

minutes

Policy Committee

MEETING HELD ON **MONDAY 5 OCTOBER 2020**

TABLE OF CONTENTS

Item No.	Title	Page No.
	Declaration of Opening	3
	Declarations of Interest	4
	Apologies / Leave of absence	4
	Confirmation of Minutes	4
	Announcements by the Presiding Member without discussion	4
	Identification of matters for which the meeting may be closed to the public	5
	Petitions and Deputations	5
	Reports	6
1	Amendment to Risk Management Policy	6
2	Business Continuity Policy	9
3	Review of Investment Policy	14
4	Election Signs in City Road Reserves	22
5	Stormwater Management Policy – Minor Review	29
6	Draft Joondalup Design Review Panel Local Planning Policy	34
7	Draft Advertisements Local Planning Policy	44
	Urgent Business	51
	Motions of which previous notice has been given	51
	Requests for Reports for future consideration	51
	Closure	51

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON 5 OCTOBER 2020.

ATTENDANCE

Committee Members

Cr Christine Hamilton-Prime, JP *Presiding Member*
Mayor Hon. Albert Jacob, JP
Cr John Chester
Cr Russ Fishwick, JP
Cr Nige Jones
Cr Christopher May
Cr Tom McLean, JP *Deputising for Cr Hollywood*

Observers

Cr Russell Poliwka *absent from 6.51pm to 6.53pm*
Cr John Raftis

Officers

Mr Jamie Parry	Director Governance and Strategy
Ms Dale Page	Director Planning and Community Development
Mr Mat Humfrey	Director Corporate Services
Mr Matthew MacPherson	Manager Infrastructure Management Services
Ms Christine Robinson	Manager Audit and Risk Services <i>absent from 5.57pm to 5.59pm</i>
Mr Chris Leigh	Manager Planning Services
Mrs Vivienne Stampalija	Governance Coordinator
Mrs Wendy Cowley	Governance Officer

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

DECLARATIONS OF INTEREST

Nil.

APOLOGIES / LEAVE OF ABSENCE**Apology:**

Cr Kerry Hollywood

Leave of Absence Previously Approved

Cr Suzanne Thompson 5 to 11 October 2020 inclusive.

Request for Leave of Absence from Policy Committee

Cr Nige Jones 6 to 19 October 2020 inclusive.

Cr Jones has requested Leave of Absence from Policy Committee duties covering the period 6 to 19 October 2020 inclusive.

MOVED Cr May, SECONDED Cr McLean that the Policy Committee APPROVES the Request for Leave of Absence from Policy Committee duties covering the period 6 to 19 October 2020 inclusive.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE HELD ON 3 AUGUST 2020**

MOVED Cr Chester, SECONDED Cr Fishwick that the minutes of the meeting of the Policy Committee held on 3 August 2020 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

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

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS**ITEM 1 AMENDMENT TO RISK MANAGEMENT POLICY**

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	49586; 101515
ATTACHMENT	Attachment 1 <i>Risk Management Policy – Amended</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider and adopt the proposed amendments to the City's *Risk Management Policy*.

EXECUTIVE SUMMARY

The City's *Risk Management Policy* has been reviewed in light of changes to the Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* (which supersedes *AS/NZS ISO 31000:2009*) and improvements to the City's risk management practices.

It is therefore recommended that Council ADOPTS the amended Risk Management Policy forming Attachment 1 to this Report.

BACKGROUND

The City's risk management arrangements continue to be reviewed and improved to provide an integrated and consistent approach across the City for the identification, assessment and treatment of risks.

The *Risk Management Policy* outlines the City's commitment and approach to managing risks. Risks are to be recorded, analysed and reported, based on the context of the individual risk and the risk portfolio it belongs to. The policy was first adopted by Council at its meeting held on 24 September 2013 (Item CJ190-09/13 refers).

The amendments to the *Risk Management Policy* will assist with improving the City's risk maturity level, as assessed by Deloitte in 2019 as part of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems, in regard to risk management, internal control and legislative compliance (Item CJ035-03/20 refers).

Risk management considerations

The amendments are necessary to bring the City's *Risk Management Policy* in line with the revised Australian Standard and to provide better guidance to integrate risk management into activities and functions performed by the City.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City continually reviews its systems of internal control to ensure they remain sound and that a strong attitude towards legislative compliance persists. A number of initiatives are currently ongoing to enhance the effectiveness of risk management systems that will enable the City to achieve the target state of 'integrated' as described in the Deloitte Risk Intelligence Maturity Model.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, **SECONDED** Cr May that Council **ADOPTS** the amended *Risk Management Policy* forming Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPOLICY201005.pdf](#)

ITEM 2 BUSINESS CONTINUITY POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	49586; 101515
ATTACHMENT	Attachment 1 Draft <i>Business Continuity Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt a new *Business Continuity Policy*.

EXECUTIVE SUMMARY

A review of the City's *Consolidated Business Continuity Plan* has been completed, which recommended a new approach be undertaken by the City in defining critical services with an understanding of the consequences of not delivering them within certain timeframes. Individual business continuity action plans would then be developed by the responsible risk owners and service providers as part of risk mitigation.

The rationale for this change is to be able to demonstrate organisational resilience by planning to mitigate risk events that disrupt services, which will differentiate from emergency management that seeks to protect life and assets.

To demonstrate the City's commitment to business continuity, both internally and externally, a *Business Continuity Policy* has been developed which defines the objective of business continuity and the approach the City will follow to ensure this is met.

It is therefore recommended that Council ADOPTS the Business Continuity Policy forming Attachment 1 to this Report.

BACKGROUND

Implementation of an effective Business Continuity Plan relies on commitment from management at all levels to fully support and ensure adequate participation in the development of such a plan.

Through the use of risk management processes, risks to business continuity will be continually monitored at strategic and operational level using the best knowledge available at the time.

The nature of risk management is to review information regularly, including when known changes occur, to assess the ongoing impact which is the essence of business continuity. Using the risk management approach, the City will be conducting risk assessments on services with the understanding of which services are critical, and through expertise the risk events that need to be planned for, that could disrupt service delivery.

DETAILS

Australian Standard *AS/NZS 5050:2010 (Business continuity – Managing disruption-related risks)* recommends that an organisation develops a business continuity policy which should “clearly state the organisation’s objectives for, and commitment to, the management of disruption-related risks”. The draft *Business Continuity Policy* is designed to align to this and make a statement on the City’s objectives, commitment and approach to effective business continuity planning.

The policy includes:

1 Application

The Business Continuity Policy and any associated frameworks, guidelines and protocols, apply to all elements of the City’s operations regardless of location and function.

2 Definitions

“**business continuity management**” developing and maintaining plans of action that enable the response to disruptive risk events to allow continuation of critical service delivery with the minimum amount of disruption or impact.

“**control strategies**” activities implemented that aim to prevent the occurrence of a disruptive risk event or that will mitigate the impact of one should it occur.

“**crisis management**” planned response to an event that is not disaster or emergency related.

“**critical services**” services identified as essential for the survival of the organisation following a disruptive risk event.

“**disruptive risk event**” event that disrupts the ability to provide business as usual services that is sustained and/or noticeably interrupting service.

“**emergency management**” planned immediate response to disaster situations that threaten life and/or property (assets).

3 Statement

The City is committed to demonstrating organisational resilience by planning to mitigate risk events that disrupt services. Effective business continuity management helps to prevent and mitigate the severity of potential business interruptions on the City and its stakeholders and fully restore operations in the most efficient manner following an interruption. The City’s Business Continuity Program will reflect good practice and sound corporate governance and be consistent with the *AS/NZS 5050:2010 Business Continuity – Managing Disruption-Related Risks*.

