains operational for the opening times of the polling place (being 8am-6pm on the day of the election).

With regard to the request to provide at least four other sites on polling day for members of the public to drop off ballot papers, this can be considered however, it is noted there would be additional costs involved in doing so. Any additional polling places would need to be supervised by at least two persons for the period of time the polling place is open (for occupational health and safety reasons). For the 2023 Local Government elections, any casual staff engaged by the WAEC will be accessed through an employment agency. Final costings have not yet been confirmed by the agency however, depending on how many hours the casual staff are engaged for, the WAEC estimate costs to be between \$1,500 - \$2,000 for two people. If the City were to provide an additional four sites on polling day, total additional costs could be up to \$8,000. Furthermore, the City would be required to engage a courier to deliver the ballot boxes to the Chief Polling Place by 6.00pm for the count.

In addition, with the proposed changes to the *Local Government Act 1995*, it is planned to have the last of the election packages lodged with Australia Post four weeks prior to election day. This would mean that the last of the election packages should be delivered around three weeks prior to election day, allowing electors three weeks to complete their ballot papers and either return by post or deliver to the City Administration Offices.

Officer's recommendation

*That Council, in relation to Motion No. 27 carried at the Annual General Meeting of Electors:*

- 1 *SUPPORTS a review for additional signage to be placed at the Chief Polling Place on Saturday, 21 October 2023, to increase visibility for members of the public;*
- 2 *SUPPORTS a review of the access and inclusion requirements at the Chief Polling Place on Saturday, 21 October 2023, to ensure the disabled lift remains operational for the period 8.00am - 6.00pm;*
- 3 *DOES NOT SUPPORT the addition of four extra polling places to be used on Saturday, 21 October 2023, for members of the public to drop off ballot papers.*

**MOTION NO. 28**

**MOVED B Hewitt, SECONDED J Sideris that the Electors of the City of Joondalup REQUEST that Council:**

- 1 Instruct the City in the first quarter of the 2023-24 financial year to incorporate, adopt, be measured by and maintain up-to-date meaningful business Key Performance Indicators (KPIs) within its umbrella strategic document and report these in the Annual Report including real-life sustainability KPIs for the following:**
  - 1.1 The percentage of electors by ward that vote in any City of Joondalup Local Government election;**
  - 1.2 The percentage of degraded bushland that is returned to its pristine state;**
  - 1.3 The percentage of City coastline at risk in the medium term (20 years forward) from climate disruptions, when fully considering all the latest peer-reviewed data including that of the Intergovernmental Panel on Climate Change (IPCC).**

Officer's comment

The performance measures that are included within the City's Annual Report have been established using current datasets and in alignment with the Global Reporting Initiative. The City continually reviews and refines the measures to ensure their ongoing suitability and relevance. New indicators can only be adopted if reliable and robust data is available to inform reporting. The costs associated with obtaining, analysing and reporting on data needs to be considered as well as the relevance and value that any new indicators will add to the City's current annual reporting.

Comments on the nine proposed KPIs are as follows.

| <b>Proposed KPI</b>  | <b>Comment</b>   |
|--|--|
| The percentage of electors by ward that vote in any City of Joondalup Local Government election. | The percentage of voter turnout per ward is reported by the Western Australia Electoral Commission and published on their website. The City includes total voter turnout as a percentage within the Annual Report which is considered sufficient data to report on.  |
| The percentage of degraded bushland that is returned to its pristine state.                      | <p>Pristine vegetation condition, as per the Keighery scale, is vegetation that is in a pre-European state meaning no disturbance.</p> <p>The City aims to maintain the conservation of biodiversity within bushland and does not have the financial or human resources required to restore bushland to previously undisturbed/pristine condition. In addition, the restoration of bushland is a very long-term project and annual reporting is unlikely to show measurable improvement over an annual time period.</p> <p>There would be significant financial implications if the City undertook these assessments in all natural areas which would be required to determine the amount of bushland within the City for each vegetation condition.</p> |

| Proposed KPI  | Comment  |
|---|--|
| The percentage of City coastline at risk in the medium term (20 years forward) from climate disruptions, when fully considering all the latest peer-reviewed data including that of the Intergovernmental Panel on Climate Change (IPCC). | The City publishes information to the community via its website on coastal hazards including coastal hazard mapping. It is not feasible for the City to quantify the percentage of coastline as there are a number of factors that influence coastal risk including geological formations and climatic conditions. |

#### Officer's recommendation

*That Council, in relation to Motion No. 28 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the addition of the three proposed Key Performance Indicators (KPIs) as part of the City's Annual Report.*

#### **MOTION NO. 29**

**MOVED S Apps, SECONDED F Gilbert that the Electors of the City of Joondalup REQUEST that Council instructs the City to end its relationship with PerthNow, as the continual use of advertising and paid articles is not value for money, has limited reach, and serves no real purpose in informing the public.**

#### Officer's comment

The City conducts biennial research into the effectiveness of the City's communication with residents. The last survey conducted in 2022 revealed that residents do recall news articles and the Joondalup Voice advertorial printed in PerthNow. There has been significant growth in the use of digital communications within the City of Joondalup community especially in the wake of the pandemic with greater uptake of the community living their lives in the digital space, including seeking their news. However, with an aging population the City must continue to utilise a mix of communication methods including traditional and digital to reach a diverse audience. It cannot be a one size fits all approach. Physical newspapers still have a place in the community, in addition to online news.

The readership for the PerthNow Joondalup/Wanneroo is 49,863 per week with a 70-30 percent split in favour of home deliveries of papers to the home vs community pick up points and the audience has grown by 4% since the last readership audit. Research conducted by Marketintel for Seven West Media (WA) states that 85% of readers like to read the paper to feel connected to where they live and 82% agree it is a helpful source of information.

#### Officer's recommendation

*That Council, in relation to Motion No. 29 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the request to cease use of PerthNow for advertising.*

**MOTION NO. 30**

**MOVED A Arrow, SECONDED P Walker that the Electors of the City of Joondalup REQUEST that Council instructs the City that from now on the City is to disclose any negotiations with telecommunication providers seeking to use any local government resources for 5G network infrastructure.**

Officer's comment

Proposed sites for the expansion of 5G network infrastructure are already publicly disclosed through the online *Radio Frequency National Site Archive* (RFNSA). Potential tenure agreements that may be entered into with telecommunication carriers are considered either by Council or negotiated under existing delegations, with commercial terms remaining confidential.

Any executed agreement is already publicly disclosed to Council, via the Execution of Documents report.

Officer's recommendation

*That Council, in relation to Motion No. 30 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the request to disclose any negotiations with telecommunication providers seeking to use any local government resources for 5G network infrastructure.*

**MOTION NO. 31**

**MOVED M Sideris, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to:**

- 1 Include in the Agenda of the monthly Ordinary Council Meeting:**
  - 1.1 the questions and responses to the questions asked by members of the public during the Briefing Session for that month;**
  - 1.2 the questions and responses to questions asked by Council members during the Briefing Session for that month;**
  - 1.3 include a list of questions that are taken on notice by the City Officers;**
- 2 NOTES for the avoidance of doubt, the purpose of this motion is so that answers to questions asked by a member of the public, or a Council Member are included in the Council meeting agenda for the same month. This is so both Elected Members and the public are able to better understand the issues being debated in a timely manner.**

Officer's comment**Questions asked by members of the public**

Briefing Sessions are held usually on a Tuesday in the second week of the month. The Council Agenda is released to the public on the Friday of that same week. That gives City Officer's less than three days to prepare responses to any questions taken on notice at the Briefing Session and to be included in the Council Agenda for that same month. This is not always possible and would put a significant amount of pressure on City officers to prepare responses in such a short time frame, in order to be included on the Council Agenda for the same month.



Responses to the questions taken on notice at a Briefing Session are provided in the following month's Briefing Session Agenda.

### **Questions asked by Council members during Briefing Sessions**

Should an Elected Member ask a question at a Briefing Session, and that question is taken on notice, responses are provided to Elected Members via Briefing Session Notes. In accordance with the *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic meetings* (the Procedures), "a record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Sessions, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members."

Briefing Sessions are not formal meetings of the Council. As such, matters related to Briefing Sessions are procedural in nature and the Procedures adopted by the Council are at its discretion.

The City prepares Briefing Notes with responses to questions taken on notice, which are circulated to Elected Members. Should the Council request that these matters be published for the public, the Council would need to amend the adopted Procedures.

### **List of questions taken on notice**

A list of questions taken on notice at a Briefing Session can be included in the Council Agenda for the same month, noting that responses to questions taken on notice at a Briefing Session will be included the following month's Briefing Session Agenda.

An example of how the list of questions taken on notice might appear in the Council Agenda is provided below:

### **The following summarised question was taken on notice at the Briefing Session held on 14 February 2023:**

#### **J Bloggs, 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 This question was taken on notice and a response will be provided in the Agenda for the Briefing Session to be held on 14 March 2023.*

#### Officer's recommendation

*That Council, in relation to Motion No 31 carried at the Annual General Meeting of Electors:*

*1 DOES NOT SUPPORT questions and responses to questions asked by members of the public during the Briefing Session being included in the Ordinary Council Meeting agenda as there are insufficient resources to undertake this task concurrently with production of the Ordinary Council Meeting agenda;*

*2 NOTES that responses to questions taken on notice at Briefing Sessions are provided in the following month's Briefing Session Agenda;*

- 3 *AGREES to provide a list of questions taken on notice at a Briefing Session, in the Council Agenda for the same month, noting that responses to questions taken on notice at a Briefing Session will be included in the following month's Briefing Session Agenda.*

### **MOTION NO. 32**

**MOVED M Harrison, SECONDED J Sideris that the Electors of the City of Joondalup REQUEST that Council instructs the City to protect our coastal reserves by installing dune fencing that is environmentally resilient and effective with its design, management and maintenance systems continually adapting to the changing local conditions on all sides of the coastal reserve to prevent dune access by people and pets notably from the beach.**

#### Officer's comment

The City has historically attempted to fence portions of the seaward side of the dune system between Hillarys Marina and the northern section of Mullaloo Beach. Unfortunately, a combination of severe storms and the natural expansion of the dune system resulted in this fencing not being successful. Fencing on the west of the dune system is rapidly covered by shifting sands or washed away or destroyed by wave action. Due to this, and the significant cost, it is not seen as a long-term viable option to protect dunes from foot traffic. The City has installed regulatory signage at the beach advising beach users not to enter the dune system.

Fencing is currently only constructed and maintained on the east, west and north edges of the coastal reserve to protect eco-systems.

#### Officer's recommendation

*That Council, in relation to Motion No 32 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the construction of fencing on the seaward side of the coastal dune system.*

### **MOTION NO. 33**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the Chief Executive Officer to write to the Minister for Local Government requesting that he does not proceed with any changes to section 5.92 of the *Local Government Act 1995*.**

#### Officer's comment

Section 5.92 of the *Local Government Act 1995* (the Act) states Elected Members can have access to information held by the City that is relevant to the performance of their functions under the Act or any other written law. Without limiting this access, it includes, but not limited to, access to all written contracts entered into by the City and all documents relating to written contracts proposed to be entered into by the City.

It should also be noted that one of the roles of the Chief Executive Officer under the Act is to ensure that advice and information is made available to Council (not specifically to individual Elected Members) so that informed decisions can be made.

Notwithstanding the generality of the above, the Act does not give the automatic and absolute right for Elected Members to access all of the City's retained information. Where the information sought is not relevant to any matter which the Council is currently deliberating, and requires significant resources of the City to research, investigate or obtain (regardless if the information is confidential or not), the Chief Executive Officer may decline the request.

The *Elected Members' Communications Policy* currently provides for Elected Member access to information (clause 3.7). In summary access to corporate information by Elected Members is managed in accordance with the Act and the *Freedom of Information Act 1992*. Where Elected Members wish to view records outside those records detailed in the Act, they must demonstrate to the Chief Executive Officer the relevance of the information in the performance of their role. Where approval is granted the Chief Executive Officer will determine the manner in which access is permitted.

Should an Elected Member seek access to certain information and the Chief Executive Officer declines to provide such information, mechanisms through the Council meeting process, such as notices of motion, are open to Elected Members to pursue. The *Freedom of Information Act 1992* also provides an access right to certain information held by the City, and this is also open to Elected Members.

In 2017 the State Government announced a review of the *Local Government Act 1995* (the Act) and as part of the process the then Minister for Local Government released a series of discussion papers around the provisions in the Act with a view to make local governments more agile, smart and inclusive. In September 2018 the then Minister for Local Government announced the phase 2 consultation process and one of the discussion papers released, sought feedback on the information access rights for Elected Members.

In summary, the discussion paper suggested it may be appropriate to include a mechanism within the Act to allow access to information decisions by the Chief Executive Officer, to be reviewed by Council itself. This suggestion was not supported in the City's Phase 2 Consultation Submission, which was adopted by Council at its meeting held on 19 March 2019 (CJ023-03/19 refers).

A similar proposal related to access to information was proposed in the Local Government Reforms considered by Council at its meeting held on 15 February 2022 (CJ012-02/22 refers).

The State Government proposed a Council Communications Agreement be established by each local government. The effect of the proposed reforms being as follows:

- *In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.*
- *It is proposed that local governments will need to have Council Communications Agreements between the Council and the CEO.*
- *These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.*
- *A template would be published by DLGSC. This default template will come into force if a Council and CEO do not make a specific other agreement within a certain timeframe following any election.*

In responding to the Council Communications Agreement proposal, the following comment was provided:

*"The City has an Elected Member Communications Policy which outlines the principles to the appropriate use of and access to communication systems and information managed and retained by the City.*

*Notwithstanding the City's Elected Member Communications Policy the matter of access to information can become contentious in the absence of a clear legislative statement in support of the function the Elected Member is performing. This can place CEOs in the unenviable position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to 'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'.*

*Consistent availability of information motivates this proposed reform, and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement.”*

The Council endorsed the following position:

*“The City of Joondalup:*

- 1 *SUPPORT the proposed reforms related to 5.3 Council Communication Agreements;*
- 2 *REQUEST the Minister to provide clarity as to whether s5.92 of the Act is proposed to be amended to include any review mechanism of a decision to deny access to information requested by an elected member.”*

It is considered that whilst the *Local Government Act 1995* and the *City’s Elected Members’ Communications Policy* provides for information access requirements relevant for the performance of an Elected Member’s role; given the Council’s support for the proposed reforms related to Council Communication Agreements and the improved outcomes it is intended to achieve, it is recommended that the Council reaffirm its position of February 2022.

#### Officer’s recommendation

*That Council, in relation to Motion No. 33 carried at the Annual General Meeting of Electors:*

- 1 *REAFFIRMS its decision of 15 February 2022 (CJ012-02/22 refers) whereby the City of Joondalup indicated in its Local Government Reform Submission it:*
  - 1.1 *SUPPORT the proposed reforms related to 5.3 Council Communication Agreements;*
  - 1.2 *REQUEST the Minister to provide clarity as to whether s5.92 of the Act is proposed to be amended to include any review mechanism of a decision to deny access to information requested by an Elected Member;*
- 2 *DOES NOT SUPPORT instructing the Chief Executive Officer to write to the Minister for Local Government requesting that he does not proceed with any changes to s.5.92 of the Local Government Act 1995.*

#### **MOTION NO. 34**

**MOVED B Hewitt, SECONDED M O’Byrne that the Electors of the City of Joondalup REQUEST that Council instructs the Chief Executive Officer to not accept any completed Annual Returns which in whole, or, in part refer to previous Financial Returns.**

#### Officer’s comment

The Department of Local Government, Sport and Cultural Industries Guidelines on Primary and Annual Returns, acknowledges that a person can refer to previous returns for relevant information. See examples provided on page 11 of the Guidelines [operational-guideline-21-disclosure-of-financial-interests-in-returns.pdf](https://www.dlgsc.wa.gov.au/operational-guideline-21-disclosure-of-financial-interests-in-returns.pdf) ([dlgsc.wa.gov.au](https://www.dlgsc.wa.gov.au))

**Examples of income sources — in the following year Annual return****Income from an occupation**

| Description of the occupation | Name and address of employer | Description of office held | Name of the partnership |
|-------------------------------|------------------------------|----------------------------|-------------------------|
| See primary return for 2017.  |                              |                            |                         |

**Income from a trust**

| Name of trust                | Name and address of settlor | Name and address of trustee |
|------------------------------|-----------------------------|-----------------------------|
| See primary return for 2017. |                             |                             |

**Sources of other income**

| Identity of persons                                      |
|--|
| Bank of Australia deposit – see primary return for 2017. |
| Describe circumstances                                   |
| See annual return for 2017.                              |

Section 5.77 of the Act requires the CEO or the Mayor, as the case may be, to give written acknowledgement of having received the return. However, there is no obligation on the CEO or the Mayor to reject any returns should they refer in whole, or in part, to previous returns. It is up to the individual person to determine how they will report interests in their annual returns.

It is considered that as an alternative, Elected Members and relevant persons be encouraged to complete Annual Returns in full, without reference to previous returns, at a minimum of every four years, in alignment with the election cycle.

**Officer's recommendation**

*That Council, in relation to Motion No. 34 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the Department of Local Government, Sport and Cultural Industries Guidelines on Primary and Annual Returns allows for annual returns to refer in whole, or in part, to previous returns;*
- 2 *ENCOURAGES Elected Members and relevant persons to complete Annual Returns in full, without reference to previous returns, at a minimum of every four years.*

**MOTION NO. 35**

**MOVED S Apps, SECONDED F Gilbert that the Electors of the City of Joondalup REQUEST that Council DOES NOT SUPPORT Elected Members' overseas travel as it does not deliver a good return on the investment, is not part of the core business of the Council and has the potential to bring reputational damage to the City of Joondalup. The Electors request that Council amends / or implements a "No Overseas Travel Policy".**

### Officer's comment

The following information is considered relevant to the elector's motion:

#### **Strategic Community Plan 2032**

The Council recently endorsed its *Strategic Community Plan 2032* following extensive community consultation, retaining its vision to be *A global City: bold, creative and prosperous*. *Joondalup 2032* specifically states that the City in 2032 desires to be internationally connected — a global facing city, with local amenity, and a powerful sense of community.

*Joondalup 2032's* Economic goal is that “*we are a global facing city with a prosperous and resilient economy. Our City is home to diverse industries that generate a wide range of local job opportunities. We encourage creativity and innovation, and we support opportunities to build the City's brand as a popular business and tourism destination.*” To deliver on this goal the following outcomes are specified:

- Prosperous and local - you feel supported to grow your business in the City.
- Innovative and confident - you are attracted to the City's unique characteristics and potential and feel confident in investing.
- Appealing and welcoming - you welcome residents, and local and international visitors to the City.

Further, the City actively pursues global engagement opportunities and has done so since the development of the *Economic Development Strategy* in 2014 and the *International Economic Development Activities Plan* in 2017.

#### **Expanding Horizons**

The Council endorsed *Expanding Horizons* which supports the achievement of the City's vision with seven themes as follows:

- Business Growth and Innovation.
- Employment Skills and Development.
- Business Clusters and Investment.
- City and Regional Infrastructure.
- Global City.
- Digital City.
- Destination City.

The Global City and Destination City themes relate directly to international economic development, while the Digital City theme acts as a delivery mechanism to enable efficient digital engagement and commerce in the international marketplace.

#### **International Economic Development Activities Plan**

The City developed the *International Economic Development Activities Plan* (IEDAP) in 2017 to identify opportunities to generate economic outcomes for the City that are aligned with industry strengths and growth opportunities. The overarching purpose of the *International Economic Development Activities Plan* is to provide clear guidance to the City of Joondalup on opportunities to facilitate international relationships that will lead to the establishment of Joondalup as a 'Global City' (a strategic thematic area identified in *Expanding Horizons*) based around the development of mutually beneficial relationships and outcomes:

- 1 Export development - To assist local businesses to build their knowledge, capability and capacity to grow their business through exporting products and services to identified target markets.

- 2 Investment attraction - To attract investment to Joondalup that will help to facilitate expansion of the local economy.
- 3 International education - Enhance the experience of international students when visiting Joondalup and explore opportunities to leverage off their time spent in the City.
- 4 Profile raising - Raise the profile of Joondalup as an international business destination by promoting the City's capabilities and success stories.
- 5 Infrastructure development - Facilitate the development of catalytic infrastructure required to enhance Joondalup's reputation as an international business destination.

The IEDAP recommends that the City builds strategic relationships with several target markets aligning to Joondalup's economic strengths, cultural alignment, educational links, established relationships and presence. The recommended markets to explore opportunities include China, India, Japan, South Korea, Southeast Asia UK, Africa and USA.