4 Details

4.1 Business Continuity Approach

The following applies to the City's approach to business continuity:

- a. The Council, Chief Executive Officer and Directors are committed to ensuring that effective risk management provides the foundation to a comprehensive Business Continuity Program.
- b. The Business Continuity Program seeks to ensure that timely and effective communication takes place to ensure disruption to community services are both communicated and minimised, and where necessary incorporate emergency procedures that protect both life and assets.
- c. Business as usual will be returned to with the least amount of disruption to service possible for any given disruptive risk event.
- d. The Business Continuity Program is integrated into any City arrangements, as required, to allow services to return to normal.

4.2 Business Continuity Management

Support from the Council, Chief Executive Officer and Directors is required to embed business continuity throughout the City.

City plans, frameworks or protocols that are linked to business continuity must be identified along with when and how they are used.

4.3 Risk and Business Impact Analysis

A review of business activities must identify critical services that are required to be maintained, along with determination of acceptable outage times and resources required to return to business as usual. Risk registers must reflect potential disruptive risk events, their causes and proactive control strategies that are part of the Business Continuity Plan, strategic and/or operational risk registers.

4.4 Response Options

Appropriate disruptive risk event response options and associated resource requirements will be presented to the Chief Executive Officer and/or Directors for their approval.

4.5 Response Plans

Plans are developed and maintained as a requirement to respond to a disruptive risk event to maintain business continuity. These plans are part of the processes needed for incident notification and subsequent action taken to ensure delivery of critical services.

4.6 Train, Exercise and Maintain

All employees require an awareness of business continuity and those with specific roles require training on how to fulfil responsibilities. Regular testing exercises (at least annually) are required to provide updates on gaps and improvements. To maintain the program validity, internal reviews of the documented processes will occur regularly (at least every six months) to ensure capture of changing responsibilities and risk issues.

Issues and options considered

Council can either:

- adopt the new *Business Continuity Policy* as presented
- adopt the new *Business Continuity Policy* with further amendments
or
- not adopt the new *Business Continuity Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Audit) Regulations 1996.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Continuously strive to improve performance and service delivery across all corporate functions.

Policy *Risk Management Policy.*
Business Continuity Policy.

Risk management considerations

To maintain business continuity the City must be able to anticipate and adapt to changes, to avoid either a disruption or failure to service delivery. Effective management of the City's risks, including those that arise from the possibility of disruptive risk events, will be strengthened through the new *Business Continuity Policy*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The implementation of the *Business Continuity Policy* requires the identification of critical services by their consequence, also known as a Business Impact Analysis. This will allow the City to assess the consequence of non-delivery of services, as defined by the *Corporate Business Plan*, and will be included in the City's new *Business Continuity Plan*.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ADOPTS the new *Business Continuity Policy* forming Attachment 1 to this Report.

MOVED Cr Fishwick, **SECONDED** Cr Jones that Council ADOPTS the *Business Continuity Policy* forming Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPOLICY201005.pdf](#)

ITEM 3 REVIEW OF INVESTMENT POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	101515
ATTACHMENTS	Attachment 1 <i>Investment of Available Funds Policy</i> Attachment 2 <i>CJ067-05/19 Review of City's Investment Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the review of the City's *Investment Policy*.

EXECUTIVE SUMMARY

At its meeting held on 20 May 2014 (CJ034-03/14 refers), Council adopted the City's *Climate Change Strategy 2014-2019*. The strategy has dual objectives, namely:

- 1 to continue to reduce the City's greenhouse gas emissions
- 2 to implement strategies to ensure the City's preparedness to adapt to current and future impacts of climate change.

Following a motion at the Annual General Meeting of Electors held on 10 December 2019, Council resolved at its meeting on 18 February 2020 (CJ008-02/20 refers) that the Chief Executive Officer include the following matters in a review of the City's *Investment Policy*:

- Consideration of climate change concerns.
- Consideration of expansion of the *Investment Policy* to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income.

The purpose of the City's *Investment Policy* is to manage investment of available funds not required by the City at a specific time in a manner consistent with legislation and prudent consideration of risk, while ensuring that liquidity requirements are met.

Investment of available funds is not part of the spectrum of activities contemplated under the *Climate Change Strategy 2014-2019* and this does not link to either of the objectives of the current strategy.

The *Investment Policy* specifically addresses only investment of funds available to the City at any given time over and above those required for immediate outlay and does not incorporate treatment of investments as expenditure of funds intended to achieve specific objectives, which would be subject to consideration by Council as part of budget deliberations.

It is therefore recommended that Council:

- 1 *APPROVES a change of name of the policy to “Investment of Available Funds Policy” forming Attachment 1 to this Report;*
- 2 *NOTES Council’s resolution dated 21 May 2019 (CJ067-05/19 refers), wherein Council resolved to make no changes to the Investment Policy forming Attachment 2 to this Report;*
- 3 *NOTES that no other changes are proposed to the Investment of Available Funds Policy.*

BACKGROUND

The City’s *Investment Policy* governs the investment of any money that may not be immediately required by the City from time to time, as well as funds held within the City’s restricted reserves and trust accounts. The current policy was developed and initially adopted by Council at its meeting held on 15 April 2008 (CJ052-04/08 refers). Council subsequently adopted two significantly revised policies at its meetings held on 24 September 2013 (CJ187/09-13 refers) and 15 March 2016 (CJ048-03/16 refers). The last review of the policy occurred at its meeting held on 21 May 2019 (CJ067-05/19).

The current *Investment Policy* sets out the following:

- Investment objectives.
- Delegated authority to invest.
- Types of authorised and prohibited investments.
- Prudential requirements for engagement of investment advisors.
- Policy guidelines for the management and diversification of risk.
- Financial reporting.

The Department of Local Government, Sport and Cultural Industries developed an *Investment Policy Local Government Operational Guideline* that was published in 2008. The primary features of this guideline are already incorporated in the current policy and facilitate compliance with the requirements of Regulation 19C of the *Local Government (Financial Management) Regulations 1996* that prescribes the parameters for investment of money by local governments.

DETAILS

Section 6.14(1) of the *Local Government Act 1995* empowers local governments to invest money that is not immediately required in the same manner as trust funds under the *Trustees Act 1962*. Regulation 19C(2) of the *Local Government (Financial Management) Regulations 1996* prescribes, in relation to such investment of money by a local government, that the local government may not do any of the following:

- *“Deposit with an institution except an authorised institution;*
- *Deposit for a fixed term of more than 3 years;*
- *Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- *Invest in bonds with a term to maturity of more than 3 years;*
- *Invest in a foreign currency.”*

An authorised institution under this Regulation is either an Authorised Deposit-taking Institution (ADI) as defined in the *Banking Act 1959* or the Western Australian Treasury Corporation (WATC).

Security of investments is the primary consideration when managing public funds, as outlined in the City's *Investment Policy*. Preservation of capital, liquidity and return on investments are the overriding principles that underpin the *Investment Policy*.

Issues and options considered

1 *Consideration of climate change concerns*

The City's *Climate Change Strategy 2014-2019* recognises that climate change is an important issue for local government. The strategy states:

“Climate change is an important emerging issue for local government. Climate change will affect a number of areas that local government is responsible for including infrastructure, health services, water management, emergency management and the natural environment.”

The City has identified several challenges that climate change currently poses and will pose into the future impacting on both the City's activities and on the wider City of Joondalup community. The *Climate Change Strategy 2014-2019* outlines the following City's overarching objectives regarding climate, which include:

- To reduce the City's greenhouse gas emissions through:
 - effective energy management and improved energy efficiency
 - increased use of renewable energy and alternative fuels
 - the strategic purchase of carbon offsets.
- To improve the City's understanding of climate change scenarios and impacts, to identify related risks to City's activities and infrastructure and to put in place appropriate strategies to minimise these risks.
- To support and encourage the community to reduce greenhouse gas emissions and to prepare and adapt to climate change.

The strategy incorporates specific targets for the City to achieve including emission reduction targets for the organisation. The City has reduced total corporate greenhouse gas emissions by 30.2% in 2018-19 as compared to the baseline year of 2012-13.

In considering the various initiatives that have been adopted globally to combat climate change, such as the Paris Agreement of 2015, there are a number of related objectives common to such initiatives that generally all include the following key aim of limiting global temperature increases by reducing greenhouse gas emissions.

Several sources identify a key contributor to greenhouse gas emissions to be the use of fossil fuel-based energy. As a consequence, it is considered that moving away from fossil fuels to more renewable energy sources is likely to contribute to reduction in greenhouse gas emissions. The various policy positions that relate to this, therefore, consider that a key element of reducing/discouraging the use of fossil fuels is to divert financing away from projects that produce fossil-fuel based energy to projects that seek to generate energy from renewable energy sources.

The scale of investment required in most energy projects generally cannot be achieved without debt financing, as opposed to depending solely on equity financing. It is thus considered that restricting the availability of debt financing for fossil-fuel related industries will limit investment in such industries and projects and, consequently, contribute to lower fossil fuel use and thus lower greenhouse gas emissions.

At the 2015 Paris Agreement, a large number of global banks including several Australian banks, committed to significantly increasing energy efficiency lending in their portfolios. In practice, this means that the banking industry itself is taking measures to achieve commitments under the Paris Agreement by increasing the proportion of their lending portfolios that is allocated to renewable energy projects and, thereby, reducing the level of funding to fossil fuel-based energy initiatives. A number of the financial institutions that are party to the Paris Agreement are currently reflected in the City's portfolio of investments.

At its meeting held on 21 May 2019 (CJ067-05/19 refers), Council considered a review of the *Investment Policy*. In this review, the City specifically considered the matter of the City divesting funds from Authorised Deposit Taking institutions that invested in fossil fuel industries. The City undertakes multiple activities that require the use of energy generated directly or indirectly from fossil fuels, for example fuel for vehicles, natural gas at various community facilities including public barbeques. While the City has endeavoured to increase the use of renewable electricity by installing photovoltaic panels at various City buildings and facilities, efficient running of these and other City infrastructure is still dependent on energy supplied to the City by external parties. The greater part of these energy supplies, including electricity and gas, are still generated from fossil fuel sources although the market is pursuing renewable energy in greater measure. The City is not in a position to influence the choice of energy sources.

Council resolved at this meeting that no change be made to the *Investment Policy* to incorporate divestment from financial institutions that invested in fossil fuel industries. While the City can clearly take a position on investment in fossil fuel industries by financial institutions, the City still has a statutory responsibility to manage its public funds in a prudent manner on behalf of the wider community.

The report also noted that the City is required by the *Local Government Act 1995* and associated regulations to only invest funds with institutions authorised under the legislation. Given that that the City is thus constrained to invest virtually exclusively in term deposits with ADI's, the report concluded, in particular, that ceasing investment in financial institutions that continued to invest in fossil fuels would not assist the City in achieving its *Climate Change Strategy* goals and would, in fact, force the City into placing a higher proportion of available funds with institutions carrying higher credit risk, contrary to the purpose of the *Investment Policy* to minimise investment risk and ensure capital preservation.

The primary purpose of the *Investment Policy* is still to ensure that the City's available funds are invested securely and are available to meet liquidity requirements and to maintain the City's fundamental obligation to ensure preservation of capital in handling public funds.

The City may undertake a number of activities to address climate change concerns that impact the City and the community; however, the pecuniary aspect of such activities is limited to the extent and manner in which public funds are expended by the City. Investing of the City's available funds is not a consideration that has any impact on such activities. The implementation of the City's *Climate Change Strategy* has included the following actions to reduce greenhouse gas emissions:

- Environmental building audits to identify energy efficiency improvements.
- Increasing the use of renewable energy by installing photovoltaic systems (solar panels) on City-owned buildings. The City now has 18 buildings with photovoltaic systems.

- Installing a battery backup system at two City buildings to store energy from the existing photovoltaic cells on the building.
- Installing solar hot water systems on City-owned buildings. The City now has 10 buildings with solar hot water systems.
- Several City buildings have had lighting and air-conditioning systems synchronised with building alarm panels meaning that when the building is armed, all lighting and air-conditioning is switched off automatically.
- Older high energy use lighting is being replaced throughout all City-owned buildings, with highly efficient, and low energy use LED lighting.
- Street lighting in the Joondalup City Centre is being replaced with multi-function light poles to incorporate LED energy saving luminaires.
- Offsetting 100% of greenhouse gas emissions produced from the City's vehicle fleet each year.
- Providing electric vehicle charging stations within the Reid Promenade Car Park.
- Community education initiatives to raise awareness on climate change and greenhouse gas emissions, including the delivery of community workshops and free eco audits for residents and schools.

Since May 2019 industry efforts to transition to more renewable sources of energy have gathered pace. Several financial institutions have indicated that investments in fossil fuels are expected to significantly decline through natural market changes over the next few years.

The legislative requirements and the City's obligation to manage public funds prudently, make it difficult for the City to undertake a course of action related to placement of available funds that detracts from the primary objectives of capital preservation and risk minimisation.

The City continues to be responsible to manage its investments in accordance with legislation and to pursue the primary goals of the investment policy to be prudent in its management and minimise risk when placing funds with financial institutions.

2 Consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for expenditure of funds from the Tamala Park land income

The *Investment Policy* is specifically about how the City invests funds that may be available at any given time over and above immediate requirements. The only return on investment contemplated in the policy is the return on funds placed with authorised institutions in accordance with the parameters in the portfolio.

Consideration of profit-producing investments as a measure would form part of the consideration of expenditure of funds on particular activities or projects. For any project, activity or suite of activities, Council may determine any number of Key Performance Indicators (KPIs) to assess the outcome of such activities on which public funds have been expended. These KPIs may include specific measures of Return on Investment (ROI) which may include a requirement for a particular activity to deliver commercial returns, including a requirement to be profit-producing.

Investment of available funds, which is the activity addressed by the *Investment Policy*, does not accommodate consideration of expenditure, or application, of City funds as that is not its purpose. KPIs linked to such expenditure cannot reasonably be incorporated into the *Investment Policy*. It may be more appropriate that a separate policy or position paper address the requirement for expenditure of funds to deliver certain defined outcomes.

It is, however, noted that the name of the policy may contribute to some ambiguity about its purpose, if considered before referring to the policy objectives contained within the document.

It is therefore appropriate that the policy name be amended to *Investment of Available Funds Policy* to better reflect its purpose.

3 Consideration of overall portfolio limits and counterparty credit framework

Even before the onset of the COVID-19 pandemic, interest rates on terms deposits were trending downwards, as reflected in the RBA Cash Rate which fell below 1% in October 2019 and, subsequently, at the onset of the COVID-19 pandemic reduced to the historical low of 0.25% in March 2020. The economic disruption caused by the pandemic restrictions on normal business activity, which is expected to persist into the immediate future, has further deteriorated term deposit returns.