The IEDAP provides a framework for the City to focus effort and resources effectively in order to attract international investment and assist businesses located in the City to diversify into the international marketplace. Overseas travel is only one of the approaches to achieve these relationships and outcomes.

### **Strategic Position Statements**

The Council has adopted the following Strategic Position Statements (CJ185-12/20 refers) related to international activity:

- *International Recognition and Innovation*

*The City should build upon its international recognition for liveability by continuing to demonstrate and embrace innovation and best practice in all fields of service, which are comparable on a global scale.*

- *Economic Development International Activity*

*The City supports the pursuance of international economic development activities that seek to achieve:*

- *local economic growth*
- *investment attraction*
- *export growth in local goods and services*
- *return on investment.*

*The City's role in achieving the above should include:*

- *facilitating linkages between local businesses and industries to international markets*
- *providing financial contributions to pilot programs and initiatives with partner organisations that support international investment within the City*
- *leveraging current international sister city relationships, for example Jinan, China*
- *delivering a focused economic development international activities program to support the economic growth of the City of Joondalup for the benefit of ratepayers, Joondalup businesses, and other key stakeholders.*

*Activities should also align with the specialist themes contained within the City's Economic Development Strategy, namely: Global City, Destination City and Digital City.*

### ***International Economic Development Outcomes***

The City ensures that, in accordance with the Council's Policy, any requests for overseas travel are submitted to the Council for endorsement, and this will incorporate what is anticipated to be achieved. It is also usual practice to provide a subsequent report on the outcomes of the travel to demonstrate return on the investment.

Overseas travel is not undertaken on a regular basis by Elected Members, however, the following latest delegation reports demonstrate how the Council assesses the outcomes of travel undertaken:

#### *Invest and Trade WA Mission to India*

The Council, at its meeting held on 28 June 2022 (CJ105-06/22 refers) approved City participation by a City delegation in the WA Government's Invest and Trade WA Mission to India in July 2022, to meet key Indian industry and government representatives to benefit economic development in the City of Joondalup. The City's Deputy Mayor participated in the delegation.

The report detailed that the reasons for engaging in this activity included the following:

- Promote Joondalup as a Global City.
- Support Joondalup businesses to explore their export potential.
- Support stakeholders, such as Edith Cowan University and North Metropolitan TAFE, who also attended the Mission.

A report detailing the outcomes of attendance on the trade mission was presented to Council at its meeting held on 20 September 2022 (CJ153-09/22 refers) which provided that by going on the Mission, the City was able to achieve the following:

- Acquire an additional 47 contacts to pursue public/private investment into Joondalup.
- Expand on existing networks and partnerships with Joondalup stakeholders (including North Metropolitan TAFE and Edith Cowan University) who also attended the Mission.
- Confirmation of partnership in the Joondalup Innovation Challenge 2022 by Indian institutions Amity University, WeSchool and Pandit Deendayal Energy University. 20 Indian students represented these institutions in the 2022 Challenge. This has allowed for the international growth of the Joondalup Innovation Challenge while building Joondalup's reputation as a destination for international students and innovation.
- Media coverage showcasing Joondalup's participation in the Mission to India has positioned Joondalup as a destination for international education and Investment.
- Build new connections in India to benefit the Joondalup community across a range of sectors including education and medical.
- Initiate discussions with key investors about opportunities in the City of Joondalup.
- Build the City's profile to support advocacy in India for our community.
- Post Mission briefing held in Joondalup attracting over 70 stakeholders and business to discuss the business connections and benefits from the mission.

The cost of attending the Mission was considered to represent good value for money, as the cost of the achievements described would likely have been higher if they were pursued on an individual basis without the support of the State Government and without face-to-face interactions.



### *Delegation to Jinan and Huzhou*

The Council, at its meeting held on 11 December 2018 (CJ232-12/18 refers) accepted invitations from the Jinan Municipal People's Government the City of Huzhou to send a delegation to formalise introductions between the Mayor of Joondalup and the Mayors of Jinan and Huzhou, and to meet with key government and industry representatives to advance economic exchange opportunities.

The delegation comprised representatives of the City, Australian Medical Association, Bethanie, Black Swan Health, North Metropolitan TAFE, and National Electrical and Communications Association.

A report detailing the outcomes of attendance on the delegation was presented to Council at its meeting held on 25 June 2019 (CJ079-06/19refers) which provided that by going on the trade delegation, the City was able to achieve the following:

- Develop a three-year Cooperation and Exchange Plan between Jinan, China and the City of Joondalup, Australia.
- Sign a Letter of intent between HuZhou City, Zhejiang province of the People's Republic of China and the City of Joondalup on the establishment of friendly exchange relationships.
- Assist the City's key stakeholders to increase international trade with businesses in China, building upon the success of previous delegations. A range of trade outcomes is detailed within the report.

### **Elected Members' Entitlements Policy**

The Council's *Elected Members' Entitlements Policy* (Part 7) provides for Elected Member attendance at Overseas Conferences, as follows:

- a *An Elected Member may, with Council approval, attend an overseas conference. The Council report must include details of the anticipated benefits to the City and the Elected Member in attending the requested overseas conference. The specific Council resolution must state the authorised travel period that would include sufficient time to travel to and from the conference location (including a reasonable acclimatisation period) and attendance at the conference.*
- b *An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual Conference and Training Expense Allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas Conference or Training in the Elected Member's Conference and Training Expense Allocation, Council approval must be obtained before costs are incurred in keeping with 6.8(d) above or the Elected Member agrees to meet the additional costs personally.*
- c *Air travel overseas may be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.*

The City has a global outlook, delivering initiatives to empower local businesses to access global markets, encourage the exchange of knowledge and enable international trade and investment in the City, reflected in the Council adopted Plans and Strategies.

Representing one of the Asia-Pacific's most unique and exciting business locations, the City and its Joondalup Learning Precinct partners have demonstrated their commitment to creating a vibrant City encouraging and attracting a variety of investors and visitors from around the world, including Sister City, Jinan, China.

It is considered that the policy provision related to approval for overseas travel remain, as it provides transparency and accountability to proposed programs.

Officer's recommendation

*That Council, in relation to Motion No. 35 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the request not to support Elected Members' overseas travel and amend the Elected Members' Entitlements Policy (to remove provisions related to overseas travel; or implement a "No Overseas Travel Policy";*
- 2 *DOES NOT SUPPORT:*
  - 2.1 *An amendment to the Elected Members' Entitlements Policy to remove Part 7 relating to Overseas Conferences, noting that Council must endorse proposed travel; and*
  - 2.2 *Revocation of the Council positions related to International Recognition and Innovation; Economic Development International Activity.*

**MOTION NO. 36**

**MOVED M Sideris, SECONDED M Harrison that the Electors of the City of Joondalup REQUEST that Council instructs the City to commence an independent forensic investigation of the Lot 501 Pinnaroo Point Café Kiosk project with regard to the following:**

- 1 **the leasing (including sub-lease and sub- sub-lease) arrangements at every stage;**
- 2 **review the selection process for lessees;**
- 3 **consider the process and approval by relevant government agencies for each of various Business Case proposals considered for the development;**
- 4 **review current relevance, completeness, accuracy and relevant data sources of the *Coastal Erosion Vulnerability* and *City of Joondalup Pinnaroo Point Coastal Hazard Risk Management and Adaptation Planning Report R788 Rev 1 July 2016* (CHRMAP reports) for this site;**
- 5 ***City of Joondalup Pinnaroo Point Coastal Hazard Risk Management and Adaptation Planning Report R788 Rev 1 July 2016* will be updated, in order to meet the review trigger requirements of SPP 2.6 Clause 5.5 (iv) to ensure this CHRMAP remains current and relevant;**
- 6 **determine why various City capital works associated with this project, are seemingly changed in project characterisation and Capital works listing, denying full transparency and accountability to the ratepayers, so that they are made fully aware;**
- 7 **determine why construction methods changed from a transportable container concept to the more conventional fixed site building construction design, making the planning approval conditions to 'relocate' the building when the coastal erosion "trigger" distance is met.**

### Officer's comment

A response to the Elector's Motion is provided below, addressing each Part of the motion separately:

#### **1 Leasing arrangements**

Numerous reports were provided to Council over the course of the project dealing with each aspect of the project including leasing negotiations on the Crown Land lease, the sublease and sub-sublease. Council was provided with sufficient detailed information to enable an informed decision at each stage of the project, including key lease details and any additional information requested by Elected Members was provided by the City.

Both internal and external legal advice was sought on leasing matters.

#### **2 Lessee selection process review**

The selection process was undertaken in accordance with the Expression of Interest (EOI) documents prepared by the City and was overseen by an external probity auditor. Numerous reports were provided to Elected Members on the progress of the EOI process and ultimately the decision on the preferred respondent was made unanimously by Council. Approval of the sub-sublease was requested by the sublessee in accordance with the sublease and was approved by Council.

#### **3 Business Cases**

The business case for the Crown Land lease was initially provided to the Department of Planning Lands and Heritage (DPLH) in 2016 and was amended as the project evolved, eventually resulting in negotiations with the DPLH and ultimately execution of the Crown Land lease that commenced in 2020. Progress on negotiations with the DPLH was regularly provided in reports to Elected Members and the final decision to execute the Lease was made unanimously by Council.

#### **4 Review of the CHRMAP**

The Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the development was prepared in 2016 and was initially provided to the DPLH to support the City's request for a Crown Land lease at the site. There are no relevant grounds for reviewing the current relevance, completeness, accuracy and relevant data sources used in the CHRMAP undertaken in 2016.

#### **5 Update of the existing CHRMAP**

There is no justification, nor statutory or legislative obligation, for an ad-hoc update to the 2016 CHRMAP.

#### **6 Capital Works Changes**

Generally, budgets for project capital works do vary as projects evolve, particularly in the early planning and design stages. Project capital expenditure is approved in the City's Annual Budget and forms part of the *Five Year Capital Works Program*, ensuring full transparency and accountability to ratepayers. The main capital expenditure for this project is for the provision of utility services to the site. Other capital expenditure undertaken at Pinnaroo Point in recent years has included upgrades to the existing car park and replacement of outdated play equipment.

## 7 Construction methods and relocation of the building

Initial concepts for the development included recycled sea containers but the development was never proposed to be transportable. There are no planning approval conditions to 'relocate' the building when a coastal erosion 'trigger' distance is met.

### Conclusion

The City already has in place a process of project review that will identify 'lessons learnt' and measures to assist in improving the management of future projects. A forensic investigation on any matter would normally be reserved for situations where there is a valid concern of fraudulent activity or misconduct, and there is no substantiated suggestion or evidence that anything improper has taken place during the course of this project. Furthermore, a forensic investigation into this project, which has spanned some 10 years, would require significant time and cost and be a substantial additional demand on City resources.

### Officer's recommendation

*That Council, in relation to Motion No. 36 carried at the Annual General Meeting of Electors DOES NOT SUPPORT commencing an independent forensic investigation of the Lot 501 Pinnaroo Point Café Kiosk project.*

## MOTION NO. 37

**MOVED M Harrison, SECONDED J Sideris that the Electors of the City of Joondalup REQUEST that Council instructs the City in the last quarter of the 2022-23 financial year to reach with meaningful ambition for the attainment of Sustainable Development by adopting, implementing and fully integrating within its umbrella strategic documents and to be measured by the following globally relevant definition, sustainability:**

- 1 ***“Means using natural resources responsibly adopting inter-generational ethics in which the environmental and economic actions taken by present persons do not diminish the opportunities of future persons to enjoy similar levels of wealth, utility, or welfare.”***

### Officer's comment

Council has adopted a definition on sustainability as part of the City's Sustainability Policy (CJ027-02/18 refers). The Sustainability Policy outlines the City's commitment to integrating sustainable practices into all local government functions and services.

As per the adopted policy "sustainability" means meeting the needs of current and future generations through an integration of environmental protection, social advancement, and economic prosperity.

The definition of sustainability that has been adopted by Council aligns with the *Local Government Act 1995*, Section 1.3 which provides under subsection (3) *in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*

Officer's recommendation

*That Council, in relation to Motion No. 37 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT adopting the proposed definition of sustainability;*
- 2 *NOTES that Council has adopted a definition of sustainability as part of the City's Sustainability Policy that aligns to the Local Government Act 1995.*

**MOTION NO. 38**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to:**

- 1 **fully investigate the advantages of providing residents, ratepayers, business owners, community groups, customers, employees and visitors to the City of Joondalup a Community and Stakeholder Engagement Policy, for the purpose of:**
  - 1.1 **making rational, relevant decisions based on the needs and interests of everyone involved in or impacted by a proposal, or change, or development and to give the whole community a part in the decision-making process;**
  - 1.2 **empowering the community by recognising the Community knowledge base; recognising that the community wishes to have an input where it is possible for the community to influence the decision / outcome;**
  - 1.3 **properly satisfy all statutory obligations;**
- 2 **prepare an investigative report to be presented to Council four months after the adoption of this motion by Council;**
- 3 **NOTES that this request is supported by the following legislation:**
  - 3.1 ***Local Government Act 1995;***
  - 3.2 ***Planning and Development Act 2005;***
  - 3.3 ***Planning and Development, (Local Planning Schemes) Regulations 2015;***
  - 3.4 ***Land Administration Act 1997;***
  - 3.5 ***Integrated Planning and Reporting Framework and Guidelines.***

Officer's comment

The City is committed to getting community input and sharing information on new projects, plans, services and initiatives. The City recognises that what is happening locally is important to residents. The *Community Consultation Policy* outlines the City's commitment to ethical, transparent and accountable community engagement.

The City of Joondalup recognises the importance of effective, transparent and accessible community consultation in ensuring feedback from the community is considered as part of the City's decision-making processes. Community consultation informs, but does not replace, the decision-making role of the City and the Council.

Pending the roll out of *Local Government Act 1995* reforms, all local governments will be required to establish a charter, setting out how they will engage with ratepayers and the community about their policies, initiatives, and projects. During 2023 the Department of Local Government Sport and Communities will release a model charter to assist local governments who wish to adopt a standard charter.

Officer's recommendation

*That Council, in relation to Motion No. 38 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the investigation of a Community Stakeholder and Engagement Policy as a standardised approach is being implemented for all local governments through the local government reform process;*
- 2 *NOTES that the City's Community Consultation Policy guides the implementation of community consultation including that statutory obligations are being met by the City.*

**MOTION NO. 39**

**MOVED B Hewitt, SECONDED J Tostevin that the Electors of the City of Joondalup REQUEST that Council instruct the City to remove from the 'Pedestrian Accessway Planting and Maintenance' program the requirements to 'Indemnify the City against damage to people or property as a result of the works undertaken in the PAW Planting'.**

Officer's comment

For applications under the City's Pedestrian Accessway Planting and Maintenance program, approval is subject to a number of conditions the applicants must commit to as follows:

- Maintaining the PAW in a safe, good and tidy condition.
- Keeping footpaths clear of landscaping and trip hazards.
- Not using any chemical weed control.
- Adhering to the *Local Government and Public Property Local Law 2014* including planting of approved species only.
- Maintaining a one metre plant clearance zone from any City or public utility infrastructure such as, but not limited to, lighting, street signs, traffic signs, control boxes to name a few.
- Indemnifying the City against damage to people or property as a result of the works undertaken in the PAW.
- Reinstating the planting following works undertaken by the City or other service authorities.

Applicants must also note the following:

- Built structures, staking, plants with thorns and the planting of trees is not permitted.
- The City is not liable for any damage or vandalism to plants or landscaping treatments.
- The City will not supply plants, mulch or other landscaping materials to undertake the works.
- The City will not provide financial or practical assistance to undertake the works.
- The Pedestrian Accessway Planting and Maintenance Register does not apply to parks, reserves, or natural areas.
- Residents and stakeholders are responsible for the planting and maintenance of the PAW in its entirety (not just the section/s immediately adjoining their property).
- It is the responsibility of the applicants to pay for any damage caused to private, City or public utility infrastructure during the planting and maintenance process. If any damage or disturbance occurs to infrastructure, ensure you contact the City immediately.
- Residents and stakeholders must reapply every two years to ensure the continuing support of the adjoining property owners.

One of the key conditions as detailed above is the requirement for the applicants to indemnify the City against damage to people or property as a result of the works undertaken in the PAW. This requirement is a standard condition, and not linked to the Pedestrian Accessway Planting and Maintenance Program. It would be irresponsible to allow anybody to undertake works on public land under the care and control of the City without requiring this indemnification.

#### Officer's recommendation

*That Council, in relation to Motion No. 39 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting.*

#### **MOTION NO. 40**

**MOVED B Hewitt, SECONDED M Kwok that the Electors of the City of Joondalup REQUEST that Council:**

- 1 ENSURES that any rates in the dollar rise is limited to no more than 0.1% in the coming year, due to the financial impact of interest rate rises on the community;**
- 2 NOTES that any increases in Gross Rental Value (GRV) will have an increase in the council rates required to be paid by ratepayers, and in the event that the rate in the dollar is also increased it is likely to put enormous pressure on families who make up the largest ratepayer group within the City.**

#### Officer's comment

The 2023-24 Annual Budget process, including Elected Member budget workshops, is currently in progress. Elected Members will consider various aspects of the City's operational and capital requirements, alternative funding, economic conditions and community needs prior to issuing proposed differential rates for public comment.

The *Local Government Act 1995* requires Council to consider proposed budget expenditure and all non-rates sources of funding before determining the extent of rates revenue required.

This motion will inform considerations by Council before a final decision is made on the differential rates to be levied in 2023-24.

#### Officer's recommendation

*That Council, in relation to Motion No. 40 carried at the Annual General Meeting of Electors:*

- 1 DOES NOT SUPPORT limiting rises in rates in the dollar to a maximum of 0.1% in 2023-24, at this time;*
- 2 NOTES that increases to Gross Rental Values (GRV) of rateable properties will impact ratepayers by increasing the rates derived from those properties, even with no increase in the rate in the dollar.*

**MOTION NO. 41**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to use the funds originally held for the Jinan Gardens to improve areas identified within the *Public Open Space Framework* that are poorly serviced and lack co-located infrastructure and to bring these areas up to the stated service standards.**

Officer's comment

The Joondalup Performing Arts and Cultural Facility (JPACF) Reserve was created in 2000 for the purpose of funding the development of a Performing Arts Facility in Joondalup.

In 2010, Council decided to incorporate the Jinan Gardens into the JPACF project (CJ217-12/10 refers).

On 19 May 2020 (CJ065-05/20 refers) it was resolved that Council:

- "1 DEFERS progressing the Jinan Garden project further at this time;*
- 2 REQUESTS that a further report be submitted to Council to enable alternative options for the use of the funds assigned to this project and incorporated within the Performing Arts and Cultural Facility Reserve to be considered for alternative purposes as part of the 2020-21 half year budget review".*

With respect to Part 2 of the Council resolution above, at its meeting held on 16 February 2021 Council considered a report on the Mid-Year Review of the Annual Budget for the 2020-21 Financial Year (CJ020-02/21 refers) and resolved in part as follows:

- "7 NOTES that the funds referred to in Council Resolution of 19 May 2020 (CJ065-05/20 refers) for the Jinan Garden Project are contained within the Joondalup Performing Arts and Cultural Facility Reserve and no action will be taken on this project until 2023-24".*

The funds in the JPACF Reserve are not intended to fund public open space service and infrastructure improvements. For the Reserve funds to be used for an alternative use the purpose of the JPACF Reserve would need to be amended.

Officer's recommendation

*That Council, in relation to Motion No. 41 carried at the Annual General Meeting of Electors:*

- 1 NOTES that the funds contained within the Joondalup Performing Arts and Cultural Facility Reserve are for the purpose of funding the design and development of a performing arts facility and not for public open space servicing and infrastructure improvements;*
- 2 NOTES that no action will be undertaken on the Joondalup Performing Arts and Cultural Facility (JPACF) project until 2023-24;*
- 3 DOES NOT SUPPORT the request to use the funds originally held for the Jinan Gardens to improve areas identified within the Public Open Space Framework that are poorly serviced and lack co-located infrastructure and to bring these areas up to the stated service standards.*



**MOTION NO. 42**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council freeze the Chief Executive Officer's salary package for one year to demonstrate commitment and leadership in fiscal control, and that any future pay rises after one year be linked to proven improved financial efficiency in the City.**

Officer's comment**Local Government Act 1995**

S5.36 of the *Local Government Act 1995* provides that a local government is to employ a person to be the CEO of the local government.

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The Council's recruitment and performance review standards are detailed in the contract of employment between the Council and CEO, and the *City of Joondalup Standards for CEO Recruitment Performance and Termination Policy*.

**Salaries and Allowances Act 1975**

Section 7A of the *Salaries and Allowances Act 1975* (WA) provides that the Salaries and Allowances Tribunal is to make determinations in relation to Local Government Chief Executive Officer salaries. Correspondingly, S5.39 (7) of the *Local Government Act 1995* requires that a "CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A".

Each year the Salaries and Allowances Tribunal makes a recommendation in relation to band movements.

**Chief Executive Officer Recruitment and Performance Review Committee**

The Chief Executive Officer Recruitment and Performance Review Committee's role, in part, is as follows (relating to performance and remuneration):

- *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's employment contract.*
- *Review the key performance indicators to be met by the Chief Executive Officer.*
- *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's employment contract.*

**CEO Employment Contract**

The CEO employment contract includes provisions related to the process as to how the Total Rewards Package (TRP) following a performance review is determined, as follows:

*"12.19 Following completion of the Annual Performance Review, the Chief Executive Officer Recruitment and Performance Review Committee will consider the CEO's TRP and make a submission to Council for its consideration.*

- 12.20 *When reviewing the CEO's TRP, the Council may take into account, amongst other things, the results of the Annual Performance Review and the Chief Executive Officer Recruitment and Performance Review Committee's submission, the relevant determination of the Salaries & Allowances Tribunal (made under the Salaries & Allowances Act 1975 (WA) and any other information it considers relevant.*
- 12.21 *The Council's decision will not result in a decrease in the TRP, but there is no obligation to increase the TRP payable to the CEO as a result of a review.*
- 12.22 *Where the Annual Salary Review results in an increase to the CEO's TRP, the change will be effective from 1 August of that year."*

The contract of employment is between the Council and the CEO and any remuneration review will take into account the legislative requirements; Policy provisions; Salaries and Allowances Tribunal determinations; general employment conditions; and employment contract provisions.

Negotiations regarding remuneration are between the CEO and Council taking into account the formal performance review process and above factors.

#### Officer's recommendation

*That Council, in relation to Motion No. 42 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the proposal "that Council freeze the Chief Executive Officer's salary package for one year to demonstrate commitment and leadership in fiscal control, and that any future pay rises after one year be linked to proven improved financial efficiency in the City.";*
- 2 *NOTES it has an employment contract between the CEO and Council and has established a fair and equitable process for review of the performance of the CEO and determination of a Total Rewards Package.*

#### **MOTION NO. 43**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council instructs the Chief Executive Officer to make the Key Performance Indicators of the Chief Executive Officer publicly available.**

#### Officer's comment

There is no current legislative requirement or agreement between the Council and Chief Executive Officer (CEO) with regard making the Key Performance Indicators (KPIs) of the CEO publicly available.

It is important to note that at the Council meeting held on 15 February 2022 (CJ012-02/22 refers) the City's response to the proposed Local Government Reforms was considered. One of the reform proposals relates to transparency of CEO KPIs, whereby the State Government has proposed to mandate that the KPIs agreed as performance metrics for CEOs:

- *Be published in Council meeting minutes as soon as they are agreed (before the start of the annual period).*
- *The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period).*
- *The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).*

In response to this proposal, the City considered the WA Local Government Association's advice that, *"in principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.*

*In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs such as those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially.*

*This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.*

*The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.*

*Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.*

*The results of performance reviews should continue to be confidential information between the employer and employee and should not be published and remain within the confidential human resource records of the organisation."*

The Council, at its meeting held on 15 February 2022 (CJ012-02/22 refers) adopted the following position:

*That the City of Joondalup:*

- 1      CONDITIONALLY SUPPORT the proposed reforms related to 3.5 Chief Executive Officer Key Performance Indicators (KPIs) being published that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential or personal nature;*
- 2      DOES NOT SUPPORT the results of Performance Reviews of CEOs being published;*
- 3      REQUEST the Minister to give consideration to the provision of mandatory training and development programs to assist Elected Members in performance management.*

Given the proposed reforms, it is considered prudent to wait for the legislative reforms to be agreed to by Parliament in order that the approach is consistent with that taken by the local government sector.

Officer's recommendation

*That Council, in relation to Motion No. 43 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the proposed State Government's Local Government Reform proposal to mandate CEO Key Performance Indicators being made publicly available;*
- 2 *NOTES the Council's response (at its meeting held on 15 February 2022 (CJ012-02/22 refers)) to the proposed State Government Local Government Reform proposal to mandate CEO Key Performance Indicators being made publicly available;*
- 3 *SUPPORTS CEO Key Performance Indicators being made publicly in accordance with the relevant Local Government Act legislative framework, on gazettal.*

**MOTION NO. 44**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council seeks efficiencies in every dollar spent by the City and reduces the percentage of rates revenue spent on employee costs by 5 percent.**

Officer's comment

Council approves each Annual Budget following an extensive Budget Workshop process, in which operating and capital expenditure are considered, with detailed consideration of service costs in specific areas as determined by Elected Members. Budgets are set based on services, programs, facilities and infrastructure that Council determines and expects should be provided to the community in the budget year.

Part of the information considered by Elected Members, through the Budget Workshop process, is a rolling 10-year analysis of Employee Costs, as well as service costs necessary to deliver the various services and programs proposed for inclusion in the budget, including employee costs. This also takes into account the costs of services and activities that are funded by revenue other than rates, such as leisure centre operations, waste management, planning approval and building services, pool inspections, to name a few.

Should Council consider a particular cost or other target for the City, this will require appropriate consideration of the services that may be affected, the delivery mechanism and other relevant financial and operational aspects before a decision can be made.

Officer's recommendation

*That Council, in relation to Motion No. 44 carried at the Annual General Meeting of Electors NOTES the motion to seek efficiencies in every dollar spent by the City and reduce the percentage of rates revenue spent on employee costs by 5 percent.*

**MOTION NO. 45**

**MOVED M O'Byrne, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the Chief Executive Officer to make available to residents the Elected Member's taken-on-notice questions / responses asked in public Briefing Sessions, Ordinary Council Meetings and Special Meetings of Council.**

Officer's comment**Briefing Sessions**

Should an Elected Member ask a question at a Briefing Session, and that question is taken on notice, responses are provided to Elected Members via Briefing Session Notes. In accordance with the *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic meetings* (the Procedures):

*“a record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Sessions, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.”*

Briefing Sessions are not formal meetings of the Council. As such, matters related to Briefing Sessions are procedural in nature and the Procedures adopted by the Council are at its discretion.

The City prepares Briefing Notes with responses to questions taken on notice, which are circulated to Elected Members. Should the Council request that these matters be published for the public, the Council would need to amend the adopted Procedures.

**Ordinary/Special Council Meetings**

Should an Elected Member ask a question at a Council meeting, and that question is taken on notice, responses are distributed to Elected Members via an email from the relevant Director, or via a Memorandum distributed to Elected Members. It is not the City's current practice to distribute responses to the public and/or include in the Council Minutes.

Officer's recommendation

*That Council, in relation to Motion No. 45 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the City prepares Briefing Notes, with responses to Elected Member's questions taken on notice at a Briefing Session, which are circulated to Elected Members only;*
- 2 *NOTES that should Council wish the Briefing Notes to be published for the public, the Council would need to amend the Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic Meetings;*
- 3 *NOTES that it is not the City's practice to distribute to the public responses to Elected Member questions taken on notice and/or include in the Council Minutes.*

**MOTION NO. 46**

**MOVED B Hewitt, SECONDED M Kwok that the Electors of the City of Joondalup REQUEST that Council instructs the City to develop a Cat Local Law to control cats for the purpose of preventing the loss of native animals through predation and to ensure cats do not leave their owner's property unless under the control of their owner/s.**

### Officer's comment

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of the City's local laws and resolved, in part, that amendments were required to the *City of Joondalup Animals Local Law 1999*. In view of this resolution, and to put the amendments into effect, a *City of Joondalup Amendment Local Law 2021* (Amendment Local Law) was developed for Council's consideration.

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to make the *City of Joondalup Amendment Local Law 2021* for the purposes of public advertising. And, in addition, resolved in part, as follows:

*"NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats."*

A notice advising of Council's intention to make the proposed Amendment Local Law was published in accordance with section 3.12 of the *Local Government Act 1995* (the Act) for a period of six weeks. The time for making public submissions closed on Friday 20 May 2022. At the Council meeting held on 16 August 2022 (CJ124-08/22 refers), Council considered the public submissions received following the public advertising period and resolved:

*"That item CJ124-08/22 – Amendment Local Law 2021 – Adoption BE REFERRED BACK to the Policy Committee for further consideration so that each local law can be considered separately."*

Additionally, the State Government has introduced the *Dog Amendment (Puppy Farming) Act 2021*, which includes changes to the *Cat Act 2011*. Implementation of aspects of this legislation are currently under review by the Department of Local Government, Sport and Cultural Industries, with certain provisions yet to commence. The City is awaiting confirmation of how these changes will affect animal registrations, information databasing and enforcement capabilities.

Given the changes occurring in this space, the statutory review for the *City of Joondalup Animals Local Law 1999* is deemed a timely opportunity to undertake a review of all animal related capabilities, including the potential introduction of a Cat Local Law. It is however noted that the extent to which the potential introduction of a Cat Local Law can be considered as part of the statutory review of the City's *Animals Local Law 1999* will depend on the timing of the work being progressed by the Department of Local Government, Sport and Cultural Industries.

### Officer's recommendation

*That Council, in relation to Motion No. 46 carried at the Annual General Meeting of Electors NOTES the upcoming review of the City of Joondalup Animals Local Law 1999, which will include further investigation into the possible creation of a Cat Local Law.*

### **MOTION NO. 47**

**MOVED B Hewitt, SECONDED J Tostevin that the Electors of the City of Joondalup REQUEST that Council instructs the City in relation to its Leafy City Program to use a minimum of 50% native and endemic species for street tree planting in every suburb, so that not only tree canopy is created through planting street trees but also foraging opportunities and habitat for local species.**

Officer's comment

The Leafy City Program plantings including the Leafy City suburbs to be planted this year from May 2023 to August 2023, has a native/exotic percentage split of 64% native species and 36% exotic species.

The native/exotic split per suburb is provided in the table below.

| <b>SUBURB</b> | <b>% NATIVE</b> | <b>% NON-NATIVE</b> |
|---------------|-----------------|---------------------|
| Beldon        | 62%             | 38%                 |
| Heathridge    | 60%             | 40%                 |
| Craigie       | 93%             | 3%                  |
| Padbury       | 70%             | 30%                 |
| Kinross       | 80%             | 20%                 |
| Currambine    | 57%             | 43%                 |
| Greenwood     | 100%            | 0%                  |
| Kingsley      | 32%             | 68%                 |
| Woodvale      | 24%             | 76%                 |
| Kallaroo      | 100%            | 0%                  |
| Warwick       | 67%             | 33%                 |
| Duncraig      | 33%             | 67%                 |
| Edgewater     | 49%             | 51%                 |
| Mullaloo      | 67%             | 33%                 |

At either end of the scale, some suburbs such as Greenwood and Kallaroo have had 100% native planting and at the other end of the scale Kingsley has had 32% native planting. The reason for this range is that the City has selected tree species based on which species will best survive and reach maturity as a good specimen for each road. Therefore, the City is not supportive of meeting any specific native/exotic percentage split as trees are selected on the basis of their potential to survive and thrive in response to the site-specific considerations of each street. These considerations include the following:

- Soil composition.
- Available space to meet root space requirements.
- Underground and overhead services in line with root development and tree size.
- Sightline requirements in line with tree growth habits.
- Coastal proximity in line with species wind and salinity tolerance.
- Prolific large fruit/nut drop impacting pedestrian and universal access requirements.
- Existing tree species thriving in the area.

If the above considerations are not prioritised in favour of meeting native/exotic preferences, the likelihood will be poorly developed, stunted trees and negatively impacted tree survival rates.

In terms of providing habitat for fauna, all trees provide fauna habitat, regardless of whether they are native or exotic.

In terms of trees that provide foraging opportunities, this purpose is not restricted to native trees. The Department of Environment and Conservation fodder tree list includes 60 native and exotic tree species.

Unfortunately, the majority of trees suitable for foraging are not suitable for use as street trees due to their fruit/nut drop, their overall size being too great or their habit too shrub-like and bushy.

The desired performance characteristics of street trees are as follows:

- Growth habit supporting a clear, single stem no shrubby forms (compliance with road traffic sightlines and non-encroachment into pedestrian and vehicle passage zones).
- No prolific large fruit or nut drop (fall/trip hazard in pedestrian zone and universal access impediment).
- Long-lived species (pioneer/short-lived species will not achieve long-term urban canopy outcomes).
- Hardiness (species must be able to tolerate the harsh road-side environment with limited root space and elevated road temperatures).
- Size (tree size to be large enough to promote avenue-effect, but not too large to create damage-risk for adjacent properties in the event of tree/limb fall/drop).
- Toxic and weed species not considered (given the urban public environment).
- Availability (trees must be readily available in Western Australia).
- Able to thrive in verge-specific growing conditions and soil profile.
- Low damage risk to existing infrastructure and services.
- Low tree fall risk species (no widow-makers that could compromise public safety and damage property).

As such, the Leafy City objective of increasing canopy cover in streetscapes (the key focus area) cannot address the provision of fodder as a main objective, because the fodder objective is largely discordant given the streetscape location of the program.

In the Department of Environment and Conservation fodder tree list, there are only eight species that can be utilised as a street tree as per the street tree performance characteristics above. The eight fodder species also suitable as street trees are as follows:

*Agonis flexuosa*, *Corymbia maculate*, *Tipuana tipu*, *Callistemon viminalis*, *Eucalyptus gomphocephala*, *Jacaranda mimosifolia*, *Hakea laurina* and *Corymbia ficifolia*.

All these species, save one are already being used in the Leafy City Program. The species not used to date is *Corymbia ficifolia*. Use of *Corymbia ficifolia* species in future Leafy City planting will be investigated in areas where they will thrive by taking into account the range of site-specific considerations as listed above to ensure maximum viability for the tree to reach maturity as a good specimen.

#### Officer's recommendation

*That Council, in relation to Motion No. 47 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the current native/exotic percentage split for trees species used in the Leafy City Program;*
- 2 *NOTES that the selection of tree species will be on the basis of species that will perform best as a street tree in each specific location and deliver the highest potential to increase the City's urban canopy.*

#### **MOTION NO. 48**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council instructs the City to expand the Waterwise verge garden program to encourage people to reduce water usage and plant natives verge gardens.**



### Officer's comment

The City's *2022/23 Waterwise Verge Rebate Program* was launched in late November 2022 and forms part of the City's Environmental Education Program. The program was very popular as demonstrated through the allocated funding for 100 participants being exhausted within a month of the program launching. There has also been approximately 40 residents expressing interest in the program after the allocated funding being exhausted.

The program has been successful in encouraging residents to replace their grass, synthetic lawn and hardscaped verge treatments with native plants and mulch and will result in positive environmental impacts such as increased biodiversity, canopy cover and ecological corridors, and reduced greenhouse gas emissions and water use.

The *2022/23 Waterwise Verge Rebate Program* is being co-funded through Water Corporations *Waterwise Greening Scheme* which provides the opportunity for Waterwise Councils to receive up to \$10,000 of co-funding each year to support waterwise greening initiatives. In May 2022, the City was awarded Platinum Waterwise Council of the Year for 2022 for demonstrating leadership in sustainable water management. As part of the award, the City was able to access an additional \$10,000 (a total of \$20,000 funding) in 2022-23 through the *Waterwise Greening Scheme*, with the City co-funding an additional \$20,000. This allowed the City to develop and implement the *2022/23 Waterwise Verge Rebate Program* (a total of \$40,000 budget).

The *2022/23 Waterwise Verge Rebate Program* total budget allocated was \$40,000 which includes the following:

- Waterwise verge subsidies of \$250 for a maximum of 100 households to replace their grass, synthetic lawn and hardscaped verge treatments with native plants and mulch.
- Approximately 2,000 native seedlings provided, with each successful applicant receiving 20 native plants that meet the City's *Street Verge Guidelines* plant height requirements (maximum plant height of 600mm).
- Waterwise verge workshop for community members.
- Waterwise verge competition to acknowledge and celebrate residents with existing waterwise verges.

While it is acknowledged that the Waterwise Verge Rebate Program has delivered much benefit to the community and the environment, it must be noted that the implementation of the initiative involved substantial amount of officer time. This includes development of promotional materials and supporting documentation, liaison with suppliers as well as administration of the program. The estimated officer time to develop and implement the program is 2-3 months.

Due to a high level of environmental projects being planned for 2023/24, the City does not have the capacity to expand the Waterwise Verge Rebate Program further without additional budget and resourcing being made available. The City is planning a native plant giveaway event for residents in 2023/24 and will consider implementing the Waterwise Verge Rebate Program in 2024/25, subject to resourcing and budget approval.

### Officer's recommendation

*That Council, in relation to Motion No. 48 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the expansion of the Waterwise Verge Rebate Program in 2023/24;*
- 2 *NOTES that as part of the City's Environmental Education Program, the City is planning a native plant giveaway event for residents in 2023/24, subject to budget approval;*
- 3 *NOTES that the City will consider implementing the Waterwise Verge Rebate Program in 2024/25, subject to resourcing and budget approval.*

**MOTION NO. 49**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council:**

- 1 ADVISES the Western Australian Local Government Association (WALGA) that the City of Joondalup Council supports:**
  - 1.1 the Office of the Auditor General (OAG) to conduct financial and performance audits of WALGA;**
  - 1.2 WALGA requesting as a priority that the OAG to undertake annual financial audits of WALGA and any related activities;**
- 2 WALGA Zone representatives represent and support the Council position in these matters at any WALGA Zone meeting;**
- 3 WALGA Zone representatives report back to Council any outcomes or discussion about these matters to the following Council meeting;**
- 4 instructs the Chief Executive Officer (CEO) to convey in writing the specific contents of this motion and the Council resolution, to the WALGA State Council and to the WALGA Chief Executive Officer at the CEO's earliest convenience.**

Officer's comment

The electors' motion is similar to one promoted by the Local Government Elected Members Association (LGEMA) and asked at other local government elector meetings. The LGEMA gives the rationale for the motion as follows:

- 1 "WALGA relies heavily on the income and expenditure of public monies, much of which is sourced from the municipal funds of Local Governments.*
- 2 WALGA represents Local Governments to the state government by way of a partnership agreement.*
- 3 WALGA as a member of ALGA represents WA local governments to the federal government.*
- 4 WALGA member Local Governments need to be satisfied about the financial probity and compliance in all WALGA activities.*
- 5 WALGA is established under the Local Government Act and accordingly all the Local Government Act s.1.3 intentions apply.*
- 6 Through Local Governments to WALGA, which include greater accountability, and more efficient and effective government."*

**WA Local Government Association**

The WA Local Government Association (WALGA) is an independent, member based, not for profit organisation representing and supporting the WA Local Government sector. WALGA advocates on behalf of WA's 139 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

Membership of the Association is not compulsory, participation in the LGIS Mutual Service, of which WALGA is trustee, is also not compulsory. Further, as a Registered Training Organisation it operates in a competitive environment with other providers offering training for Elected Members and officers. Use of WALGA's preferred supplier panels is at the discretion of each and every member local government.

As an organisation formed under the *Associations Incorporation Act 2015*, WALGA is required to have an annual financial audit undertaken by an approved auditor. The annual financial statement and the audit report are made available to all members at the WALGA Annual General Meeting and are publicly available on their website.

The Minister for Local Government has proposed that WALGA not be incorporated under the *Local Government Act 1995* in his policy positions on Local Government reform. This proposal is still to be worked through to see how this can be achieved.

### **Local Government Reform Proposals**

At its meeting held on 15 February 2022 (CJ012-02/22 refers) Council considered a range of proposed local government reforms by the State Government.

The reform papers provided that in accordance with the Local Government Review Panel Report's recommendation, it is proposed as part of the reforms, that WALGA no longer be constituted under the *Local Government Act 1995*. It has been suggested this will provide clarity that WALGA is not a State Government entity.

WALGA advised as part of its response to the reform proposal that it:

*"is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector."*

The 2020 Local Government Reform Panel Report provided as follows:

*"The Panel deliberated the merits of WALGA being constituted under the Local Government Act and determined that it was not appropriate to incorporate a member body under this legislation.*

*This created confusion as to the extent of the Minister's powers over the organisation and WALGA's level of independence. More appropriate legislation would appear to be the Associations Incorporation Act 2015.*

*Transitional provisions should be included in the new Local Government Act to allow for the orderly reconstitution of WALGA without affecting their operations. This change would not restrict the new Act (or other Acts) from referencing WALGA membership on boards and committees.*

*The Panel saw merit in the sector being able to use its aggregated buying power through use of WALGA's preferred supplier program and their mutual insurance coverage. Recognition of these initiatives in the legislation should be accompanied by a power for the Auditor General to conduct regular audits of these programs and related processes."*

The Council, at its meeting held on 15 February 2022 (CJ012-02/22 refers), endorsed the following position:

*The City of Joondalup:*

- 1 *SUPPORTS the WALGA position that it undertake due diligence on the proposal and advise the sector accordingly.*
- 2 *REQUEST the Minister to recognise the preferred supplier program and mutual insurance coverage from LGIS.*

The Minister for Local Government has advised that WALGA's role in the *Local Government Act 1995* will be integrated into the second tranche of reforms to be introduced later in the year.