At 31 July 2020, the City's year to date return on its investment portfolio was 1.42%. Although this is well ahead of the benchmark prescribed in the *Investment Policy*, this figure is boosted by the effect of term deposits entered into earlier at interest rates higher than they are currently. Interest rates on term deposits placed by the City in August 2020 ranged between 0.60% and 0.80%.

The portfolio limits in the *Investment Policy* reflect the City's low appetite for risk in the placement of available funds, which is appropriate for an entity that handles public funds. The policy prescribes that the funds may be placed only with financial institutions that enjoy a credit profile of at least a Long-Term rating of A as well as at least a Short-Term rating of A-2, using Standard & Poor's ratings definitions (see Appendix 1 to the *Investment of Available Funds Policy*).

While BBB credit ratings (long-term) are still considered within the economic community to be "investment grade", these come with an increased susceptibility to adverse circumstances and economic conditions compared to A and higher-rated institutions. It is considered that the current economic environment in the COVID-19 era is likely to significantly affect the banking sector and, consequently, credit risk of these institutions.

It is therefore arguable that this could result in BBB rated financial institutions being more risky than they were before the onset of COVID-19. The Australian Government's Financial Claims Scheme (FCS) currently guarantees up to \$250,000 in monies placed by a deposit-holder with a single ADI¹. The City's portfolio of several million dollars cannot avoid placement of funds well in excess of this \$250,000 threshold with a single ADI.

It is therefore in the public interest that the City minimise exposure to more risky ADIs as much as possible and continue the current position of placing funds only with ADIs rated at least A (long term).

Counterparty limits currently prescribed in the policy allow the portfolio to be diversified away from over-reliance on any particular ADI. With a maximum of 25% of the overall portfolio allowed to be placed with a single AA-rated ADI, in practice the City could place its entire portfolio with just 4 AA-rated institutions. The investment portfolio at 30 August 2020 shows that funds are spread across nine financial institutions.

If credit ratings downgrades were to result in an inadequate number of AA and A rated ADIs for the City to invest with, the current policy would correctly prevent the City from placing funds with ADIs that may have fallen to a long-term BBB rating or below. Currently, the risk of this occurring is not considered high due to the relative strength of the Australian banking sector. However, if this did occur, the City would not be able sufficiently diversify the portfolio under the current portfolio limits and would need to refer the Policy to Council and seek approval for an appropriate amendment to accommodate higher risk ADIs.

¹ Financial Claims Scheme, Australian Prudential Regulatory Authority (APRA), <https://www.apra.gov.au/financial-claims-scheme-0>

It is considered appropriate not to relax the current portfolio limits at this time.

It is also noted that the existing counterparty limits in the *Investment Policy* already have the effect of funds being placed with financial institutions that are considered to not invest in the fossil fuel industry², as is reported in the Investment Summary that is included as an appendix to the monthly Financial Activity Statement placed before Council.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
Trustees Act 1962.
Local Government (Financial Management) Regulations 1996.
Australian Accounting Standards.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Manage liabilities and assets through a planned, long term approach.

Policy Not applicable.

Risk management considerations

There are significant risks involved in the management of the City's investment portfolio. The *Investment Policy* sets out provisions for compliance and governance that are designed to diversify and mitigate these risks. In addition to the policy there are internal processes and procedures governing investment activities and these are subject to both internal and external audit.

Financial / budget implications

There are no financial/budget implications from the officer's recommendation.

Regional significance

Not applicable.

Sustainability implications

Financial sustainability is imperative to the future growth and development of the City of Joondalup. The City's *Investment Policy* maintains the conservative approach to the City's investments which is a critical element of the long-term financial sustainability of the City. This is even more important in the current economic climate exacerbated by the impact of the COVID-19 pandemic.

Consultation

Not applicable.

² The categorisation of financial institutions that do and do not invest in fossil fuels is taken from publications by Marketforces, which is an activist group. Its classifications have not been independently verified by the City

COMMENT

The *Investment Policy* has been reviewed in light of existing economic conditions and legislative requirements, including consideration of specific matters raised at the Annual General Meeting of Electors on 10 December 2019. This review preserves the City's prudent approach to investment as currently practised, which is considered most appropriate for the wider community on whose behalf the City places available funds with financial institutions.

VOTING REQUIREMENTS

Simple Majority.

The Manager Audit and Risk Services left the room at 5.57pm and returned at 5.59pm.

MOVED Cr Jones, SECONDED Cr McLean that Council:

- 1 APPROVES a change of name from the *Investment Policy* to *Investment of Available Funds Policy* forming Attachment 1 to this Report;**
- 2 NOTES Council's resolution dated 21 May 2019 (CJ067-05/19 refers), wherein Council resolved to make no changes to the *Investment Policy* forming Attachment 2 of this Report;**
- 3 NOTES that no other changes are proposed to the *Investment of Available Funds Policy*.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY201005.pdf](#)

ITEM 4 ELECTION SIGNS IN CITY ROAD RESERVES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	22513; 101515
ATTACHMENT	Attachment 1 Election Signs Fact Sheet.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For the Policy Committee to note the background regarding election signs in City thoroughfares and the future arrangements that will be put in place for future federal, state and local government elections.

EXECUTIVE SUMMARY

The October 2019 local government elections introduced a new permit process around the installation of temporary elections signs in thoroughfares in the City of Joondalup. Prior to the 2019 local government elections, the City maintained a position that elections signs in federal, state or local government elections could not be placed in a thoroughfare, however candidates were free to place certain election signs on private property.

At the Annual General Meeting of Electors held on 10 December 2019, an elector's motion was passed calling on Council to roll back the *Local Government and Public Property Local Law 2014* to disallow election signage on road verges or Council or public property for any government elections in the future.

In considering this motion and subsequent officer advice, Council at its meeting held on 18 February 2020 (Item CJ008-02/20 refers), resolved not to support the *Local Government and Public Property Local Law 2014* being amended to disallow election signs being erected on local government property, but nonetheless requested the *Local Government and Public Property Local Law 2014* be referred to the Policy Committee to review the protocols for the provision of election signs being erected on local government property.

At its meeting held on 11 May 2020 (Item 2 refers), the Policy Committee considered a report on the suggested future arrangements regarding the placement of election signs in City thoroughfares and subsequently resolved to defer the matter to a Strategy Session to allow the standards to be further workshopped with elected members and to allow the Chief Executive Officer to provide information around the public liability aspects of placing election signs within City thoroughfares.

Elected members received additional information at the Strategy Session held on 1 September 2020 (Item 2 refers) and as a result of discussions, this report is subsequently submitted to the Policy Committee in terms of the revised standards to be considered for temporary election signs being placed in thoroughfares for future federal, state and local government elections.

BACKGROUND

As per the information provided to Council at its meeting held on 18 February 2020 (Item CJ008-02/20 refers), the City's *Local Government and Public Property Local Law 2014* (local law) states the following provisions around election signs:

“9.2 General prohibitions

Subject to the exceptions in clauses 9.3 to 9.6 inclusive, a person must not –

- (a) erect or place an advertising sign on a thoroughfare or verge; or*
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare or verge,*
- unless permitted to do so under any written law.”*

For the purposes of the local law:

- **advertising sign** means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes an election sign
- **election sign** means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election.

The above provision stipulates election signs cannot be erected or placed in a thoroughfare or verge unless permitted to do so under any written law.