### **Auditor General's Role**

The Auditor General's functions and powers are prescribed in the *Auditor General Act 2006*. The Auditor General's role is to audit the finances and activities of Western Australian State and local government entities and report their findings to Parliament.

WALGA is not a recognised state or local government entity and therefore does not fall within the jurisdiction of the functions and powers of the Auditor General.

### **WALGA Auditor**

WALGA's financial report is audited by Deloitte, one of Australia's largest and most recognised auditing and consulting organisations.

The WALGA Annual Report including Auditor's Report for 2021-22 is provided [here](#).

### **Officer's recommendation**

*That Council, in relation to Motion No. 49 carried at the Annual General Meeting of Electors:*

- 1 *DOES NOT SUPPORT the proposal that the Office of the Auditor General conduct financial and performance audits of the Western Australian Local Government Association (WALGA) given:*
  - 1.1 *WALGA is not a recognised state or local government entity and therefore does not fall within the jurisdiction of the functions and powers of the Auditor General;*
  - 1.2 *WALGA's financial auditing is undertaken by Deloitte, one of Australia's largest and most recognised auditing and consulting organisations;*
  - 1.3 *The State Government intends to remove references to WALGA from the Local Government Act 1995 as part of the local government reform process, to provide clarity that WALGA is not a State Government entity.*

**MOTION NO. 50**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council instructs the City to:**

- 1 AMEND the 2021-22 Annual Report and report all sources of income received by Council Members that are as a consequence of any of the following:**
  - 1.1 appointments to Regional Councils;**
  - 1.2 appointments to Development Assessment Panels;**
  - 1.3 appointments to the Western Australian Local Government Association;**
  - 1.4 appointments to any committees, boards, panels or any other body which are as a consequence or in relation to a person holding the office of Council Member;**
- 2 REPORT in all future Annual Reports sources of income details in Part 1.**

Officer's comment

At the Council meeting held on 16 August 2022 (CJ128-08/22 refers) a report was considered (as a result of a Notice of Motion – CJ010-02/22 refers) examining similar matters, and which the Council has established a position in relation to such disclosures.

The Council, at its August 2022 meeting considered, amongst other matters, *“the potential benefits and issues involved for the future Annual Financial Statements and Annual Reports to contain additional detailed information on remuneration, allowances and expense reimbursements received by Elected Members in performing roles held with Mindarie Regional Council, Tamala Park Regional Council, WALGA and Joint Development Assessment Panel, such that there is clarity on the full compensation received by Elected Members in the performance of their roles.”*

The August 2022 report to Council provided the following:

*“Sections 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995 as well as Part 8 of the Local Government (Administration) Regulations 1996 provide for councillors (such as Elected Members, including mayor and deputy mayor) of a local government to be paid certain fees, expenses or allowances in performance of various duties as councillors. A local government cannot make any payments to anyone who serves in this capacity unless it is in accordance with these legislative provisions.*

*Regulation 44 of the Local Government (Financial Management) Regulations 1996 prescribe that a local government's annual financial report must include the total of each category of fees, expenses or allowance paid to each council member.*

*The Local Government Act 1995 defines a councillor as “...a person who holds the office of councillor on a council...”.*

*Reporting of fees, expenses or allowances in the City's Annual Financial Report under Regulation 44 is therefore only in respect of such amounts paid to those who hold the office of councillor of the City of Joondalup.*

*The City complies with this reporting requirement each year, which is subject to audit by the Office of the Auditor-General (OAG), with the most recent disclosure of such payments to councillors included in the City's audited Annual Financial Report for the year ended 30 June 2021.*

The Local Government (Financial Management) Regulations 1996 (FMR) require a local government to comply with the prescriptions of the Australian Accounting Standards (AAS) to the extent not inconsistent with the Regulations. The AAS are issued by the Australian Accounting Standards Board with a number of these applicable to the City's annual financial reporting.

AASB 124 Related Party Disclosures requires a reporting entity to include the following disclosure in its annual financial statements:

Key Management Personnel compensation in total and for each of the following categories:

- (a) short-term employee benefits;
- (b) post-employment benefits;
- (c) other long-term benefits;
- (d) termination benefits; and
- (e) share-based payment.

AASB 124 defines Key Management Personnel (KMP) as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity."

In the case of a local government, KMP would therefore comprise councillors and senior staff (executives), as indicated in the guidance provided within AASB 124. Since the accounting standard became applicable, the City has reported related party disclosures for KMP on this same basis. This approach has been confirmed in each annual financial audit.

Reporting of allowances paid to City of Joondalup councillors in the Annual Financial Report under Regulation 44 is deemed to satisfy the disclosure requirements under AASB 124 in respect of KMP who are Councillors. In respect of KMP who are Executives, the City discloses remuneration paid in aggregate to all such KMP for each of the categories required in AASB 124.

This financial reporting treatment has been accepted as complying with the requirements of AASB 124 by the City's auditors in each annual financial audit so far.

Current disclosure detail for KMP in Annual Financial Report

| <b>Allowances to Councillors</b>   | <b>Remuneration to executives</b>                                  |
|--|--|
| Allowances reported individually for each councillor as required in Reg 44.                      | Reported cumulatively for all executives in line with AASB 124.    |
| Reported for each allowance category, such as meeting fees, IT allowance, as required in Reg 44. | Reported for each category of remuneration prescribed in AASB 124. |
| Reported in notes to annual financial report.  | Reported in notes to annual financial report.                      |

Current disclosure detail for KMP in Annual Report

| <b>Allowances to Councillors</b>   | <b>Remuneration to executives</b>  |
|--|--|
| Reported individually for each councillor in addition to annual financial report.                                | Included by virtue of Annual Financial report forming part of Annual Report. |
| Reported for each allowance category such as meeting fees, IT allowance, in addition to annual financial report. | Included by virtue of Annual Financial report forming part of Annual Report. |

*The Council resolution (CJ010-02/22) is for the City to:*

*Prepare a report on the potential benefits and issues involved for the future Annual Financial Statements and Annual Reports to contain additional detailed information on:*

- 1 remuneration, allowances and expense reimbursements received by Elected Members in performing roles held with Mindarie Regional Council, Tamala Park Regional Council, WALGA and Joint Development Assessment Panel, such that there is clarity on the full compensation received by Elected Members in the performance of their roles.*

*Under the Local Government Act 1995 a councillor is a person who holds the office of councillor on a council.*

*Under Regulation 44 of the FMR, the City's annual financial report discloses details of all allowances and other payments made to councillors of the City of Joondalup. No disclosure is made of any remuneration or payment that a councillor might derive from another source, which may include private employment, business or other activities, which has not been paid or incurred by the City towards them as Councillors.*

*The City is a member of two regional local governments, namely the Tamala Park Regional Council (TPRC) and Mindarie Regional Council (MRC). By virtue of being a member council, the City nominates two of its councillors to sit on the councils of each of these regional local governments on behalf of the City. These councillors, along with similarly nominated individuals from other member councils, constitute the council of each of these regional local governments, for the purposes of Regulation 44 of the FMR. Allowances and other payments made to the councillors of both MRC and TPRC are reported by both in their respective annual financial reports as required by the FMR as these individuals, as councillors of those local governments, are considered KMP of those entities.*

*Similarly, Elected Members of the City of Joondalup have been nominated by the Council to serve on the state council of the Western Australian Local Government Association (WALGA). WALGA is constituted under the Local Government Act 1995 and is the peak industry sector body representing the interests of member local governments in Western Australia. WALGA reports remuneration paid to members of its state council in aggregate in its annual financial report.*

*Joint Development Assessment Panels (JDAPs) are constituted by the WA State Government as independent decision-making bodies comprising technical experts and local government Elected Members to determine planning applications made under local and regional planning schemes. JDAPs service two or more local government districts. The City, as a member of JDAP, is required to nominate members who are appointed by the state Minister for Planning. Sitting fees and expenses reimbursements are paid to Elected Members of the City who sit on a JDAP.*

*Nominations of specific Elected Members to these entities arise from decisions of Council. Reports to Council that are the basis for Council decisions in this regard include information about the applicable allowances and other remuneration that are expected to be paid to the nominated individuals. This information is therefore considered by Council when making a decision to nominate an individual in this manner.*

Disclosure in the Annual Financial Report and/or Annual Report of remuneration received by Elected Members from other roles/sources

The City's Annual Financial Report (AFR) presents the City's revenue and expenditure over a particular reporting period. This includes expenditure that the City incurs on allowances and other remuneration paid to Elected Members for their role as councillors, including meeting fees, IT allowances, training expenses, and reimbursements of allowable expenses incurred. The AFR presents the financial statements, including the statement of comprehensive income (income statement), supported by the various notes where applicable. The AFR reports expenditure incurred by the City in the course of its operations, including remuneration paid to Elected Members in the performance of their roles as councillors of the City of Joondalup.

The City does not include, either in the financial statements or the notes, information pertaining to remuneration or other income that Elected Members may derive from sources outside of their roles as councillors of the City of Joondalup. This includes income from private employment, business interests, or investments.

This is for two related reasons:

- such remuneration is not earned by Elected Members from the performance of their roles as councillors of the City of Joondalup.
- such remuneration earned by Elected Members has not been incurred by the City as a cost of its operations.

Elected Members who perform roles as councillors of the Mindarie Regional Council or the Tamala Park Regional Council are nominated to those roles by the Council of the City of Joondalup and derive remuneration from those entities to perform those roles. However, those costs are not incurred by the City of Joondalup and, though Elected Members are nominated to those roles they are required to exercise their functions as councillors of those entities in those capacities and are therefore required to participate in decision-making at those entities to achieve the best outcomes for those entities, rather than for the City of Joondalup. This is similar to the corporate world, where individuals serving as directors of multiple organisations are still required to act in the best interests of each entity they serve, regardless of how that affects other organisations that they might be directors of.

Consequently, performance of an Elected Member in their role as a councillor of the City of Joondalup does not include their performance as a councillor of those regional councils or any other entity that they might serve, regardless of whether they were nominated to those roles by the City or not. Those entities are distinct from the City and performance of those roles is separate from the same individuals' performance as councillors of the City of Joondalup.

The Act and Regulations do not make stipulations about disclosures in the City's Annual Report of remuneration that Elected Members might derive from sources outside of their roles as councillors of the City of Joondalup. The City's Annual Report contains a variety of information pertaining to the City's operations, including financial results, governance, activities undertaken during the reporting period and other relevant information. While there is an expectation that information included in the City's Annual Report be accurate and relevant, this is not subject to external requirements such as Australian Accounting Standards and information in the City's Annual Report is not subject to audit, except for the audited financial information included in it through the Annual Financial Report.

Therefore, Council can choose to include information in the Annual Report over and above what is required by legislation, should this be considered necessary by Council to enhance understanding of the City's operations by users of the Annual Report, including the City of Joondalup community.



*Broadly, information about Elected Members' income, other than remuneration derived from the City, is usually considered private and separate to the City's activities and, therefore, excluded from an Annual Report. Remuneration derived by Elected Members from entities on which they serve as Elected Members by virtue of being nominated by the City, can still be considered private as those entities are entirely separate from the City and, as noted earlier, performance of Elected Members in roles with those entities does not form part of the performance of their roles as councillors of the City."*

The Council report provides further information regarding the Notice of Motion however, it is considered that the above excerpts are sufficient to address the intent of the elector's motion.

The Council at its August 2022 meeting resolved as follows:

*"That Council:*

- 1 NOTES that remuneration paid by the City to Key Management Personnel that are Elected Members is disclosed in the City's Annual Financial Report and Annual Report in the manner required by the Local Government (Financial Management) Regulations 1996;*
- 2 NOTES that legislation does not require disclosure of remuneration earned by Key Management Personnel that are Elected Members from sources other than the City of Joondalup in the City's Annual Financial Report or Annual Report;*
- 3 AGREES that remuneration earned by Key Management Personnel that are Elected Members from sources other than the City of Joondalup should not be disclosed in the City's Annual Report or Annual Financial Report;*
- 4 AGREES that the City's Annual Report should identify Key Management Personnel that are Elected Members who serve on Regional Councils, Joint Development Assessment Panels, or other entities to which they have been nominated, with the period of their service and should refer users of the Annual Report to those entities for details of remuneration paid by them to these Key Management Personnel;*
- 5 NOTES that remuneration paid by the City to Key Management Personnel who are not Elected Members is currently disclosed in the Annual Financial Report in aggregate in the manner required by AASB 124 Related Party Disclosures;*
- 6 NOTES that neither accounting standards nor legislation requires disclosure of individual remuneration of Key Management Personnel who are not Elected Members in the City's Annual Financial Report;*
- 7 NOTES that individual remuneration of Key Management Personnel who are not Elected Members are not disclosed in the City's Annual Financial Report or Annual Report;*
- 8 NOTES that the number and positions of Key Management Personnel who are not Elected Members are disclosed in the Annual Financial Report where aggregate remuneration is disclosed."*

With regard the elector's motion on income disclosure from other sources, the Council has, as a result of this resolution, established a position that remuneration earned by Key Management Personnel, that are Elected Members, from sources other than the City of Joondalup, should not be disclosed in the City's Annual Report or Annual Financial Report.

Should the Council consider that disclosure occur and be reported in the City's Annual Report a revocation motion will be required.

#### Officer's recommendation

*That Council, in relation to Motion No. 50 carried at the Annual General Meeting of Electors REAFFIRMS its decision of 16 August 2022 (CJ128-08/22 refers) regarding the inclusion of additional disclosures in the City's Annual Financial Report and Annual Report pertaining to compensation earned by Elected Members in performing roles as representatives of the City.*

#### **MOTION NO. 51**

**MOVED B Hewitt, SECONDED M O'Byrne that the Electors of the City of Joondalup REQUEST that Council instructs the City to ensure that the Annual Report, Annual Financial Report, and the Annual General Meeting of Electors are dealt with within six months of the end of the financial year.**

#### Officer's comment

Provisions related to acceptance of a local government's Annual Report, Annual Financial Report, and setting of a meeting date for the Annual General Meeting of Electors, are established by the *Local Government Act 1995*.

With regard to acceptance of the Annual Report and Annual Financial Report, S5.54 of the *Local Government Act 1995* provides as follows:

##### *5.54. Acceptance of annual reports*

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year. \* Absolute majority required.*
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Acceptance of annual reports as required by s5.54 can only occur upon receipt of the auditor's report.

The auditor's report became available mid-December therefore acceptance by the Council of the City of Joondalup under the legislation was to occur mid-February.

A Special Audit and Risk Committee meeting was held on 31 January and a Special Council meeting held on 7 February 2023 to accept the Annual Report and Annual Financial Report.

With regard setting a date for the Annual General Meeting of Electors s5.27 of the *Local Government Act 1995* provides as follows:

### 5.27. *Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

The Council cannot set the Annual General Meeting of Electors date until the annual reports are accepted.

It is not the City's preference to accept its annual reports and conduct its Annual General Meeting of Electors so late, however, the City is bound by legislative requirements and timing of receipt of the auditor's report.

It is worth noting that the Council, at its Special Council Meeting held on 7 February 2023 (JSC05-02/23 refers) resolved, in part, that Council:

- 5 *EXPRESSES its disappointment to the Office of the Auditor General for the delay in finalisation of the 2021-22 Financial Year Audit, resulting in a delay to the conduct of the City's General Meeting of Electors;*
- 6 *FORMALLY REQUESTS the Mindarie Regional Council work with the office of the Auditor General and other member Councils to progress their 2022-23 Audit process in a more timely manner;*
- 7 *FORMALLY REQUESTS the Western Australian Local Government Association to seek feedback from the local government sector regarding the performance of the Office of the Auditor General with regard to the end of financial year audits, and to provide that feedback to the Premier and Minister for Local Government should the responses be similar to that of the City of Joondalup.*

The City therefore acknowledges that it is preferable to accept the annual reports and conduct its annual general meeting of electors prior to 31 December, however, is restricted by legislative provisions of the *Local Government Act 1995*.

#### Officer's recommendation

*That Council, in relation to Motion No. 51 carried at the Annual General Meeting of Electors:*

- 1 *NOTES the requirements of s. 5.27 and s. 5.54 of the Local Government Act 1995, as they pertain to the acceptance of annual reports and setting of meeting dates for annual general meetings of electors, respectively;*
- 2 *NOTES the Council resolution of 7 February 2023 (JSC05-02/23 refers) regarding concerns raised in relation to annual audits undertaken by the Office of the Auditor General.*

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

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

**Decisions made at Electors' Meetings**

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

**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.

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

**Policy**

Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## COMMENT

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

The motions carried at the Annual General Meeting of Electors held on 7 March 2023 are presented to Council in accordance with the requirements of the legislation.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 in relation to Motion No. 1 carried at the Annual General Meeting of Electors:
  - 1.1 NOTES that the City has undertaken a number of activities to increase accessibility for visually impaired members of the community in the Council Chamber in recent years;
  - 1.2 NOTES that the request for the Presiding Member to read aloud all motions in full before voting takes place is a matter for the Presiding Member to consider, and any such requests shall be at the Presiding Members' discretion;
- 2 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:
  - 2.1 NOTES that the City has commenced the process to seek and appoint an Aboriginal-led consultant to assist with consultation and engagement with Aboriginal people on the naming of a number of locations, including the renaming of Blackboy Park, Mullaloo;
- 3 in relation to Motion No. 3 carried at the Annual General Meeting of Electors:
  - 3.1 NOTES that the holistic review on animal exercise areas and the development of a framework to guide the planning, identification, and delivery of animal exercise areas within the City of Joondalup will include the consideration of additional dog exercise areas that are chemical free;
- 4 in relation to Motion No. 4 carried at the Annual General Meeting of Electors:
  - 4.1 REAFFIRMS its decisions of 18 May 2021 (CJ063-05/21 refers) and 19 April 2022 (CJ049- 04/22 refers) that NOTED:
    - 4.1.1 the requirements and time limitations under the *Local Government Act 1995* in addressing motions passed at electors' meeting and the City's current processes in place;
    - 4.1.2 how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the *Local Government Act 1995* and the procedures set out in the *City's Meeting Procedures Local Law 2013*;

- 5** in relation to Motion No. 5 carried at the Annual General Meeting of Electors:
- 5.1** NOTES the proposed new privacy laws to be introduced by the State Government, which will introduce a comprehensive privacy framework to regulate the way the Western Australian public sector collects, holds, uses and discloses personal information;
- 5.2** NOTES the City will develop a Privacy Policy, in line with the *Privacy and Responsible Sharing of Information* legislation, and the requirements of the *Readiness Checklist*;
- 6** in relation to Motion No. 6 presented at the Annual General Meeting of Electors:
- 6.1** NOTES that Motion No. 6 was not carried by the Electors of the City of Joondalup present at the meeting and no further action is required by the City;
- 7** in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 7.1** NOTES the works being undertaken to stabilise the dunes at the Hillarys Dog Beach to reduce further erosion and the wind exposing more asbestos;
- 7.2** NOTES that the City is awaiting direction from the Department of Water and Environmental Regulation on how to manage the contamination at this location;
- 8** in relation to Motion No. 8 carried at the Annual General Meeting of Electors:
- 8.1** NOTES that weed management across the City including the Central Business District will be undertaken in alignment with the adopted the *2023-33 Weed Management Plan*;
- 8.2** DOES NOT SUPPORT limiting weed management within the garden beds in the Central Business District to non-chemical weed management only;
- 9** in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 9.1** DOES NOT SUPPORT the City providing at no cost printed copies of the City's Annual Report and Annual / Primary Returns upon request by ratepayers and residents;
- 10** in relation to Motion No. 10 carried at the Annual General Meeting of Electors:
- 10.1** NOTES that Council is not the planning authority or the owner of the Ocean Reef Marina Project;
- 10.2** DOES NOT SUPPORT that the Construction Management Plan(s) are to be made available to members of the public as the City is not the owner of the Ocean Reef Marina project;
- 11** in relation to Motion No. 11 carried at the Annual General Meeting of Electors:
- 11.1** DOES NOT SUPPORT the reinstatement of 24-hour glyphosate advisory signage;