However, in reviewing the legality of the above provision, there has been a series of cases, the earliest commencing in 1992, where the High Court of Australia has ruled that there is an implied freedom of communication on matters of government and political concern. The freedom protected by the Constitution is not a freedom to communicate, but a freedom from laws that effectively prevent members of the Australian community from communicating with each other about political and government matters relevant to the system of representative and responsible government by the Constitution.

The implied constitutional principles of freedom of political communication apply also to the erection of election and political signs on public property, including local government property, as defined in the *Local Government Act 1995*. That is, where a local government regulates signs on local government property under local laws and policies made by those local laws.

Among the principles established by the courts in applying tests to review the constitutional validity of local government local laws regulating election and political signs, in part, are:

- 1 a law imposing a 'blanket' prohibition' on election and political signs, even with limited exceptions, is very likely to be an impermissible interference with the constitutional freedom of political communication and, therefore, invalid
- 2 a law that singles out election or political signs for adverse treatment is also likely to be invalid.

In view of the above, a law or action which restricts or prevents political or election signs (such as the making or administration of a local law or planning policy) would undoubtedly be regarded by a court as constituting a burden on the freedom of political communication. Legal advice has concluded that any regulation (including the creation of a local law) restricting the placement of advertising of a political nature, other than a general restriction applicable to all advertising for the purposes of public safety and amenity, would most unlikely to survive a legal challenge. Although the City has restriction provisions in the City's *Local Government and Public Property Local Law 2014*, enforcing those provisions are likely to be contrary to the implied freedom detailed under the Australian Constitution and therefore should not be enforced to avoid possible legal challenges and reputational risk to the City.

Following legal advice received in July 2019 around the implied freedom of political communication afforded in the Australian Constitution, the placement of election signs in thoroughfares was permitted for the first time during the 2019 local government elections, along the same lines and permit conditions as other temporary community information signs that are allowed by the City.

Details of the current permit conditions are included in Attachment 1 to this Report and are similar to the conditions that are placed on community groups and sporting organisations when installing temporary community information signs in thoroughfares throughout the City of Joondalup. Such standards for election signs were implemented to ensure the City could successfully demonstrate that it was not bias towards election candidates or restricting candidates from politically communicating with the electorate; or different to the standards set for other organisations or groups when using the City's thoroughfares for temporary advertising purposes.

Notwithstanding, there were a series of issues and concerns expressed by some candidates and a small number of the public around election signs and the City's election signs process during the October 2019 local government elections. Such complaints included, but were not limited to:

- the lack of appropriate authorisation on election material (which includes signs) as required by the *Local Government Act 1995*
- the excessive number of election signs being placed in thoroughfares and road verges
- the size of signs
- the size and type of wording displayed on elections signs or the method of signs being displayed
- signs being placed too close to intersections, footpaths or kerb lines or causing a distraction or obstruction for road users and / or pedestrians
- alleged theft or vandalism of signs by candidates and/or other members of the community
- allegations of favouritism for some candidates over others
- the inadequacy of the permit system implemented by the City
- a perceived lack of action in resolving complaints in a timely manner.

In view of this, the City is reviewing its election signs process to make improvements, not only for candidates and members of the community, but also ensuring a reasonable enforcement regime continues to be implemented by the City. It should be noted that such changes and standards would apply for federal, state and local government elections.

DETAILS

In general terms, the restrictions and criteria for election signs being placed in local government's thoroughfares, are based around the following criteria:

- Reasonable size.
- Reasonable time for the duration of display.
- Minimising possible restrictions around the use of roads and thoroughfares.
- Minimising danger to the safety of road users, pedestrians and member of the public.
- Appropriate authorisation in terms of any relevant electoral provisions.

The standards implemented by various local governments for the above criteria do vary between local governments. In view of the issues faced during the 2019 local government election, it is suggested the City's future standards should primarily focus on minimising danger to the safety of road users, pedestrians and members of the public, rather than the number of signs, standards of wording, and information displayed.

In view of this, the following revised standards are suggested to apply to election signs:

2019 Standards	Revised Standards
<ul style="list-style-type: none"> • No definition included. • Application has to be made to the City to erect election signs in road reserves. • \$30.00 application fee applies. • A maximum of 15 signs can be displayed at any one time. • A sign cannot exceed 0.75 square metres in area. • All lettering and numbering on signs must be a minimum height of 50mm and a maximum height of 100mm. • An approved Temporary Advertising Sign sticker, as supplied by the City, is to be affixed to the top right-hand corner of each sign. • Signs cannot be placed more than 37 days prior to the federal, state or local government election to which the sign relates. • Signs cannot be erected on, or in front of, private property unless the approval of the owner of the property is obtained prior to the erection of the sign. • The person shall not erect or maintain a sign so as to obstruct the view from a street or public place of traffic in a street or public place. • They are not erected within 50 metres of any thoroughfare, intersection or junction and are at least two metres from the kerb line, or outer edge of the 	<ul style="list-style-type: none"> • Include a definition of thoroughfare as some confusion could be apparent about its meaning. • Application has to be made to the City to erect signs in road reserves. • No application fee is required. • A maximum of five elections signs per suburb can be displayed at any one time. • A sign cannot exceed 0.75 square metres in area. • No standards will apply to minimum and maximum height of lettering. • No Temporary Advertising Sign sticker is required. • Signs cannot be placed more than 30 days prior to the federal, state or local government election to which the sign relates. • Signs cannot be erected on, or in front of, private property unless the approval of the owner of the property is obtained prior to the erection of the sign. • The person shall not erect or maintain a sign so as to obstruct the view from a street or public place of traffic in a street or public place. • They are not erected within 50 metres of any other thoroughfare's intersection or junction and are at least two metres from the kerb line, or outer

2019 Standards	Revised Standards
<p>road shoulder on un-kerbed sections of the road.</p> <ul style="list-style-type: none"> • They are not located within a traffic island or the median. • They are freestanding and therefore, not attached to any structure, post or tree. • A-frame signs are not permitted. • Signs within a road reserve may result in the applicant being liable in respect of any claims arising from the action. • Signs are to be removed within seven days after the election to which the sign relates. 	<p>edge of the road shoulder on un-kerbed sections of the road.</p> <ul style="list-style-type: none"> • They are not located within a traffic island or the median. • They are freestanding and therefore, not attached to any structure, post or tree. • A-frame signs are not permitted. • Signs within a road reserve may result in the applicant being liable in respect of any claims arising from the action. • Signs are to be removed within seven days after the election to which the sign relates.

It should be noted that information displayed on election signs (such as wording or candidate claims) is not a matter for the local government, but for the Returning Officer who is ultimately responsible for the conduct of the election and activities surrounding it under the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.

This includes breaches or possible breaches of section 4.87 of the Act (printing and publications of electoral material) or section 4.88 of the Act (printing, publishing or distributing misleading or deceptive material). Such complaints should continue to be referred to the City's Returning Officer, who is currently appointed by the Western Australian Electoral Commission, which manages the City's elections on its behalf.

Issues and options considered

The Policy Committee can either:

- note the information detailed in the report with the understanding that the City's administration will implement a revised regime in terms of election signs in thoroughfares
or
- provide further comment in terms of acceptability of elections signs in thoroughfares.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.
Local Government (Elections) Regulations 1997.
Local Government (Rules of Conduct) Regulations 2007.
Local Government and Public Property Local Law 2014.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective representation.

Strategic initiative

Attract a diverse elected body that represents, promotes and reflects the composition of the community.

Policy

Not applicable.

Risk management considerations

Limiting or not permitting election signs from being placed in City thoroughfares could see the City open for a legal challenge against a breach of the Australian Constitution in terms of the implied freedom of political communication.