- 11.2 NOTES that signage will be displayed as per the Department of Health's *Health (Pesticides) Regulations 2011*;**
- 12 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:**
- 12.1 NOTES that the success of the Pesticide Use Notification Register and Pesticide Exclusion Use Register is highly dependent on accurate contact details of registrants;**
- 12.2 DOES NOT SUPPORT the motion to keep residents on the Pesticide Exclusion Register and Pesticide Use Notification Register without the need for annual re-registration;**
- 13 in relation to Motion No. 13 carried at the Annual General Meeting of Electors:**
- 13.1 DOES NOT SUPPORT the request for DevelopmentWA to crush the limestone rock at a quarry and subsequently brought back to the Ocean Reef Marina construction site to undertake works;**
- 14 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:**
- 14.1 NOTES that the City currently charges a fee for community events in line with the *Facility Hire Subsidy Policy (FHSP)*;**
- 14.2 NOTES the Venue Hire Fees and Charges Policy (VHFCP) will come into effect on 1 January 2024 which does not require organisations to have their primary base within the City of Joondalup;**
- 14.3 NOTES, that under the Venue Hire Fees and Charges Policy, charities, incorporated associations and community groups with an annual revenue of less than \$3 million, or an individual hiring venue for non-commercial purposes, will receive a 50% discount on the average hourly operating costs of the venue;**
- 15 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:**
- 15.1 DOES NOT SUPPORT the development and signing a Memorandum of Understanding between the City of Joondalup and the Lakeview Contemplative Garden noting a letter of support can again be provided if required for grant applications;**
- 15.2 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;**
- 15.3 DOES NOT SUPPORT the request for further financial or practical assistance from the City towards this project;**
- 16 in relation to Motion No. 16 carried at the Annual General Meeting of Electors:**
- 16.1 REAFFIRMS its decision of 16 August 2022 (CJ139-08/22 refers) regarding the proposed Venue Hire Fees and Charges Policy;**
- 17 in relation to Motion No. 17 carried at the Annual General Meeting of Electors:**
- 17.1 DOES NOT SUPPORT the addition of the nine proposed Key Performance Indicators (KPIs) as part of the City's Annual Report;**

- 18** in relation to Motion No. 18 carried at the Annual General Meeting of Electors:
- 18.1** DOES NOT SUPPORT writing to the Minister of Local Government to request changes to Regulation 24(e) of the *Local Government (Elections) Regulations 1997* relating to Candidate Profiles;
- 19** in relation to Motion No. 19 carried at the Annual General Meeting of Electors:
- 19.1** DOES NOT SUPPORT the development of a Strategy to control and contain Perfluoroalkyl and Polyfluoroalkyl Substances;
- 19.2** NOTES that there are currently federal and state level policy instruments and regulation in place to control and manage Perfluoroalkyl and Polyfluoroalkyl Substances;
- 20** in relation to Motion No. 20 carried at the Annual General Meeting of Electors:
- 20.1** NOTES that the 2021/22 Annual Report was prepared and accepted by Council at its meeting held on 7 February 2023 (JSC03-02/23 refers), in accordance with Section 5.53 and 5.54 of the *Local Government Act 1995*;
- 21** in relation to Motion No. 21 carried at the Annual General Meeting of Electors:
- 21.1** NOTES the request that the City ensure documents are written in such a way that people with limited literacy or English as a second language are able to easily and effectively understand what the documents are about;
- 22** in relation to Motion No. 22 carried at the Annual General Meeting of Electors:
- 22.1** NOTES that the *Local Government Act 1995* provides a range of legal obligations upon Elected Members in relation to disclosure of interests, which are publicly available for inspection;
- 23** in relation to Motion No. 23 carried at the Annual General Meeting of Electors:
- 23.1** DOES NOT SUPPORT the collection and laboratory analysis of dust in an around the dwellings immediately to the Northeast adjacent to Resolute Way to identify contaminants present and particulate size;
- 23.2** DOES NOT SUPPORT the deployment of matter sensors in and around affected neighbourhoods;
- 23.3** NOTES that the Ocean Reef Marina Development is under the control of DevelopmentWA who are responsible to ensure it complies with current regulatory requirements for land developments and construction sites;
- 24** in relation to Motion No. 24 carried at the Annual General Meeting of Electors:
- 24.1** NOTES that the Ocean Reef Marina Development is under the control of DevelopmentWA who are responsible to ensure it complies with current regulatory requirements for land developments and construction sites;
- 25** in relation to Motion No. 25 carried at the Annual General Meeting of Electors:
- 25.1** DOES NOT SUPPORT a Motion of Concern over the investigation into serious misconduct by the Corruption and Crime Commission and the City of Joondalup;



- 26** in relation to Motion No. 26 carried at the Annual General Meeting of Electors:
- 26.1** DOES NOT SUPPORT the implementation of an electronic database of information on all the City Projects that require the decisions of Elected Members for use by Elected Members;
- 27** in relation to Motion No. 27 carried at the Annual General Meeting of Electors:
- 27.1** SUPPORTS a review for additional signage to be placed at the Chief Polling Place on Saturday, 21 October 2023, to increase visibility for members of the public;
- 27.2** SUPPORTS a review of the access and inclusion requirements at the Chief Polling Place on Saturday, 21 October 2023, to ensure the disabled lift remains operational for the period 8am-6pm;
- 27.3** DOES NOT SUPPORT the addition of four extra polling places to be used on Saturday, 21 October 2023, for members of the public to drop off ballot papers;
- 28** in relation to Motion No. 28 carried at the Annual General Meeting of Electors:
- 28.1** DOES NOT SUPPORT the addition of the three proposed Key Performance Indicators (KPIs) as part of the City's *Annual Report*;
- 29** in relation to Motion No. 29 carried at the Annual General Meeting of Electors:
- 29.1** DOES NOT SUPPORT the request to cease use of PerthNow for advertising;
- 30** in relation to Motion No. 30 carried at the Annual General Meeting of Electors:
- 30.1** DOES NOT SUPPORT the request to disclose any negotiations with telecommunication providers seeking to use any local government resources for 5G network infrastructure;
- 31** in relation to Motion No. 31 carried at the Annual General Meeting of Electors:
- 31.1** DOES NOT SUPPORT questions and responses to questions asked by members of the public during the Briefing Session being included in the Ordinary Council Meeting agenda as there are insufficient resources to undertake this task concurrently with production of the Ordinary Council Meeting agenda;
- 31.2** NOTES that responses to questions taken on notice at Briefing Sessions are provided in the following month's Briefing Session Agenda;
- 31.3** AGREES to provide a list of questions taken on notice at a Briefing Session, in the Council Agenda for the same month, noting that responses to questions taken on notice at a Briefing Session will be included in the following month's Briefing Session Agenda;
- 32** in relation to Motion No. 32 carried at the Annual General Meeting of Electors:
- 32.1** DOES NOT SUPPORT the construction of fencing on the seaward side of the coastal dune system;

- 33 in relation to Motion No. 33 carried at the Annual General Meeting of Electors:**
- 33.1 REAFFIRMS its decision of 15 February 2022 (CJ012-02/22 refers) whereby the City of Joondalup indicated in its Local Government Reform Submission it:**
- 33.1.1 SUPPORT the proposed reforms related to 5.3 Council Communication Agreements;**
- 33.1.2 REQUEST the Minister to provide clarity as to whether s5.92 of the Act is proposed to be amended to include any review mechanism of a decision to deny access to information requested by an Elected Member;**
- 33.2 DOES NOT SUPPORT instructing the Chief Executive Officer to write to the Minister for Local Government requesting that he does not proceed with any changes to s. 5.92 of *the Local Government Act 1995*;**
- 34 in relation to Motion No. 34 carried at the Annual General Meeting of Electors:**
- 34.1 NOTES the Department of Local Government, Sport and Cultural Industries Guidelines on Primary and Annual Returns allows for annual returns to refer in whole, or in part, to previous returns;**
- 34.2 ENCOURAGES Elected Members and relevant persons to complete Annual Returns in full, without reference to previous returns, at a minimum of every four years;**
- 35 in relation to Motion No. 35 carried at the Annual General Meeting of Electors:**
- 35.1 NOTES the request not to support Elected Members' overseas travel and amend the *Elected Members' Entitlements Policy* (to remove provisions related to overseas travel; or implement a "No Overseas Travel Policy";**
- 35.2 DOES NOT SUPPORT:**
- 35.1.1 An amendment to the *Elected Members' Entitlements Policy* to remove Part 7 relating to Overseas Conferences, noting that Council must endorse proposed travel;**
- 35.1.2 Revocation of the Council positions related to International Recognition and Innovation; Economic Development International Activity;**
- 36 in relation to Motion No. 36 carried at the Annual General Meeting of Electors:**
- 36.1 DOES NOT SUPPORT commencing an independent forensic investigation of the Lot 501 Pinnaroo Point Café Kiosk project;**
- 37 in relation to Motion No. 37 carried at the Annual General Meeting of Electors:**
- 37.1 DOES NOT SUPPORT adopting the proposed definition of sustainability;**
- 37.2 NOTES that Council has adopted a definition of sustainability as part of the City's *Sustainability Policy* that aligns to the *Local Government Act 1995*;**

- 38** in relation to Motion No. 38 carried at the Annual General Meeting of Electors:
- 38.1** DOES NOT SUPPORT the investigation of a Community Stakeholder and Engagement Policy as a standardised approach is being implemented for all local governments through the local government reform process;
- 38.2** NOTES that the City's *Community Consultation Policy* guides the implementation of community consultation including that statutory obligations are being met by the City;
- 39** in relation to Motion No. 39 carried at the Annual General Meeting of Electors:
- 39.1** DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;
- 40** in relation to Motion No. 40 carried at the Annual General Meeting of Electors:
- 40.1** DOES NOT SUPPORT limiting rises in rates in the dollar to a maximum of 0.1% in 2023-24, at this time;
- 40.2** NOTES that increases to Gross Rental Values (GRV) of rateable properties will impact ratepayers by increasing the rates derived from those properties, even with no increase in the rate in the dollar;
- 41** in relation to Motion No. 41 carried at the Annual General Meeting of Electors:
- 41.1** NOTES that the funds contained within the Joondalup Performing Arts and Cultural Facility Reserve are for the purpose of funding the design and development of a performing arts facility and not for public open space servicing and infrastructure improvements;
- 41.2** NOTES that no action will be undertaken on the Joondalup Performing Arts and Cultural Facility (JPACF) project until 2023-24;
- 41.3** DOES NOT SUPPORT the request to use the funds originally held for the Jinan Gardens to improve areas identified within *the Public Open Space Framework* that are poorly serviced and lack co-located infrastructure and to bring these areas up to the stated service standards;
- 42** in relation to Motion No. 42 carried at the Annual General Meeting of Electors:
- 42.1** DOES NOT SUPPORT the proposal "*that Council freeze the Chief Executive Officer's salary package for one year to demonstrate commitment and leadership in fiscal control, and that any future pay rises after one year be linked to proven improved financial efficiency in the City.*";
- 42.2** NOTES it has an employment contract between the CEO and Council and has established a fair and equitable process for review of performance of the CEO and determination of a Total Rewards Package;

- 43 in relation to Motion No. 43 carried at the Annual General Meeting of Electors:**
- 43.1 NOTES the proposed State Government's Local Government Reform proposal to mandate CEO Key Performance Indicators being made publicly available;**
- 43.2 NOTES the Council's response (at its meeting held on 15 February 2022 (CJ012-02/22 refers)) to the proposed State Government Local Government Reform proposal to mandate CEO Key Performance Indicators being made publicly available;**
- 43.3 SUPPORTS CEO Key Performance Indicators being made publicly in accordance with the relevant Local Government Act legislative framework, on gazettal;**
- 44 in relation to Motion No. 44 carried at the Annual General Meeting of Electors:**
- 44.1 NOTES the motion to seek efficiencies in every dollar spent by the City and reduce the percentage of rates revenue spent on employee costs by 5 percent;**
- 45 in relation to Motion No. 45 carried at the Annual General Meeting of Electors:**
- 45.1 NOTES the City prepares Briefing Notes, with responses to Elected Member's questions taken on notice at a Briefing Session, which are circulated to Elected Members only;**
- 45.2 NOTES that should Council wish the Briefing Notes to be published for the public, the Council would need to amend the *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee meetings and Electronic Meetings*;**
- 45.3 NOTES that it is not the City's practice to distribute to the public responses to Elected Member questions taken on notice and/or include in the Council Minutes;**
- 46 in relation to Motion No. 46 carried at the Annual General Meeting of Electors:**
- 46.1 NOTES the upcoming review of the *City of Joondalup Animals Local Law 1999*, which will include further investigation into the possible creation of a Cat Local Law;**
- 47 in relation to Motion No. 47 carried at the Annual General Meeting of Electors:**
- 47.1 NOTES the current native/exotic percentage split for trees species used in the Leafy City Program;**
- 47.2 NOTES that the selection of tree species will be on the basis of species that will perform best as a street tree in each specific location and deliver the highest potential to increase the City's urban canopy;**

- 48** in relation to Motion No. 48 carried at the Annual General Meeting of Electors:
- 48.1** DOES NOT SUPPORT the expansion of the Waterwise Verge Rebate Program in 2023/24;
  - 48.2** NOTES that as part of the City's Environmental Education Program, that the City is planning a native plant giveaway event for residents in 2023/24, subject to budget approval;
  - 48.3** NOTES that the City will consider implementing the Waterwise Verge Rebate Program in 2024/25, subject to resourcing and budget approval;
- 49** in relation to Motion No. 49 carried at the Annual General Meeting of Electors:
- 49.1** DOES NOT SUPPORT the proposal that the Office of the Auditor General conduct financial and performance audits of the Western Australian Local Government Association (WALGA) given:
    - 49.1.1** WALGA is not a recognised state or local government entity and therefore does not fall within the jurisdiction of the functions and powers of the Auditor General;
    - 49.1.2** WALGA's financial auditing is undertaken by Deloitte, one of Australia's largest and most recognised auditing and consulting organisations;
    - 49.1.3** The State Government intends to remove references to WALGA from the *Local Government Act 1995* as part of the local government reform process, to provide clarity that WALGA is not a State Government entity;
- 50** in relation to Motion No. 50 carried at the Annual General Meeting of Electors:
- 50.1** REAFFIRMS its decision of 16 August 2022 (CJ128-08/22 refers) regarding the inclusion of additional disclosures in the City's Annual Financial Report and Annual Report pertaining to compensation earned by Elected Members in performing roles as representatives of the City;
- 51** in relation to Motion No. 51 carried at the Annual General Meeting of Electors:
- 51.1** NOTES the requirements of s. 5.27 and s. 5.54 of the *Local Government Act 1995*, as they pertain to the acceptance of annual reports and setting of meeting dates for annual general meetings of electors, respectively;
  - 51.2** NOTES the Council resolution of 7 February 2023 (JSC05-02/23 refers) regarding concerns raised in relation to annual audits undertaken by the Office of the Auditor General;
- 52** NOTES the Minutes of the Annual General Meeting of Electors held on 7 March 2023 forming Attachment 1 to this Report.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf230509.pdf](#)



*It is therefore recommended that Council:*

- 1 *RECEIVES the Corporate Business Plan 2022–2026 Quarter 3 Report shown as Attachment 1 to this Report;*
- 2 *RECEIVES the Quarterly Capital Works Progress Report for the period 1 January 2023 to 31 March 2023 shown as Attachment 2 to this Report;*
- 3 *RECEIVES the Key Capital Works Project Quarterly Status Reports for the period 1 January 2023 to 31 March 2023 shown as Attachment 3 to this Report;*
- 4 *APPROVES the removal of the milestones related to the deployment of the new e-Petitions system from the Corporate Business Plan 2022–2026, as approved by Council in February 2023.*

## **BACKGROUND**

The *Corporate Business Plan 2022–2026* was adopted by Council at the 28 June 2022 Council Meeting (CJ093-06/22 refers). It contains the services, projects, and activities the City intends to deliver over five years, and quarterly milestones for those the City intends to deliver in the 2022/23 financial year. The 5-Year Corporate Business Plan demonstrates how the outcomes of the 10-Year Strategic Community Plan, *Joondalup 2032*, are translated into a five-year service delivery program.

The *Corporate Business Plan 2022–2026* sits within an Integrated Planning and Reporting Framework which builds in informing, resourcing, planning, and reporting requirements to ensure transparency and evidence of planned achievements. It is also a requirement of the City's *Governance Framework 2021* to develop quarterly reports against annual projects and priorities that are presented to Council.

## **DETAILS**

*Corporate Business Plan 2022–2026 Quarterly Reports* provide information on achievements and performance against the quarterly milestones set at the beginning of each year. The project milestones for each quarter are reported via colour codes to indicate if the milestone has been completed or is behind schedule. The budget status is reported via symbols to indicate if each project or activity is on budget, over budget, or under budget. In addition, a commentary for each milestone provides details on what has been achieved. Note that the report does not include projects and activities that do not have milestones for 2022/23.

An amendment is proposed which removes the milestone related to the deployment of the e-Petitions system from the *Corporate Business Plan 2022–2026*, adopted by Council at its meeting held on 28 June 2022. At its meeting held on 19 April 2022 (CJ 049-04/22 refers), Council resolved to request the Chief Executive Officer to prepare a report on the development of an e-Petition application on the City's website to enable residents/ratepayers to submit and sign petitions online.

The City completed that investigation, and the recommendations therein were endorsed by Council at the 28 February 2023 meeting (CJ008-02/23 refers). The recommendations of this report were to introduce an e-Petitions application on the City's website, as well as supporting the continued use of hard-copy petitions. Additionally, at this meeting, Council endorsed the recommendation to incorporate the development and deployment of the e-Petitions system within the scope of works for core system replacement project (Project Axiom) and to integrate an e-Petitions system within the City's new website (which is currently under development).

**Issues and options considered**

Not applicable.

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

**Legislation** All local governments in Western Australia are required to produce a “plan for the future” under section 5.56 of the *Local Government Act 1995*. Division 3 of the *Local Government (Administration) Regulations 1996* provides a brief outline of the minimum requirements to meet this section of the Act, which includes the development of a strategic community plan and a corporate business plan. There are no requirements in the Act or the Regulations to produce quarterly reports.

**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.

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**

The City has developed a reporting system to provide Council with the necessary information to enable it to assess performance against the various plans it has developed. The reporting system is a systematic and regular process that allows Council to take action to rectify any issues that arise and as such, be accountable to the community.

**Financial / budget implications**

The 2022/23 services, projects, and activities in the *Corporate Business Plan 2022–2026* were included in the *2022-23 Annual Budget*.

**Regional significance**

Not applicable.

**Sustainability implications**

The services, projects, and activities in the *Corporate Business Plan 2022–2026* are aligned to the key themes in *Joondalup 2032*, developed to ensure the sustainability of the City.

The key themes are as follows:

- 1 Community.
- 2 Environment.
- 3 Place.
- 4 Economy.
- 5 Leadership.



**Consultation**

Not applicable.

**COMMENT**

The *Corporate Business Plan 2022–2026* was adopted by Council at the 28 June 2022 Council Meeting (CJ093-06/22 refers). Detailed reports on the progress and the project status of the 5-Year Capital Works Program have been included as attachments 2 and 3. These reports provide an overview of progress against all the projects and programs in the *2022/23 Capital Works Program*.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council:

- 1 **RECEIVES** the *Corporate Business Plan 2022–2026 Quarter 3 Report* shown as Attachment 1 to this Report;
- 2 **RECEIVES** the *Quarterly Capital Works Progress Report* for the period 1 January 2023 to 31 March 2023 shown as Attachment 2 to this Report;
- 3 **RECEIVES** the *Key Capital Works Project Quarterly Status Reports* for the period 1 January 2023 to 31 March 2023 shown as Attachment 3 to this Report;
- 4 **APPROVES** the removal of the milestones related to the deployment of the new e-Petitions system from the *Corporate Business Plan 2022-2026*, as approved by Council in February 2023.

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf230509.pdf](#)

## ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2023

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 09882, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of March 2023<br>Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of March 2023)<br>Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2023 |
| <b>AUTHORITY / DISCRETION</b> | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').   |

### PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2023.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2023, totalling \$23,020,178.76.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 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 this Report, totalling \$23,020,178.76.*

### 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 March 2023. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

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

| FUNDS             | DETAILS  | AMOUNT          |
|-------------------|--|-----------------|
| Municipal Account | Municipal Cheques & EFT Payments<br>112753 -112773 & 112775 - 112780<br>& EF109337 - EF110115<br>Net of cancelled payments | \$17,486,257.34 |
|                   | Vouchers 3484A – 3502A   | \$5,524,361.42  |
|                   | Bond Refund Cheques & EFT Payments<br>112774 & 112774 & EF109333 - EF109722<br>Net of cancelled payments.                  | \$9,560.00      |
| <b>Total</b>      |  | \$23,020,178.76 |

### 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 Revised Budget* as adopted by Council at its meeting held on 28 February 2023 (CJ024-02/23 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 March 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 this Report, totalling \$23,020,178.76.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf230509.pdf](#)

## **ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2023**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 March 2023.

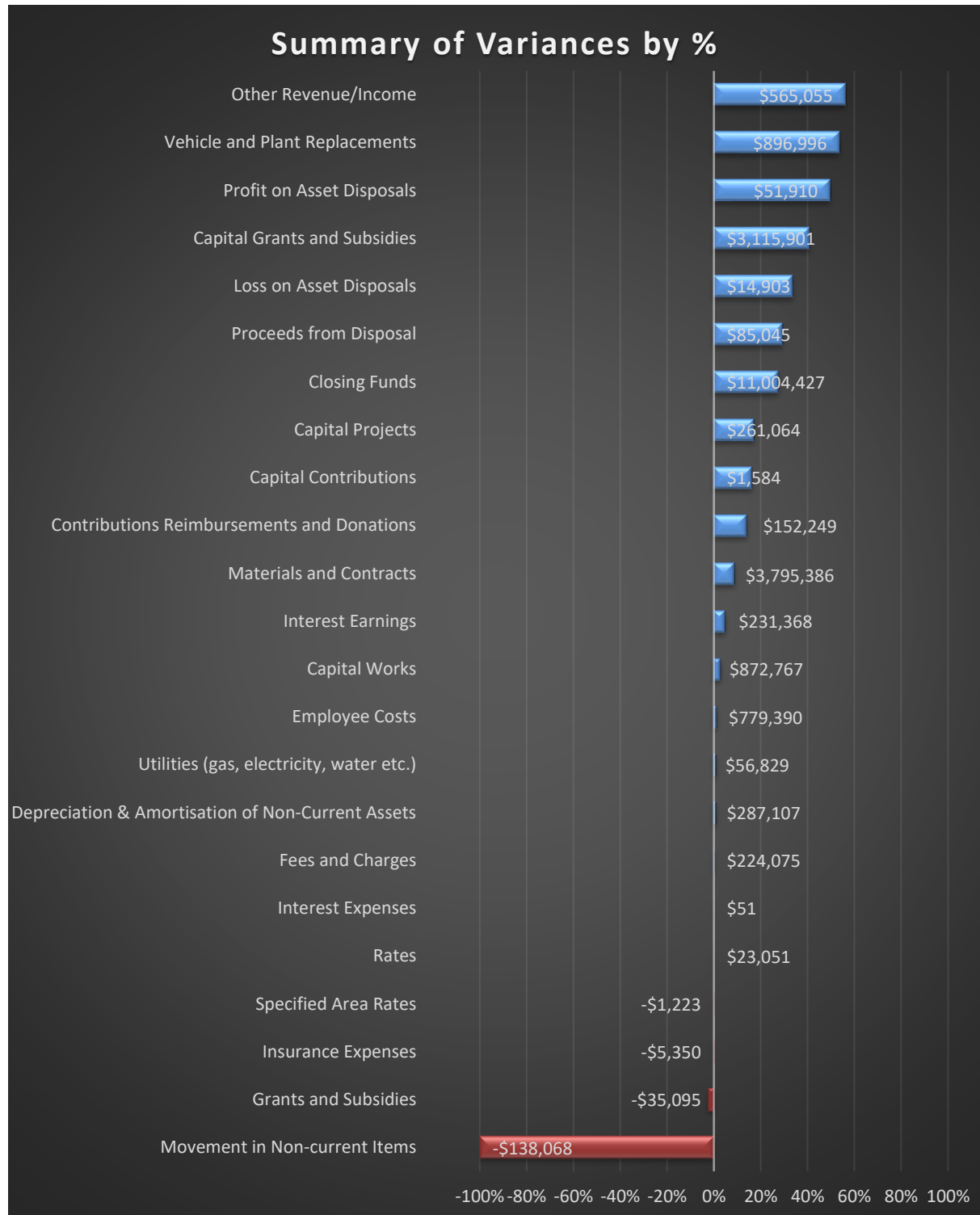
### **EXECUTIVE SUMMARY**

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). Council revised the budget at its meeting held on 28 February 2023 (CJ024-02/23). The figures in this report are compared to the revised budget.

The March 2023 Financial Activity Statement Report shows an overall favourable variance of \$11,004,427 from operations and capital, after adjusting for non-cash items. It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 March 2023 and results from a number of factors identified in the report

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 March. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

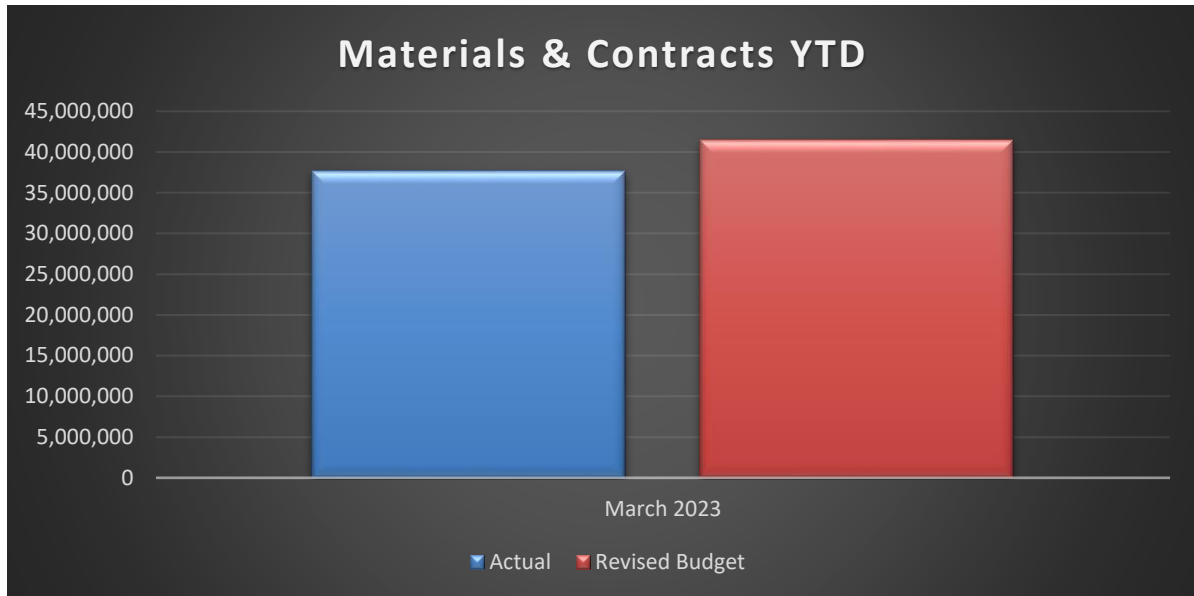
The key elements of the variance are summarised below:



The significant variances for March were:

**Materials and Contracts**

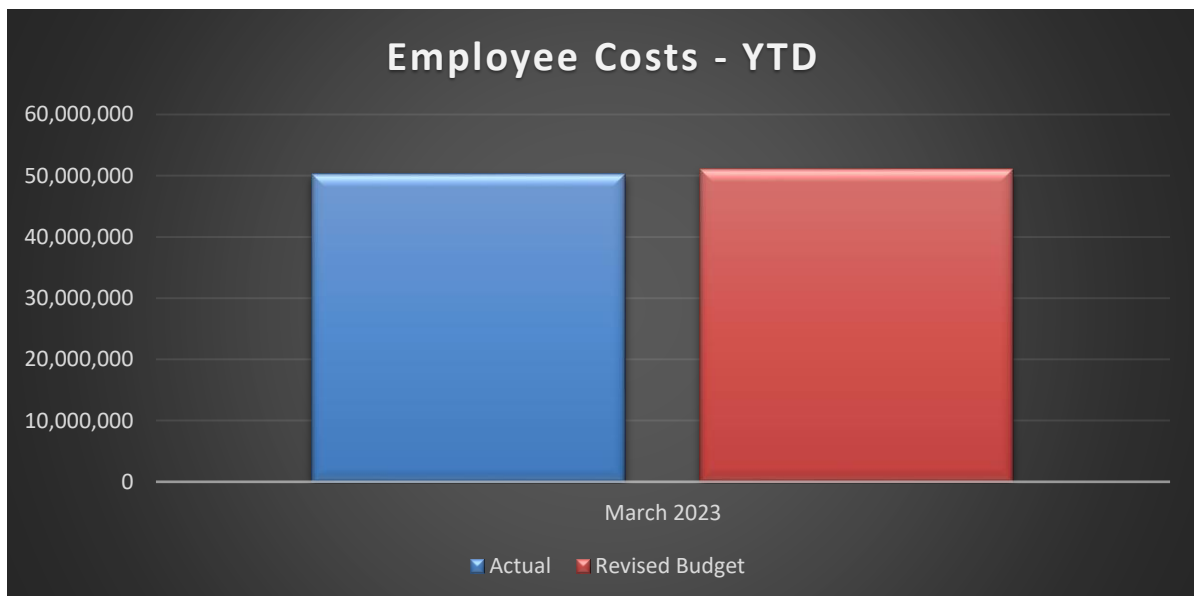
**\$3,795,386**



Materials and Contracts expenditure is \$3,795,386 below budget. This is spread across a number of different areas including External Service Expenses \$1,899,735, Professional Fees and Costs \$624,646, Furniture, Equipment and Artworks \$456,250, Public Relations, Advertising and Promotions \$233,259, Contributions & Donations \$190,393.

**Employee Costs**

**\$779,390**



Employee Costs expenditure is \$779,390 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 March 2023 forming Attachment 1 to this Report.*

## BACKGROUND

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

## DETAILS

### Issues and options considered

The Financial Activity Statement for the period ended 31 March 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 revised budget parameters, which have been structured on financial viability and sustainability principles.

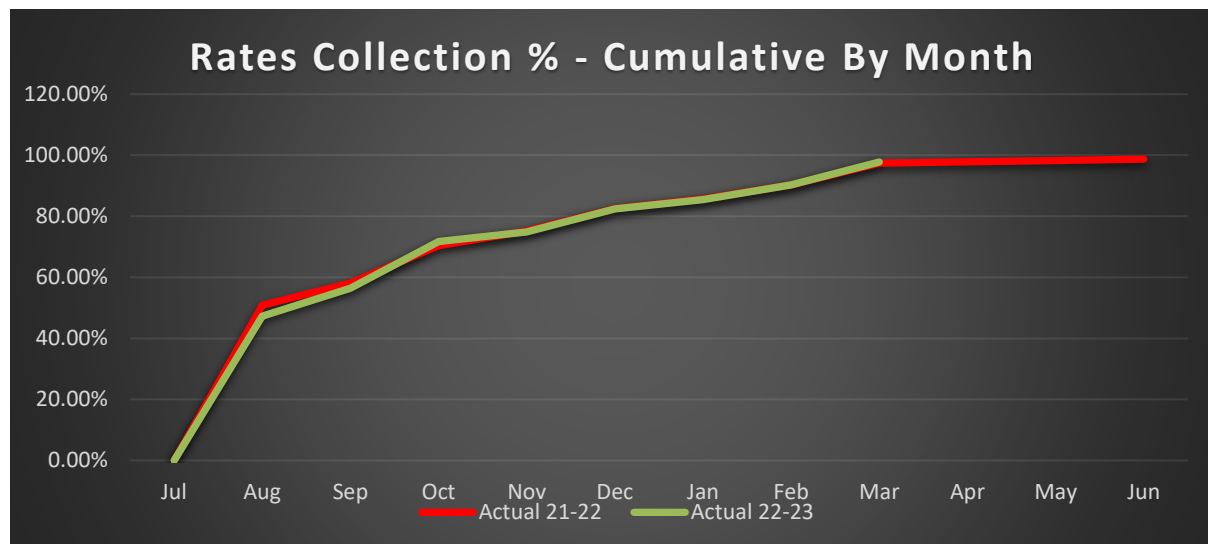


**Consultation**

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

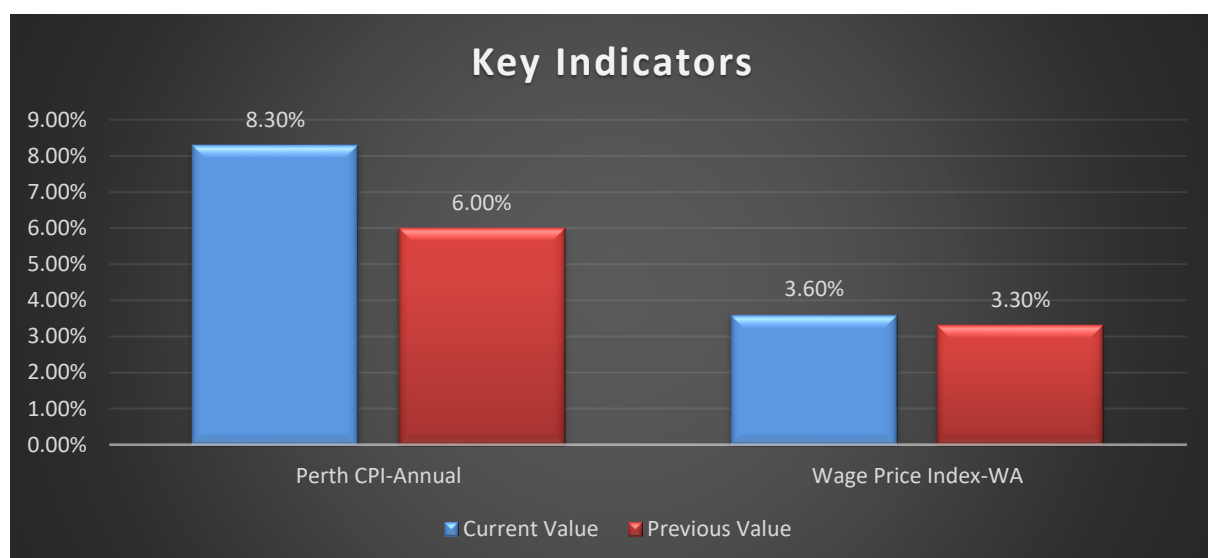
**KEY INDICATORS**

**Rates Collection**



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

**Economic Indicators**



During February, the Q4 Wage Price Index was released. Western Australian wages rose by 0.8% in the quarter, to be 3.6% higher than a year ago. This was the strongest annual rate of increase of all mainland states.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 March 2023 forming Attachment 1 to this Report.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf230509.pdf](#)*

## **ITEM 11                    INSTALLATION OF CCTV AT PEDESTRIAN UNDERPASSES**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 09360, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1    Underpass Location Map<br>Attachment 2    Historical Underpass Data<br>Attachment 3    Community Consultation Outcomes Report   |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

### **PURPOSE**

For Council to consider outcomes of investigations, including a temporary trial of locating Closed-Circuit Television (CCTV) infrastructure in underpasses.

### **EXECUTIVE SUMMARY**

Underpasses play an important role in the movement network throughout the City by providing opportunities for pedestrians to cross busy roads without having to contend with high volumes of vehicles typically travelling at higher speed.

Whilst providing safe passage from vehicles, underpasses are often also associated with antisocial behaviour as well as vandalism, graffiti and littering.

The use of CCTV around underpasses has been suggested as a possible solution to reduce negative behaviour and perceptions at these locations and has been the subject of several notices of motion in recent years.

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 record 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.

Most recently, at its meeting dated 20 September 2022 (C158-09/22 refers), Council requested the Chief Executive Officer to prepare a report on a range of data that would inform a cost-benefit analysis of providing CCTV as a mechanism to deter antisocial behaviour from occurring at underpasses.

To inform the analysis the City installed a temporary CCTV system at an underpass that connects Whitfords West Park, Kallaroo to Whitford Shopping Centre.

The outcomes of the trial and broader work undertaken as part of the analysis does not conclusively demonstrate that CCTV has a direct impact on deterring antisocial behaviour in underpasses, however feedback provided as part of the community engagement element of the trial demonstrates some increase in the perception of safety when CCTV is present.

*It is therefore recommended that Council:*

- 1 *NOTES the City's analysis in relation to CCTV and its application in underpasses, including the outcomes of a CCTV trial at Whitfords West Park underpass;*
- 2 *SUPPORTS the installation of permanent CCTV infrastructure at the Whitfords West Park underpass;*
- 3 *LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$30,000 to support the installation of permanent CCTV infrastructure at the Whitfords West Park underpass;*
- 4 *NOTES that the City will investigate grant funding opportunities to assist with the cost of installation of permanent CCTV infrastructure at the Whitfords West Park underpass;*
- 5 *REQUESTS that the City liaise with Whitfords Shopping Centre to investigate opportunities to assist with the cost of installation of permanent CCTV infrastructure at the Whitfords West Park underpass;*
- 6 *REQUESTS that the City engage with Main Roads to investigate opportunities for improvements to underpasses within the City of Joondalup under its control and management.*

## **BACKGROUND**

The use of CCTV as a possible solution to reduce negative behaviour and perceptions at underpasses has been the subject of several notices of motion in recent years.

At its meeting held on 8 December 2020 (C132-12/20 refers) Council requested the Chief Executive Officer to prepare a report on the installation of CCTV equipment for placement on a pole outside of underpasses at the following locations:

- 1 Whitfords Avenue, between Whitfords West Park and Westfield Whitford Shopping City.
- 2 Marmion Avenue, between Westfield Whitford Shopping City and Lot 64 Oxley Avenue, Padbury.
- 3 Marmion Avenue, between Whitfords West Park and Whitfords East Park.
- 4 Underpass between Whitfords Train Station and Trailwood Drive.

A report was presented to Council at its meeting held 14 December 2021 (CJ181-21/21 refers) which provided information on how the City manages CCTV infrastructure, and in particular how it is funded. Given that capital funding for new CCTV infrastructure is predominantly provided through grant opportunities rather than City capital funding, it was agreed at that meeting that the City would collect data from mobile CCTV towers that, at the time, were being procured through a State Government grant. Data collected would then inform the merits of establishing permanent CCTV infrastructure and reported back to Council.

At its meeting held on 16 August 2022 (C107-08/22 refers) Council resolved the following:

*“That Council:*

- 1 *NOTES the recent acquisition of mobile CCTV cameras through a State Government Grant are to be utilised to combat hooning behaviour and other road safety issues;*
- 2 *NOTES Whitfords West Park has been identified under the Park Amenity Improvements Program for landscaping and other improvements.”*

The above decision responded to feedback received following initial deployment of the mobile CCTV towers that their purpose was to monitor and deter hooning behaviour and were unable to be used for other purposes. Whilst this was the case at the time, the way in which the City is able to deploy the CCTV towers is now more flexible and they are able to be used to respond to broader community safety issues.

At its meeting held on 20 September 2022 (C158-09/22 refers), it was resolved that:

*“Council REQUESTS the Chief Executive Officer to prepare a report on the following:*

- 1 *Feasibility, costs and options for the provision of CCTV (either permanent or mobile) to monitor the inside of underpasses deemed to have high incidents of vandalism and antisocial behaviour, namely City of Joondalup underpasses connecting to major activity centres and train stations;*
- 2 *Other options to improve community safety and deter antisocial behaviour and vandalism at any underpasses identified as requiring improvements;*
- 3 *Number of incidents reported to the City of vandalism, graffiti and other antisocial behaviour in underpasses connecting major activity centres and train stations, compared to underpasses generally, in the last three years;*
- 4 *Identification of what the City administration views as priority underpasses for additional security measures, including but not limited to, mobile or permanent CCTV and improved lighting, based on incidents of vandalism and antisocial behaviour, current and likely future foot traffic (for example, new infrastructure planned or proximity to an infill/HOA area);*
- 5 *An estimate of costs incurred for removal of graffiti and repair of other vandalism of underpass infrastructure over the last three years.”*

At the following meeting dated 18 October 2022, Council received a petition requesting that funding be provided for CCTV and fixing the broken lighting in the underpass at Whitfords West Park, Kallaroo (C122-10/22 refers).

Shortly after receipt of the petition, the underpass lighting was checked at night and the lighting in the City-managed section of the underpass was illuminated and lit to Australian Standards.

## **DETAILS**

As outlined above, 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. CCTV does not itself prevent crime but can act as a functional and productive tool to help deter potential criminal activity.

## **City of Joondalup CCTV network**

The City manages a vast network of fixed, permanent CCTV infrastructure in various locations across the 22 suburbs including the CBD.

In July 2022 the City also 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.