At the Policy Committee meeting held on 11 May 2020, further information was requested around the public liability aspects of placing election signs within City thoroughfares. The question of where liability lies for any damage to property or injury incurred by a person arising from the placement of an 'election sign' in the thoroughfare, is primarily determined under the provisions of the local law and the subsequent conditions under which the applicant agrees to apply for a permit. Under clause 9.2 of the local law, a person must not place an election sign on a thoroughfare unless they have a permit or are permitted to do so under any written law.

Part 12 of the local law deals with permits and subclause 12.5(1) describes the conditions which the City may impose on a permit holder. These conditions include the requirement to obtain public liability insurance and the provision of an indemnity from the permit holder, indemnifying the City in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

The City through the permit process can stipulate that the permit holder is to indemnify the City in respect of any injury to any person or any damage to any property which may occur in connection with their placement of an election sign in a thoroughfare. In terms of a requirement for the permit holder to obtain relevant public liability insurance would be a matter for the permit holder, to cover the risk associated with any damage to property or person as a result of an election sign being placed in the thoroughfare. However, in terms of the issue, the risk and potential cost of damage is relatively low and would be similar to other organisations and community groups that place community information signs in thoroughfares. The City does of course have extensive public liability insurance in place.

In view of this the City should still have a permit process for the placement of election signs in thoroughfares so that the conditions of permit approval can be articulated to the permit applicant.

Financial/budget implications

There are no financial implications associated with this report other than costs provided in operational budgets in relation to the management and enforcement of all aspects of the City's election process.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

A number of local governments throughout Western Australia (such as the Cities of Stirling, Fremantle and Swan) allow temporary election signs being placed in thoroughfares throughout their respective districts, whereas others (such as the Cities of Wanneroo and Greater Geraldton) continue to prohibit such signs being erected. Some local government associations (such as the Local Government Association of South Australia) have issued general approval guidelines relating to election signs for federal, state and local government elections and the Western Australian Local Government Association has released a *Political Signage Guideline* which generally relates to election signs on private property.

Main Roads WA has also issued a set of standards regarding elections signs placed in road reserves that it manages (such as Marmion Avenue and the Mitchell Freeway). In the main, although some local governments are continuing to prohibit election signs from being placed in thoroughfares, legal advice and a level of agreement across local governments has demonstrated election signs in thoroughfares should be allowed by local governments under certain conditions.

COMMENT

The local government electoral process is the most significant local government activity undertaken which has the potential to call into question political neutrality and perceptions of bias. The City endeavours to maintain this level of neutrality and impartiality by implementing processes and advice that is consistently communicated to candidates and across the community.

It is clear from the recent experience around elections signs that there is a significant number of complaints associated with election signs, which ultimately needs to be investigated on balance with other enforcement activities the City is required to undertake at the time. In this regard any investigation of complaints about election signs will be managed as resources allow and based on the premise of public and road user safety.

As the City's Chief Executive Officer is responsible for the administering of the City's local laws, and although there are differing standards between local governments, the revised standards for the City of Joondalup are considered suitable to gain that balance between election activity; road safety concerns; administrative resourcing; and enforcement capability.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Mayor Jacob that Policy Committee NOTES the revised process relating to election signs being placed in thoroughfares throughout the City's district.

The Motion was Put and

CARRIED (5/2)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Fishwick, May and McLean.

Against the Motion: Crs Chester and Jones.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agnPOLICY201005.pdf](#)

ITEM 5 STORMWATER MANAGEMENT POLICY - MINOR REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	101283; 101515
ATTACHMENT	Attachment 1 <i>Current Stormwater Management Policy</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For the Policy Committee to note the review of the *Stormwater Management Policy*, as a result of the Policy Manual review process.

EXECUTIVE SUMMARY

The *Stormwater Management Policy* (the Policy) sets out the key considerations for the management of stormwater resources, stormwater drainage and stormwater management planning.

Since the *Stormwater Management Policy* was first established and adopted by the City of Joondalup in 1999, the Policy has undergone several amendments, including name changes to the Policy, changes in scope and additions to the Policy objectives. The last policy review conducted in 2015 (CJ226-12/15 refers), did not result in any significant changes however, the overall objective was modified to include the consideration of climate change impacts.

As part of the 2020 Policy Manual review, no amendments were identified for this Policy, as the City's stance on stormwater management remains relevant and consistent when benchmarked against other local government policies. The Policy also continues to be implemented effectively by the City.

It is therefore recommended that the Policy Committee NOTES the review of the Stormwater Management Policy, as detailed in this Report.

BACKGROUND

Originally adopted as the *Stormwater Drainage into Wetlands Policy*, prior to the split of the Cities of Wanneroo and Joondalup, the purpose of the Policy was to establish an in-principle position to oppose the discharge of piped or artificially channelled stormwater into specific lake and wetland areas and discourage the establishment of sumps within these locations. Two qualifications were also provided that permitted such stormwater discharges if there were no other reasonable discharge alternatives or if satisfactory pre-treatments could be applied.

At its meeting held 21 September 2004 (CJ214-09/04 refers), Council endorsed a complementary *Preventing of Stormwater Discharge into Natural Bushland Areas Policy* on the recommendation of the Conservation Advisory Committee, to incorporate bushland areas into the stormwater management process. During the 2005 Policy Manual review (CJ206-10/05 refers), policy duplication was acknowledged and resulted in the consolidation of the abovementioned policies to form the renamed *Stormwater Drainage Policy*.

As part of the 2012 Policy Manual review (CJ172-08/12 refers), the *Stormwater Drainage Policy* underwent significant amendments which included renaming the Policy to the *Stormwater Management Policy*, broaden the Policy's scope to incorporate stormwater management in general rather than focussing on drainage in isolation, reflected current State Government directions regarding water sensitive design principles; and facilitated the integration of these principles into planning and development activities within the City.

In 2015, the overall objective of the *Stormwater Management Policy* was modified to include the consideration of climate change impacts (CJ226-12/15 refers). This amendment brought the Policy in line with the City's *Climate Change Strategy 2014–2019*, strengthened the existing stormwater and climate change stance and projects, and also enabled the Policy to be more flexible should there be any future adjustments in best practice to stormwater management implementation.

DETAILS

In the 2020 Policy Manual review, no amendments were identified for this Policy, as the City's stance on stormwater management remains relevant and consistent when benchmarked against other local government policies. The Policy also continues to be implemented effectively by the City.

The Policy continues to be used effectively as part of the City's capital works projects to gradually improve outcomes for the City's drainage network. Whilst it is expected that housing density increases over time will directly impact the drainage network, this should not require any changes to the wording used in the Policy.

As no changes have been identified in relation to the City's stance on stormwater management, the Policy has undergone a minor review to ensure relevance and currency by benchmarking against other local government policies relating to stormwater management.

Local Government Comparison

An analysis of other local government stormwater policies was undertaken to inform the review of the City's *Stormwater Management Policy*. Of the 70 local governments benchmarked in the Greater Perth Metropolitan area and regional WA, ten local governments have policies relating to the management of stormwater. These policies are summarised in the table below:

Name of Local Government	Policy Name	Notes
City of Nedlands	Stormwater	<ul style="list-style-type: none"> Policy aims to ensure stormwater is managed to protect environmental, social and economic values of the community Objective similar to the City of Joondalup.