Most recently, at its meeting dated 28 March 2023, Council resolved to list for consideration \$100,000 in the 2023/24 budget to fund a 12-month trial of a CCTV rebate scheme. If funding for this scheme is budgeted for in 2023/24 and then taken up by the community, it is likely that this initiative will also expand the existing CCTV network throughout the City of Joondalup.

There is no annual budget program for deploying new CCTV systems. The approach is to source external grant opportunities with matching funding sourced from the City only if the grant is successful. As such, 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.

Whilst there is no annual budget program currently for deploying new CCTV systems, the City is currently progressing a project to develop a Community Safety Plan. This plan will address community safety initiatives across the City, including parking management, animal management, CCTV, graffiti removal and community amenity. An outcome of the plan may be to recommend including an annual budget for the City's CCTV network.

## **Underpasses in the City of Joondalup**

There are currently 27 pedestrian underpasses in the City of Joondalup. Of these, 18 are controlled by the City and nine are controlled by Main Roads (Attachment 1 refers).

The underpasses are typically used to allow pedestrian traffic to pass safely under a high traffic thoroughfare, such as Marmion Avenue and Joondalup Drive.

### Main Roads underpasses

Main Roads do not have any CCTV located in the nine pedestrian underpasses under its control, however they do have hard wired and permanent CCTV systems in areas under freeway bridges, predominantly to protect assets from graffiti.

The City is not able to implement changes to infrastructure in Main Roads controlled underpasses (such as changes to lighting or installation of CCTV infrastructure), but does respond to graffiti removal requests.

### City of Joondalup underpasses

City of Joondalup underpasses are not equipped with CCTV infrastructure, with the notable exception being the Collier Pass underpass.

The CCTV system installed at Collier Pass is linked back to the Administration building through a fibre optic cabling system. The system installed at that location was part of a broader CCTV project in the CBD, procured through a grant system at a cost of approximately \$200,000.

The underpass at Whitfords West Park (identified on Attachment 1 as 'Whit 2') is somewhat unique in that it provides access directly into the Whitfords Shopping Centre site. This means that the City has responsibility and the ability to make changes (such as to lighting or the installation of CCTV) to part of the underpass, but not all.

## Analysis undertaken

In order to respond to the latest Notice of Motion the City has collated a range of data from its own repositories, as well as engaging with local Police and benchmarking against other local governments.

The City also installed temporary CCTV at the underpass at Whitfords West Park as a trial to test whether there was a noticeable impact in both the number of incidents reported as well as the public perception of safety.

### Historical data

#### *Recent number of incidents*

Attachment 2 summarises the historical data relating to the number of incidents reported to the City for underpasses. The data includes information from 2020/21, 2021/22 and 2022/23 (year to date).

Data on vandalism and other antisocial behaviour in underpasses is not always reported to or recorded by the City as these are matters under the jurisdiction of the WA Police. WA Police were unable to provide data on vandalism and antisocial behaviour at this level of specificity (such as by underpass) to further inform the report.

The data available to the City demonstrates that the underpass at Whitfords West Park (such as 'Whit 2') has the highest number of incidents reported, followed by the underpass under Marmion Avenue connecting Marmion and Duncraig (such as 'Marm 1') and the underpass under Burns Beach Road connecting Currambine and Kinross (such as 'Burn 1').

#### *Costs incurred for removal of graffiti and repair of other vandalism*

Attachment 2 also summarises the historical data relating to the cost of graffiti removal undertaken by the City in underpasses for 2020/21, 2021/22 and 2022/23 (year to date).

The cost to remove graffiti fluctuates year on year at each particular underpass, however the data indicates that, on average, it has an annual cost to the City of approximately, \$30,000.

This accounts for approximately one third of the City's annual expenditure on graffiti removal.

#### *Identification of priority underpasses for additional security measures*

Based on the number of incidents reported to the City, the five underpasses with the highest rate are:

| <b>Underpass</b> | <b>Location</b>              | <b>Owner</b> | <b>Total incidents reported</b> |
|------------------|------------------------------|--------------|---------------------------------|
| Whit 2           | Whitfords Avenue, Kallaroo   | CoJ          | 68                              |
| Marm 1           | Marmion Avenue, Marmion      | MRWA         | 64                              |
| Burn 1           | Burns Beach Road, Kinross    | CoJ          | 64                              |
| Marm 4           | Marmion Ave, Hillarys        | MRWA         | 61                              |
| Eddy 1           | Eddystone Avenue, Heathridge | CoJ          | 59                              |

As outlined earlier, the underpasses within the City of Joondalup are controlled and managed by Main Roads, the City and in the case of the Whitfords West Park underpass, the City and the adjoining shopping centre.

Two of the five underpasses with the highest rate of incident are controlled by Main Roads and therefore the City has a limited amount of influence in relation to any additional security measures.

If only those underpasses that the City had control over were considered, the five underpasses with the highest rate of incidents reported are:

| Underpass | Location                     | Owner | Total incidents reported |
|-----------|------------------------------|-------|--------------------------|
| Whit 2    | Whitfords Avenue, Kallaroo   | CoJ   | 68                       |
| Burn 1    | Burns Beach Road, Kinross    | CoJ   | 64                       |
| Eddy 1    | Eddystone Avenue, Heathridge | CoJ   | 59                       |
| Conn 3    | Connolly Drive, Kinross      | CoJ   | 47                       |
| Marm 9    | Marmion Avenue, Iluka        | CoJ   | 42                       |

### CCTV Underpass Trial – Whitfords West Park

As outlined above the City installed a temporary CCTV system to assist in investigating whether CCTV cameras could be a useful tool in promoting community safety in and around underpasses.

Research into possible options for the trial identified that a custom system already used by Main Roads at its freeway bridges would be the most appropriate. This is a hardened system that provides two cameras from a single secure position. It could also be integrated in the City's existing CCTV video management platform and configured to provide people counting analytics.

As previously mentioned the underpass at Whitfords West Park is only partly controlled by the City, with the southern section being controlled by Whitford Shopping Centre. The City does not currently install CCTV cameras on third party infrastructure and as such the CCTV camera was installed on the City controlled portion of the underpass.



The system used by Main Roads operates on mains power which was not available at that location at the supply rate required to operate cameras. A minimum cost of \$7,500 would be incurred to provide a dedicated power circuit for the camera. Therefore, a working option was developed for purposes of this trial using battery systems.



The system was installed for a period of six weeks with a single unit installed in the middle of the underpass housing two cameras. One camera facing south towards Whitfords Shopping Centre and the other facing north towards Whitfords West Park.

During this time, it was discovered that the combination of the battery capacity and charging time from the lighting power circuit were not sufficient enough to provide constant power to the cameras throughout the day. A replacement of the onboard battery did increase the daylight hours but not sufficiently for 24 hour coverage. This resulted in sporadic video coverage and analytic results.

Further, within the first few nights after the system was installed, it was vandalised resulting a camera lens to be replaced at a cost of \$570. Unfortunately, due to the power supply issues, no usable vision was able to be captured of the incident that could be provided to Police for investigation.

While only one camera was installed as part of the trial, in part because of different ownership at each end of the underpass, ideally two systems would be installed at an underpass.

The optimum placement is on the external wall of each entrance so that the area in front of the entrance and the first section in the underpass can be equally captured.

Another key learning from the trial is the importance of a permanent power supply so CCTV is able to record twenty four hour surveillance of the area.

**Camera Front**



**Camera Rear**



#### *Trial data*

The table below provides a summary of reports from the six weeks before the camera trial, the six weeks of the trial and the six weeks following the trial. Noting that there was a period during the trial where the cameras were not operational due to power failure and damage. The table also provides a comparison of the same time frame used for the trial in the previous three years.

| Period               | Graffiti Damage | Anti-Social Behaviour | Abandoned Trolleys |
|----------------------|-----------------|-----------------------|--------------------|
| 6 weeks before trial | 2               | 0                     | 0                  |
| Trial Period         | 3               | 0                     | 11                 |
| 6 weeks after trial  | 2               | 0                     | 5                  |
| Trial Period in 2021 | 4               | 0                     | 0                  |
| Trial Period in 2020 | 2               | 0                     | 0                  |
| Trial Period in 2019 | 5               | 0                     | 0                  |

During the trial period while the CCTV was installed, there was an increase in reported incidents for graffiti and abandoned trolleys within Whitfords West Park underpass. As the cameras were not monitored, the incidents reported in the above table were the subject of reports made through proactive patrols, community information or requests for footage from WA Police as normal.

### *Community engagement*

The community were invited to provide feedback from 8 December 2022 to 30 December 2022 on the trial use of CCTV in the underpass connecting Whitfords West Park and Whitfords City Shopping Centre.

The City engaged directly with a total of 242 stakeholders as follows:

- Residents/landowners within 200 metres of Whitfords West Park (226).
- Resident/ratepayer groups:
  - Harbour Rise Home Owners Association Inc
  - Kallaroo Residents' Association
  - Padbury Residents' Association
  - Whitford Community, Ratepayers and Recreation Association Inc.
- Whitford City Shopping Centre.

A total of 135 responses were received during the 23-day consultation period.

Over 40% of respondents were aware of the CCTV trial in the Whitfords West Park underpass. Half of respondents had used the underpass during the last year before the CCTV trial commenced. When they used the underpass before the trial, two-thirds noted that they did not feel safe.

Just over one-third of respondents had used the underpass during the CCTV trial period. Two-thirds of those who used the underpass during the trial indicated that they felt safe when doing so.

When provided with the opportunity to make comment on the trial, most respondents specified their support for the CCTV and their desire for it to remain in the Whitfords West Park underpass.

Based on the outcomes of the consultation it appears that the presence of CCTV infrastructure at the underpass had a positive impact on the perception of safety for community members that responded to the survey.

The Community Consultation Outcomes Report is provided as Attachment 3.

### Feasibility, costs and options for the provision of CCTV (either permanent or mobile) to record activity on the inside of underpasses

#### *Permanent CCTV*

The trial undertaken at Whitfords West Park underpass has demonstrated that any long term or permanent CCTV placements should also be accompanied by a permanent power supply. Whilst batteries are an option for permanent CCTV and were used as part of the trial they were not able to sustain twenty four hour operation of the CCTV.

It is estimated that providing a permanent power supply to the type of CCTV used in the trial would cost approximately \$7,500 – \$10,000 depending on each location.

There are also benefits for any permanent CCTV to also be linked back to the City's Administration so that it is captured and stored within the existing data management platform - Genetec. This however does come with significant cost if the fibre optic cabling and infrastructure does not exist.

An alternative is for the CCTV information to be captured at the source and then collected and downloaded into the City's system. Whilst this comes with a more manual element in order to transfer information, it is considered to be a more feasible option in the shorter term for any permanent installation of CCTV in underpasses that currently lacks the necessary supporting infrastructure.

#### *Temporary (mobile) CCTV*

As outlined above, the City currently has three mobile CCTV towers that can be relocated to hot spots or particular areas of interest.

Deploying the City's existing mobile CCTV towers at underpasses has been investigated and unfortunately it is not feasible. The design of the CCTV towers provides them with a higher level of field of view which makes them effective to capture things like hooning and other antisocial behaviour in more expansive spaces.

Whilst the City's existing mobile CCTV towers are not suited for temporary surveillance of underpasses, there may be systems available however the City has not yet investigated these in detail at this stage.

The City liaised with a number of other local governments as part of its analysis and it was confirmed that few other local governments currently install CCTV in their underpasses and where they do, it is usually around transit activity areas and the cost is shared with State Government.

#### Other options to improve community safety and deter antisocial behaviour and vandalism at any underpasses

It has been established under the Crime Prevention Through Environmental Design (CPTED) principles that the perception of safety is increased through the installation of CCTV systems, increased lighting, activation and patrols.

The City's Graffiti Management Officer and Field Officers proactively patrol City assets, including our pedestrian underpasses for graffiti, damage and abandoned shopping trolleys as well as responding to reports received from the community.

Over the last five years, the City has upgraded the lighting of all underpasses that are owned and maintained by the City. The lighting was changed from a mixture of fluorescent and metal halide discharge lighting to LED lighting. LED lighting provides for increased light levels while reducing the power consumption and running costs. As a higher level of ambient and targeted lighting offers the community with an increased perception of personal safety, the underpasses offer an increased level of comfort to those using them, particularly around transport activity centres and at night.

Activation of an area is also an effective method of decreasing antisocial activity and vandalism as it provides passive surveillance and a sense of ownership from the community. In the case of Whitfords West Park underpass, which is the underpass with the highest rate of incidents over the past three years and also the subject of the trial, the City is progressing a project for additional landscaping works. Community consultation for the project was undertaken in July and August 2022 and design continues. The City is also progressing a business case for a broader project on the development of urban bike trials, however one of the key elements being analysed in the business case is for a 'hub' in Whitfords West Park.

One or both projects, if progressed, are likely to increase activation of Whitfords West Park and therefore improve passive surveillance of the area, which may also increase the perception of safety in relation to the adjoining underpass.

## **Issues And Options Considered**

Council has the option to:

- 1 Request the City to change its current approach to the provision of CCTV at underpasses.
- 2 Not request the City to change its current approach to the provision of CCTV at underpasses.

*Option 1 is the recommended option.*

The review into the feasibility and value of CCTV in underpasses demonstrates that:

- CCTV is one of a number of effective mechanisms CPTED responses to improve community safety.
- The type of CCTV infrastructure for underpasses needs to be fit for purpose.
- When installed, some community members feel safer using an underpass.
- Significant investment would be needed to roll CCTV infrastructure out across all City of Joondalup underpasses.

While the outcomes of this report and in particular the findings and learnings from the trial undertaken demonstrates some benefits of having CCTV installed at underpasses, it is however considered premature for CCTV to be broadly rolled out across all City of Joondalup underpasses. This is particularly relevant given as the City is progressing the development of a Community Safety Plan which will address, in part, the City's approach to CCTV.

Notwithstanding, it is considered that there is value in retaining a CCTV presence in the Whitfords West Park underpass and providing it with a permanent power supply. Retaining CCTV infrastructure here will improve the perception of public safety at an underpass with the highest rate of recorded incidents over the past three years and will allow the City to continue to collect valuable information as it develops its Community Safety Plan. A permanent power supply will also improve the effectiveness of its operation.

It is estimated that this can be achieved for approximately \$30,000.

Further investigation into the availability of suitable temporary / mobile CCTV systems that would be effective in monitoring underpasses is also recommended.

It is also noted that not all underpasses in the City of Joondalup are under the management or control of the City, with the majority of others being the responsibility of Main Roads. It is further recommended that the City engage with Main Roads to encourage improvements to lighting at the underpasses under its control.

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

**Legislation**                      *Surveillance Devices Act 1998.*

### **10-Year Strategic Community Plan**

**Key theme**                      Community.

**Outcome**                      Healthy and safe – you feel health and safe in your local community.

**Policy**                              Not applicable.

### **Risk management considerations**

The City's role in providing CCTV is primarily to support WA Police, however the presence of CCTV can act as a deterrent and potentially reduce the number of incidents in the area. Providing an increased perception of community safety by installing crime deterrents such as CCTV could be received positively by the community.

### **Financial / budget implications**

There is currently no capital budget allocated for the provision of additional CCTV infrastructure and funding for the installation of CCTV systems to date, has been predominantly met through grant funding.

As outlined above, it is estimated that the cost to install permanent CCTV at the Whitfords West Park underpass (as recommended) will cost approximately \$30,000, made up of the following:

- Costs to install permanent power at Whitfords West Park underpass is between \$7,500 and \$10,000.
- The cost of procuring and installing the CCTV system depends on the nature of the underpass. If the underpass is straight and the unit can be installed in the centre, then a single unit can help reduce costs yet remain effective. The underpass at Whitfords West Park has a dog leg at one end requiring the installation of two units, with expected costs of approximately \$18,000 for both.

The above is an estimate of cost, however, if supported, the City would need to undertake a detailed cost estimate.

It is however noted that grant opportunities do exist and the City has been successful in applying for grants for CCTV infrastructure in the past. The City would continue to pursue grant opportunities as they arise which may in turn reduce the cost to the City.

It is also noted that ownership of the Whitfords West Park underpass is shared between the City and Whitfords Shopping Centre. It is also recommended that the City approaches the shopping centre to discuss any scope for it to also contribute to the CCTV infrastructure which also may reduce the cost to the City.

### **Regional significance**

While the level of investment in CCTV varies from local government to 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. Any increase to the provision of additional CCTV would be a positive contribution to WA Police effectiveness and would enhance the community's perceptions of public safety.

### **Sustainability implications**

Not applicable.

### **Consultation**

The community were invited to provide feedback on the trial use of CCTV in the underpass and this report presents the outcome of the community engagement process. This information is provided in Attachment 3.

### **COMMENT**

Underpasses are important assets to the City's pedestrian movement network, however also associated with antisocial behaviour as well as vandalism, graffiti and littering. Graffiti removal in underpasses accounts for approximately one-third of the City's annual expenditure on graffiti removal.

CCTV is a recognised CPTED principle and while it does not prevent a crime, it can act as a functional and productive tool to help deter potential criminal activity and assist in increasing the public's perception of safety.

The City continues to grow its CCTV network as evidenced by the procurement of three mobile CCTV towers in 2022 and Council's recent decision to consider listing funds in the 2023-24 Budget to fund the trial of a CCTV rebate scheme.

While the outcomes of the City's analysis does not suggest permanent CCTV should be rolled out across all underpasses within the City's control and management, it does demonstrate the potential benefit of establishing a permanent CCTV presence at the Whitfords West Park underpass. In doing so, the City would continue to monitor the availability of grants and discuss a potential contribution from the Whitfords Shopping Centre to assist with the costs associated with installing the system.

The outcomes of the City's analysis also indicates the merit in further investigating the availability of temporary or mobile CCTV systems that would provide effective monitoring of underpasses and engaging with Main Roads to explore further improvements to underpasses within its care and control.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the City's analysis in relation to CCTV and its application in underpasses, including the outcomes of a CCTV trial at Whitfords West Park underpass;**
- 2 SUPPORTS the installation of permanent CCTV infrastructure at the Whitfords West Park underpass;**
- 3 LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$30,000 to support the installation of permanent CCTV infrastructure at the Whitfords West Park underpass;**
- 4 NOTES that the City will investigate grant funding opportunities to assist with the cost of installation of permanent CCTV infrastructure at the Whitfords West Park underpass;**
- 5 REQUESTS that the City liaise with Whitfords Shopping Centre to investigate opportunities to assist with the cost of installation of permanent CCTV infrastructure at the Whitfords West Park underpass;**
- 6 REQUESTS that the City engage with Main Roads to investigate opportunities for improvements to underpasses within the City of Joondalup under its control and management.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach 11brf230509.pdf](#)

## ITEM 12 COMMUNITY FUNDING PROGRAM 2022-23 ROUND TWO

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 50591, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1 <i>Community Funding Program Policy</i>  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

### PURPOSE

For Council to consider funding applications for the Community Funding Program Round Two 2022-23.

### EXECUTIVE SUMMARY

The Community Funding Program (CFP) aims to provide financial support to incorporated community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. The CFP was developed after a review of the City's funding programs in 2020-21, and the subsequent adoption of the revised *Community Funding Program Policy* by Council at its meeting held on 17 August 2021 (CJ127-08/21 refers).

Round one of the CFP for 2022-23 was held in August 2022, with \$132,474 in funding allocated. Applications for small grants (\$10,000 and under) and large grants (over \$10,000) were accepted during round two in February 2023, with a total remaining funding pool of \$174,068 available.

During this round, the City received two applications for large grants and 27 applications for small grants this round, totalling \$195,987 in requested funds.

The applications were assessed, and one of the two large grant applications are recommended for funding. The 27 small grant applications are \$10,000 or less and have been considered by the Chief Executive Officer.

The large grant applications are as follows:

| Club  | Project Title            | Requested       | Recommended     |
|---|--------------------------|-----------------|-----------------|
| Sorrento Football Club                            | High Performance Program | \$20,160        | \$20,160        |
| Duncraig Primary Parents and Citizens Association | Bike Shed Project        | Withdrawn       | \$0             |
| <b>TOTAL</b>                                      |                          | <b>\$20,160</b> | <b>\$20,160</b> |

*It is therefore recommended that Council:*

- 1 *APPROVES a grant of \$20,160 to the Sorrento Football Club for its High Performance Program;*
- 2 *NOTES the application by the Duncraig Primary Parents and Citizens Association was withdrawn by the applicant.*

## **BACKGROUND**

The CFP was developed after a review of the City's funding programs in 2020-21, and the subsequent adoption of the revised *Community Funding Program Policy* by Council at its meeting held on 17 August 2021 (CJ127-08/21 refers). A copy of the policy is attached (Attachment 1 refers).

CFP aims to provide financial support to incorporated community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. All applications for the CFP must meet the following criteria:

- The project, program, event or activity that funding is being sought for must benefit or service the City of Joondalup community.
- The project, program, event or activity must align with one or more of the Community Funding Program Priorities:
  - strengthen community participation
  - encourage connected communities
  - promote healthy and active lifestyles
  - build resilient and sustainable communities.
- The project, program, event or activity has not received financial support through another funding program from the City within the same financial year.
- The applicant must be incorporated under the *Associations Incorporations Act 2015* (or other Australian State Government Incorporations Act).

The inaugural round of the CFP was held in March 2022, with a funding pool of \$192,500 available. Applications for small grants (under \$10,000) and large grants (over \$10,000) were accepted during this round, with \$87,779 in funding distributed among 18 applicants.

Funds for the inaugural round of the CFP were committed during the mid-year budget review, and therefore only one funding round was delivered in 2021-22 for the full funding pool of \$192,500. As not all available funds were expended in 2021-22, the remaining funds totalling \$114,042 were carried forward for inclusion in the 2022-23 CFP as part of the City's budgeting processes.

As per the funding guidelines, a total of \$125,000 is usually made available for August funding rounds, with the remaining \$67,500 available in the February rounds. Any unallocated funds from the August rounds are included in the February rounds. The City has the discretion to alter the distribution of funds for each round, and due to the increased funding pool available in 2022-23, the available funding for August 2022 was set at \$200,000, with \$132,474 allocated. As a result, a total of \$174,068 was available for round two, with both small and large grant applications accepted.



## DETAILS

The City received two applications for large grants and 27 applications for small grants this round, totalling \$195,987 in requested funds. Small grant applications which are valued at \$10,000 and under are considered by the Chief Executive Officer.

### Large grant applications

#### Sorrento Football Club

The Sorrento Football Club submitted an application that sought funding to deliver a high performance training program for 64 of its junior members aged 13 to 16 years old. The club proposed to partner with 2 Halfs Football Development (2HFD) to deliver strength and conditioning sessions in addition to technical and tactical sessions to strengthen the player pathway to the National Premier League (NPL) competition. The project includes the purchase of GPS player tracking equipment and data analysis software.

Sorrento Football Club are one of two NPL grade football clubs in the City, and are located at Percy Doyle Reserve, Duncraig. Forming in 1972, the club now has approximately 700 members across 40 teams, ranging from under 8's through to seniors and masters teams in both elite and social competitions.

Sorrento Football Club has indicated that 64 City of Joondalup residents will benefit from the project.

The key outcome of the program is an improvement in individual and team results during competition, in addition to increasing the quality of the player and coach experience.

The costs of the program are itemised in the table below. Sorrento Football Club has committed its own funds to the project. The organisation's contribution of \$1,926 will contribute to football equipment for the program, including footballs, agility posts and markers.

Sorrento Football Club has previously applied for grant funding from the City and received a total of \$11,580. In 2016 the club received a Sports Development Program grant to the value of \$4,320 to deliver a skill acquisition program for 70 junior players aged nine to 12 years. In 2018, the club received another Sports Development Program grant to the value of \$7,260 to install junior sized soccer goals at Marri Park, Duncraig. Both grants were successfully acquitted.

The club applied for funding for the same project in the August 2022 round. The application was not recommended for funding as the club did not provide quotes for budget items as required by the funding guidelines. The club has resubmitted the application this round and has provided all required documentation.

| <b>Program Items</b>   | <b>Amount Requested</b> | <b>Amount Recommended by the City</b> |
|--|-------------------------|---------------------------------------|
| Catapult One Team package – includes 64 x GPS units with chargers and vests, and data analysis software access | \$20,160                | \$20,160                              |
| <b>Total</b>   | <b>\$20,160</b>         | <b>\$20,160</b>                       |

The panel believed the project provides benefit to the target group, with the potential to have a long-term positive impact in providing an ongoing pathway for participation and development for children in soccer within the City. The project meets the funding priorities of promoting healthy and active lifestyles and was recommended for full funding.

Duncraig Primary Parents and Citizens Association (Duncraig Primary P&C)

The Duncraig Primary P&C submitted an application for a bike shelter project, however, were unable to obtain all the required documentation by the closing date. The applicant withdrew the application and has indicated they intend to resubmit in the next round of funding.

**Issues and options considered**

The Council may consider each application on its individual merits and approve or not approve as desired.

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

**Legislation** Not applicable.

**10-Year Strategic Community Plan**

**Key theme** Community.

**Outcome** Inclusive and connected – you enjoy local services and programs that cater for different ages, abilities and backgrounds.

**Policy** The Community Funding Program is conducted in line with the *Community Funding Program Policy*.

**Risk management considerations**

Due to the transient nature of association committees, it is possible that an organisation may find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with organisations who have outstanding grant acquittals to ensure they are completed on time and with the relevant evidence and information.

**Financial / budget implications174068**Current financial year impact

|                                  |                            |
|----------------------------------|----------------------------|
| <b>Account no.</b>               | 1.443.A4409.3299.4023.     |
| <b>Budget Item</b>               | Community Funding Program. |
| <b>Budget amount</b>             | \$306,542                  |
| <b>Round one commitment</b>      | \$132,474                  |
| <b>Small grant proposed cost</b> | \$137,147                  |
| <b>Large grant commitment</b>    | \$20,160                   |
| <b>Balance</b>                   | \$16,761                   |

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The CFP encourages and facilitates opportunities for the development of a healthy, connected, sustainable and involved community.

## **Consultation**

Promotion of this CFP funding round was conducted in January and February 2023 via the City's social media channels, e-newsletters, website, and relevant business unit contact lists. Four information sessions, including one grant writing workshop were also delivered by the City for prospective applicants in January and February 2023.

## **COMMENT**

The panel assessed that one of the two large grant applications met the eligibility criteria and addressed the funding priorities of the Community Funding Program guidelines. The other application was withdrawn by the applicant. The approved application clearly identified project outcomes and provided all required supporting documentation.

The small grants valued at \$10,000 or less for this round have been approved by the CEO, with Elected Members being advised of the outcome of these applications on 5 May 2023.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 APPROVES a grant of \$20,160 to the Sorrento Football Club for its High Performance Program;**
- 2 NOTES the application by the Duncraig Primary Parents and Citizens Association was withdrawn by the applicant.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf230509.pdf](#)*

## **ITEM 13                      TENDER 008/23 PROVISION OF SERVICES FOR THE REDEVELOPMENT OF THE CITY OF JOONDALUP WEBSITE**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 110674, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1     Schedule of Items<br>Attachment 2     Summary of Tender Submissions<br>Attachment 3     Confidential Tender Summary<br><br><i>(Please note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.  |

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### **PURPOSE**

For Council to accept the tender submitted by Alyka Pty Ltd for the provision of services for the redevelopment of the City of Joondalup website.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 11 February 2023 through statewide public notice and published by Tenderlink for the provision of services for the redevelopment of the City of Joondalup website. Tenders closed on 3 March 2023. A submission was received from each of the following:

- Alyka Pty Ltd.
- Code Research Pty Ltd (PWD (Australia)).
- Demonz Media Pty Limited.
- ES2 Pty Ltd.
- Doghouse Group Pty Ltd (Doghouse Agency).
- Digital Accord Pty Ltd.
- Marketforce Pty Ltd.

The submission from Alyka Pty Ltd represents value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience building large scale local government websites and apps in WA. Numerous examples of works were provided and these included the Shire of Augusta Margaret River (website redevelopment), Cities of Cockburn (ARC – website design and development), Bayswater (redesign and redevelopment of the City website) and Stirling (new website). It also provides ongoing support to its clients. Alyka Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

*It is therefore recommended that Council:*

- 1 *ACCEPTS the tender submitted by Alyka Pty Ltd for the provision of services for the redevelopment of the City of Joondalup website as specified in Tender 008/23 for the fixed lump sum of \$351,667 (excluding GST) for completion of works within 12 months from commencement of contract inclusive of year one support and maintenance fees and schedule of rates for an additional 24 months support and maintenance period;*
- 2 *LISTS for consideration as part of the 2023-24 Budget development process an amount of \$265,682 for the website redevelopment.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to provide the services for the redevelopment of the City of Joondalup website.

The City's corporate website is an important communications and customer service platform. Residents, ratepayers, local businesses, investors and visitors to the region rely on the City's website to access information and services and are increasingly choosing to transact with the City online.

When viewed on a desktop or mobile, the City's website is attractive and has many useful features however the website loses much of its appeal to a user, particularly in relation to searching and finding content and online services.

The City is rebuilding its corporate website and wants a customer-centred approach to help ensure the new website is designed and built in a way that considers and addresses the needs of its users.

The website redevelopment project seeks to:

- increase the use of web-based systems for customers to conduct business with the City online
- provide easy access to targeted information
- reduce internet download waiting times for users
- make it easier for users to find and contact the City with one-click calling, one-click email, and instant directions
- help bridge the gap between online and offline marketing collateral through the use of unique links (this integration between print and web adds a new dimension of communication).

The current website was launched in July 2018 and is due to be updated.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderer's experience and performance history, productive use of City resources and other environmental or local economic factors.

## **DETAILS**

The tender for the provision of services for the redevelopment of the City of Joondalup website was advertised through statewide public notice and published by Tenderlink on 11 February 2023. The tender period was for three weeks and tenders closed on 3 March 2023.

## Tender Submission

A submission was received from each of the following:

- Alyka Pty Ltd.
- Code Research Pty Ltd (PWD (Australia)).
- Demonz Media Pty Limited.
- ES2 Pty Ltd.
- Doghouse Group Pty Ltd (Doghouse Agency).
- Digital Accord Pty Ltd.
- Marketforce Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to this Report.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to this Report.

A confidential tender summary is provided in Attachment 3 to this Report.

## Evaluation Panel

The evaluation panel comprised four members, being:

- one with tender and contract preparation skills
- three with the appropriate operational expertise and involvement in supervising contracts.

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

## Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The success of this project is driven by two key factors, demonstrated experience and demonstrated understanding of the scope. It is critical that the contractor or consultant appointed has the appropriate knowledge and experience required to complete the works. The predetermined minimum acceptable qualitative score for this tender was therefore set at 65%.

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

| Qualitative Criteria |  | Weighting |
|----------------------|--|-----------|
| 1                    | Demonstrated understanding of the required tasks       | 40%       |
| 2                    | Demonstrated experience in completing similar projects | 40%       |
| 3                    | Capacity   | 15%       |
| 4                    | Social and economic effects on the local community     | 5%        |

## Compliance Assessment

All submissions received were assessed as compliant and remained for further consideration.

## Qualitative Assessment

Marketforce Pty Ltd scored 19.6% and was ranked seventh in the qualitative assessment. The company did not submit sufficient information demonstrating experience completing similar projects. It listed some works that the company carried out for a number of clients however, little details on scope of works, outcomes or similarity to the City's requirements. Period and dates of contracts or when these works were undertaken were not supplied. It demonstrated some understanding of the City's requirements. It addressed accessibility compliance, though it made little or no reference to WA Government Digital Services Policy Framework (DSPF). It did not fully demonstrate the capacity required to undertake the works for the City. Limited information was submitted on its structure of business and little detail was provided on proposed key personnel.

Digital Accord Pty Ltd scored 38.3% and was ranked sixth in the qualitative assessment. The company submitted a brief response demonstrating its understanding of the required tasks. Its proposed approach lacked detail on the scope on work or the website features and integration requirements. It demonstrated experience undertaking websites development services for various clients. However, examples of works were mainly smaller scale projects in comparison to the City's requirements and no local government work. It demonstrated limited capacity to provide the services to the City. It currently has a team of seven personnel (five based in Brisbane and two operate overseas) and three of the proposed key personnel recently joined the company (2019, 2021 and 2022, respectively).

Doghouse Group Pty Ltd (Doghouse Agency) scored 41.9% and was ranked fifth in the qualitative assessment. The company demonstrated experience completing website redevelopment projects to state and local governments. Only three examples of works or case studies were submitted and it is noted the company made little reference on similarity to this requirement. It did not fully demonstrate an understanding of the required tasks. It stated a more detailed timeline will be produced during the discovery phase which does not meet the specified requirement for a detailed timeline to be provided with the Offer. It did not fully demonstrate its capacity. The response did not state the number of full-time employees or when the company commenced operation.

ES2 Pty Ltd scored 52.3% and was ranked fourth in the qualitative assessment. The company demonstrated the capacity and experience required to undertake the works. However, only four examples of works were provided, most were smaller scale projects to the City's requirements and did not include WA local governments. It demonstrated an understanding of the required tasks. Though the panel noted limited details relating to the scope of requirements were supplied. It did not address accessibility or DSPF or specify a project timeline.

Demonz Media Pty Limited scored 58.2% and was ranked third in the qualitative assessment. The company has sufficient capacity to provide the services. It has experience completing similar projects for various local government agencies including the Cities of Karratha (website and six external subsites), Greater Dandenong (intranet website/CMS redevelopment and external website/CMS) and Central Coast Council (website development). Other examples of works were provided though, with the exception of the City of Karratha, did not include WA local government projects. It demonstrated an understanding of the required tasks however the panel noted the company provided limited details on the scope of works with little or no reference to DSPF.

Code Research Pty Ltd (PWD (Australia) scored 63.2% and was ranked second in the qualitative assessment. The company demonstrated an understanding of the City's requirements however, it did not fully address how the company will deliver the services or complete the project for the City. It has experience providing similar services to local governments in WA though on a smaller scale to the City's requirements. Examples included the City of Bayswater (local government facilities website project) and Shire of Quairading (new website). These two projects are currently in development. It has in the recent past carried out the City's website redesign and development of 'Investment' pages project. It demonstrated the capacity required to undertake the works.

Alyka Pty Ltd scored 79.1% and was ranked first in the qualitative assessment. The company has extensive experience building large scale local government websites and apps in WA. Numerous examples of works were provided and these included the Shire of Augusta Margaret River (website redevelopment), Cities of Cockburn (ARC – website design and development), Bayswater (redesign and redevelopment of the City website) and Stirling (new website). It provides ongoing support to its clients. It demonstrated a thorough understanding and appreciation of the City's requirements. Alyka Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 65%, Alyka Pty Ltd qualified for stage two of the assessment.

### Evaluation Summary

| Tenderer      | Weighted Percentage Score | Qualitative Ranking | Lump Sum (Excluding GST) |
|---------------|---------------------------|---------------------|--------------------------|
| Alyka Pty Ltd | 79.1%                     | 1                   | \$351,667                |

Based on the evaluation result the panel concluded that the tender from Alyka Pty Ltd provides value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement to engage an appropriately qualified and experienced contractor to provide the services for the redevelopment of the City of Joondalup website. The City's website is an important communication and customer service platform. The corporate website is where residents, ratepayers, local businesses and visitors to the region access to ask questions, read content, seek information or conduct business with the City. This redevelopment project is an important step in meeting the growing online needs of the community that is increasingly using the City's website to transact and interact with the City and deliver a first-class customer experience. The City does not have the internal resources to redevelop the City's website and requires an appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

### 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** Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to improve its website and online services for the community as the availability of IT resource to assist with development and maintenance is limited.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well established with significant industry experience and capacity to provide the services to the City.

### **Financial / budget implications**

|                                  |                       |
|----------------------------------|-----------------------|
| <b>Account no.</b>               | 524-A5204-3359-5203.  |
| <b>Budget Item</b>               | Website Improvements. |
| <b>Budget amount (2022/23)</b>   | \$ 125,000            |
| <b>Proposed Budget (2023/24)</b> | \$ 60,000             |
| <b>Proposed cost (2022/23)</b>   | \$ 85,985             |
| <b>(2023/24)</b>                 | 265,682               |
| <b>Balance</b>                   | \$ (166,667)          |

The recommended tender exceeds the combined budget provision in 2022-23 and 2023-24, which was estimated prior to the conclusion of community consultation that informed the scope of the project. A total amount of \$265,682 is required in the 2023-24 Budget, which is \$205,682 more than currently listed in the draft 2023-24 Budget. For the ongoing support arrangements (36 months) post-go-live, year one pricing is already included in the proposed cost above, whilst year two and year three costs will be included in subsequent years' operating budgets.

It may be noted that the unspent budget in 2022-23 will be returned to surplus and form part of opening funds for 2023/24, which will offset part of the additional funds requested to be listed in the draft 2023-24 Budget.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1**      **ACCEPTS** the tender submitted by Alyka Pty Ltd for the provision of services for the redevelopment of the City of Joondalup website as specified in Tender 008/23 for the fixed lump sum of \$351,667 (excluding GST) for completion of works within 12 months from commencement of contract inclusive of year one support and maintenance fees and schedule of rates for an additional 24 months support and maintenance period;
  
- 2**      **LISTS** for consideration as part of the 2023-24 Budget development process an amount of \$265,682 for the website redevelopment.

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf230509.pdf](#)*

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**REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**CLOSURE**



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

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

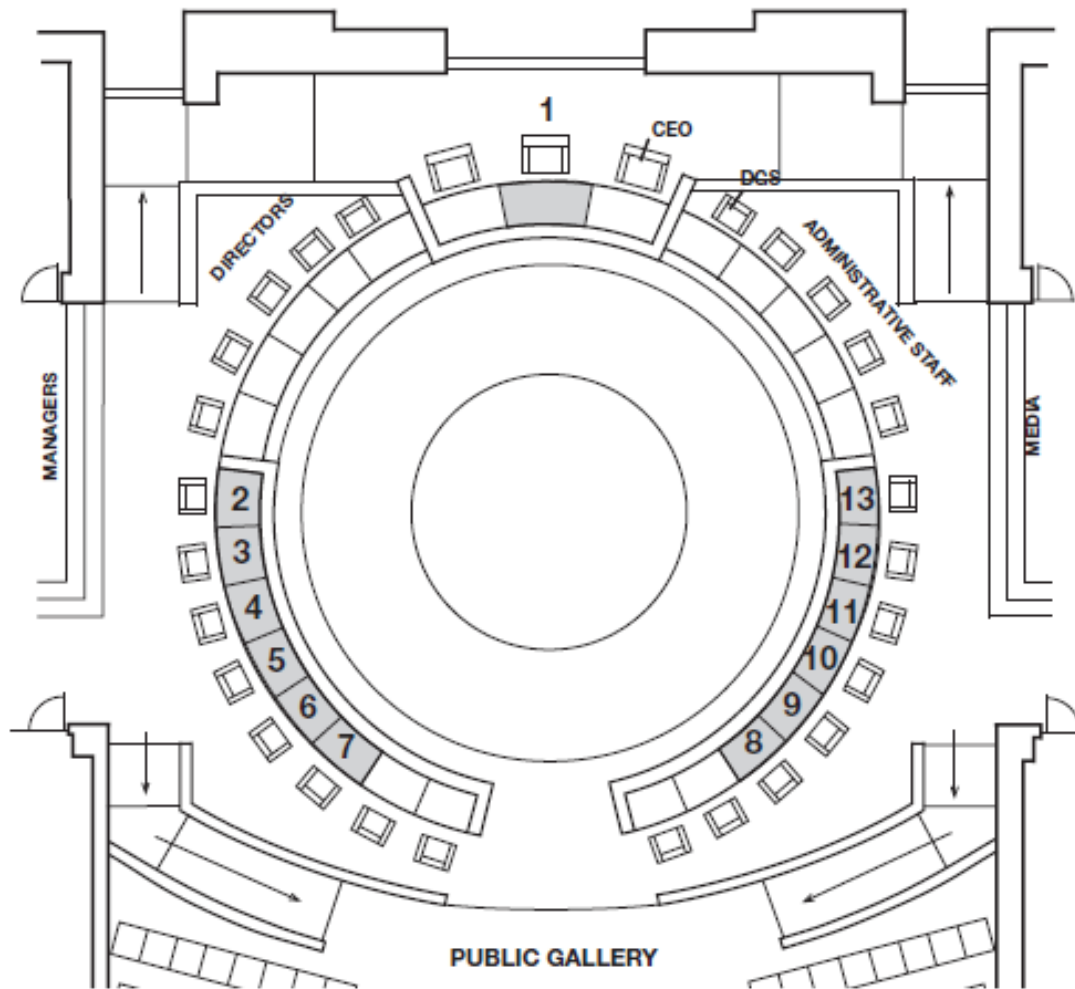
|                               |   |  |
|-------------------------------|---|--|
| <b>Name /<br/>Position</b>    |   |  |
| <b>Meeting Date</b>           |   |  |
| <b>Item No. /<br/>Subject</b> |   |  |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Proximity Interest*<br>Interest that may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

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)