Name of Local Government	Policy Name	Notes
City of Mandurah	Water Sensitive Urban Design	<ul style="list-style-type: none"> • Policy acknowledges that urban development disrupts the natural water cycle and significantly impacts on the environment, both in terms of water quality and quantity. • Applies to all activities, works, services and programs conducted by the administration, contractors, consultants and volunteers. • Similar level of policy detail to City of Joondalup.
City of Stirling	Stormwater Runoff Disposal	<ul style="list-style-type: none"> • Policy primarily applies to the disposal of stormwater runoff from the City's road network. • Policy also applies to the disposal of runoff from other land under the care, control of management of the City, including car parks and public open spaces. • Policy excludes the disposal of runoff from City buildings and private property.
City of South Perth	Stormwater Drainage Requirements for Proposed Buildings	<ul style="list-style-type: none"> • Policy only affects certain internal business units, and the wider community who plan to purchase and/or renovate buildings in the City.
City of Perth	Stormwater Drainage Connections	<ul style="list-style-type: none"> • High-level policy that identifies the arrangements to be made for the disposal of stormwater for all properties if they are connected to the City's drainage system.
Town of Victoria Park	Stormwater Runoff Containment	<ul style="list-style-type: none"> • Policy only provides guidance on connections to the Town's stormwater drainage system.
City of Vincent	Stormwater Drainage Connections	<ul style="list-style-type: none"> • Policy only provides basic guidance on the controlled disposal of stormwater from commercial and residential properties and whether a property needs to apply for connection to the City's stormwater drainage system.
Shire of Collie	Stormwater Discharge from Building Sites	<ul style="list-style-type: none"> • Policy applies more specifically to all planning and building approvals that have a condition requiring stormwater management. • Mainly used by applicants in developing proposals or when City officers provide advice on stormwater management matters. • Contains significant level of detail; not consistent with wording in the City of Joondalup policies.
City of Wanneroo	Urban Water Management Wetlands Public Open Space	<ul style="list-style-type: none"> • All three policies mention stormwater management; however, policies incorporate other topic areas outside of stormwater management. • Contains significant level of detail; not consistent with wording in the City of Joondalup policies.

Name of Local Government	Policy Name	Notes
City of Rockingham	Urban Water Management	<ul style="list-style-type: none"> • Policy applies to proposals that facilitate residential (on both rural and urban land), commercial and industrial zoning, subdivision or development. • Consistent with responsibilities applied to the activities, works, services and programs conducted. • Contains significant level of detail; not consistent with wording in the City of Joondalup policies.

This benchmarking exercise confirms that other WA local governments also address the issue of stormwater management through their policy documents, but the scope and level of detail in these policies varies significantly. This research has not led to any recommended changes in the *Stormwater Management Policy*, as the Policy intends to maintain a high-level strategic focus to be consistent with the City's other policies.

Issues and options considered

Council can either:

- retain the *Stormwater Management Policy* in its current format, as shown in Attachment 1 to this Report
or
- suggest modifications to the *Stormwater Management Policy*.

Option 1 is the recommended option.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 26 of the *Planning and Development Act 2005*.

Strategic Community Plan

Key theme Governance and Leadership.
The Natural Environment.

Objective Strong leadership.
Environmental resilience.

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

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy *Stormwater Management Policy*.

Risk management considerations

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

Financial / budget implications

Not applicable.

Regional significance

Stormwater management in the City of Joondalup can impact and affect other surrounding local governments areas.

Sustainability implications

Appropriate management of stormwater is important for the continued protection and improvement of stormwater quality for the natural environment as well as management of stormwater volumes for control of storm events and flooding.

Consultation

Not applicable.

COMMENT

The *Stormwater Management Policy* continues to provide guidance on how stormwater is managed to protect environmental, social and economic values. The City continues to facilitate the integration of water sensitive design principles and consider climate change impacts into planning and development within the City of Joondalup.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr May, SECONDED Cr Fishwick that the Policy Committee NOTES the review of the *Stormwater Management Policy*, as detailed in this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agnPOLICY201005.pdf](#)

ITEM 6 JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	103712; 101515
ATTACHMENTS	Attachment 1 Draft <i>Joondalup Design Review Panel Local Planning Policy</i> Attachment 2 Draft Terms of Reference for the Joondalup Design Review Panel Attachment 3 Design Review Comparison Table
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Joondalup Design Review Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to request an amendment to the Local Planning Scheme to give greater weight to comments made by the Joondalup Design Reference Panel (JDRP) as part of decision-making on planning applications. In addition, it was requested that the terms of reference be amended to subject a greater number of multiple dwelling proposals to the JDRP. At its meeting held on 17 April 2018 (CJ056-04/18 refers), Council adopted the updated terms of reference.

At its meeting held on 21 May 2019 (CJ049-05/19 refers), Council resolved to amend *Local Planning Scheme No. 3* (LPS3) to give greater statutory weight to the JDRP by including it as a matter for due regard. This amendment was subsequently approved by the Minister, subject to modifications in early 2020. These modifications included the requirement for a local planning policy to be prepared to outline details of the JDRP and matters to be reviewed by the panel.

The City has prepared a draft local planning policy (Attachment 1 refers), aligning with the *Design Review Guide* released by the State Government in March 2019 as a part of *Design WA* stage one. The *Design Review Guide* outlines a best practice model for the establishment and operation of design review panels. The process provides for independent expert advice for significant proposals, undertaking a qualitative assessment to ensure that developers deliver improved project outcomes.

The draft *Joondalup Design Review Panel Local Planning Policy* (LPP) outlines:

- the role of the panel
- the types of planning proposals that can be considered
- when in the process a planning proposal can be considered

- fees applicable to the design review process
- pre-lodgement requirements.

The policy captures one of the main changes between the current panel and the proposed JDRP, which is that planning proposals can be referred to the panel for design review pre-lodgement. In doing so, it is expected that any suggestions, feedback and other modifications can be made or incorporated early in the design process to avoid further delays and costs at a later stage.

It is also intended that the City's terms of reference will also be modified (Attachment 2 refers) to better align with the suggested provisions of the State Government's *Design Review Guide*. The modified terms of reference will be formally presented to Council for adoption following consultation of the draft LPP to ensure any changes that may arise as a result of consultation, which may also impact on the contents of the terms of reference, are captured.

It is recommended that Council supports the draft *Joondalup Design Review Panel Local Planning Policy* for the purposes of consultation for a period of 21 days.

BACKGROUND

Establishment of design review at the City of Joondalup

The City's Joondalup Design Advisory Panel was established by Council at its meeting held on 30 September 2008 (CJ213-09/08 refers), with the first panel members appointed on 16 June 2009 by Council (CJ142-06/09 refers). The terms of reference have been modified throughout the years to reflect changes in titles, the introduction of the State Government's Development Assessment Panel and to capture larger infill developments associated with the *Local Housing Strategy*.

Modification to panel name

In 2011 the State Government implemented the Development Assessment Panel (DAP) system and established a number of 'Joint Development Assessment Panels'. To avoid confusion between the Joondalup Design Advisory Panel (JDAP) and the Joint Development Assessment Panels (also using the acronym 'JDAP'), the panel was renamed to the Joondalup Design Reference Panel (JDRP).

It is now intended to again rename the panel to ensure consistency with the terminology of the State Government's *Design Review Guide* and other local government panels, by modifying the name of the panel by replacing "Reference" with "Review".

It is considered that the change in name will ensure that decision-makers, such as DAP members and Elected Members are aware that the panel has been developed and operates in a manner consistent with the *Design Review Guide*.

Design Review and the City's Housing Opportunity Areas

As part of its strategic approach to better managing the impact of infill development in Housing Opportunity Areas, Council at its meeting held on 21 November 2017 resolved, in part, as follows (CJ177-11/17 refers):

- "...3 *REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals; ...*"

“...6 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m² for multiple dwelling developments and that required all development at the higher density to comply with the City’s Residential Development Local Planning Policy or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals;...*”

In response to these requests the City immediately went about modifying the terms of reference, requiring that all multiple dwelling developments be referred to the JDRP for review. The City also recommended that independent design review be undertaken of grouped dwelling developments consisting of five or more dwellings. At its meeting held on 17 April 2018 (CJ056-04/18 refers), Council amended the terms of reference in line with the City’s recommendation.

Subsequently, at its meeting held on 25 May 2019 (CJ049-05/19 refers), Council resolved to amend LPS3 to include a provision to give statutory weight to the advice from the JDRP in considering a development application. This amendment was subsequently approved by the Minister, subject to modifications. The modifications require the City to have a local planning policy that details the operation of the JDRP and the matters in which they will be consulted. This amendment was gazetted and came into effect on 18 February 2020.

Design WA

In 2015, the Western Australian Planning Commission (WAPC) endorsed a project, later named “Design WA”, to improve the quality of design and development of the built environment. Separate to this, in May 2018, the Department of Planning, Lands and Heritage released the “Modernising WA’s Planning System Green Paper”. The green paper was an independent review of the Western Australia’s planning system and outlined key planning reform principles. Following a review of the draft project and associated policy against the proposed planning reform, Stage one of Design WA was released in May 2019.

Stage one of Design WA consists of *State Planning Policy 7.0 – Design of the Built Environment* (SPP7.0), *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* and the Design Review Guide. SPP7.0 addresses design quality and built form outcomes in Western Australia and applies to the preparation, review and assessment of a range of planning proposals. In addition, the policy provides 10 design principles which have been developed to inform the design, review and decision-making processes for built environment proposals.

The *Design Review Guide* sets a best practice model for the establishment of new design review panels. The guide contains ‘model’ terms of reference and report templates for agendas and minutes to assist and provide consistency for local governments. The model documents have been considered in the development of the City’s draft LPP.

DETAILS

The aim of the draft LPP is to outline the role and purpose of the JDRP and the matters on which the panel will provide feedback.

The draft LPP contains the following:

- Objectives and statements outlining the importance of design review as part of the planning process.
- Role and purpose of the Design Review Panel.
- Proposals that are required to be referred to the panel and timing for review, including development applications and other planning proposals such as structure plans, activity centre plans, local planning policies and scheme amendments.
- Matters to be considered by the panel when providing feedback, being the local planning framework and the 10 design principles of SPP7.0.
- A fee structure for design review.
- Linking the operation of the panel to the draft amended Terms of Reference.

In conjunction with the LPP, it is also proposed that the current terms of reference be updated to better reflect the State's *Design Review Guide* and the City's needs in relation to design review. The draft terms of reference are provided in Attachment 2 to this Report for information. Council adoption of the amended terms of reference will be sought following consultation on the draft LPP to ensure any changes that may arise as a result of consultation which may also impact on the contents of the terms of reference are captured.

A comparison of the proposed JDRP, the current JDRP and the model outlined in the *Design Review Guide* is provided in Attachment 3 to this Report.

Key features of the Joondalup Design Review Panel

Purpose of design review

The purpose of design review is to provide independent expert advice on the design quality of planning proposals to the City. The panel does not have a decision-making function. The feedback from the panel is guided by the City's relevant planning framework and the 10 principles of good design outlined in SPP7.0.

The purpose of the panel under the draft LPP and terms of reference is consistent with the City's current panel; however, has been updated to reflect the changes to the planning framework through Design WA stage one.

Planning proposals to be considered

The State Government's *Design Review Guide* stipulates that design review is typically applied to proposals that are significant – due to their size, use, location and/or community impact. The *Design Review Guide* suggests a threshold for design review which reflects this, recommending mandatory design review for large scale projects that meet the State Government's Development Assessment Panel (DAP) threshold and apartment developments of 10 or more. Discretionary design review is identified for all other types of development.

In relation to development applications, the City's current panel goes beyond the mandatory threshold requirements identified in the *Design Review Guide*, requiring review of the following:

- All multiple and grouped dwellings of five or more outside of the City Centre and 10 or more within the City Centre.
- New commercial and mixed use buildings (no cost threshold).

- Major extensions to existing buildings that have a significant impact on the street.
- Other developments that are likely to impact the street.

Recognising the stronger focus through planning reform on the design of developments as a key consideration in assessing applications, it is proposed to expand the current planning proposals to be reviewed by the panel to also include the following:

- Activity centre plans, structure plans, local development plans, local planning policies and scheme amendments that would benefit from review.
- Mandatory DAP applications. It is noted that nearly all mandatory DAP applications would be considered by the current panel.
- All opt-in DAP applications, except extensions to existing buildings that do not impact on the street or site works.
- Information submitted as a condition of development approval where the City considers input from the Panel Chairperson (or delegate) would be beneficial (for example schedule of colours or materials or landscaping plan). This would be most likely to occur if there is a substantial change to a component of the design from that which was identified in the original design review process.
- Any other planning proposal that in the opinion of the City would benefit from design review.

Timing of review

As per the suggestions in the State Government's *Design Review Guide*, it is proposed that planning proposals will be reviewed prior to an application being formally lodged with the City. This ensures applicants are able to take best advantage of the feedback received at a time when there is more flexibility to the design and scope of a project. It is recommended within the *Design Review Guide* that a minimum of three design reviews take place, however the timing and benefit of this could be dependent on the scale of the development.

The current panel has been established with an intent to only review planning proposals following formal lodgement. However, in line with the *Design Review Guide*, the draft policy provides scope for planning proposals to be reviewed multiple times, but most importantly, prior to formal lodgement, as follows:

- Mandatory review prior to lodging an application for planning proposals that meet the thresholds for review.
- Additional review following lodgement, where considered appropriate.
- Review of information submitted as part of conditions of approval by the Panel Chairperson or delegate where considered appropriate (for example schedule of colours and materials or landscaping plan).

Terms of reference modifications

The design review panel is required to operate in accordance with the terms of reference endorsed by Council.

The draft amended terms of reference are provided in Attachment 2 to this Report for information and context only at this stage. Council adoption of the draft amended terms of reference will be sought following consultation on the draft LPP to ensure any changes that may arise as a result of consultation which may also impact on the contents of the terms of reference are captured.

Proposed changes to the terms of reference are outlined below.

Panel membership

In line with the State's *Design Review Guide*, it is proposed to expand the membership of the design review panel. Currently the panel comprises three specialist members, with the CEO or delegate as Chairperson.

The new panel will consist of the following members:

- Presiding Member.
- Panel Chairperson.
- Deputy Chairperson.
- Up to four other specialist members.

The draft terms of reference set out that a pool of up to 10 specialist members shall be selected by Council following an expression of interest process. These members are required to have the necessary specialist skills and qualifications, including expertise in architecture, landscaping and planning or other relevant discipline. A Panel Chairperson and Deputy Chairperson will then be selected from this group.

It is proposed to retain the CEO or nominee as the Presiding Member, to manage the City's administration of the meeting.

For each panel meeting a maximum of six members will be selected from the specialist group, with these members selected on the basis of the types of expertise required for a particular application. For example, a multiple dwelling proposal will likely require expertise from architecture, landscaping and planning. By comparison a larger more significant project, such as an activity centre plan may require expertise in urban design and traffic engineering.

Meeting frequency and format

It is proposed to maintain the current meeting cycle of monthly meetings, with the option for additional meetings, as required. Where there are no proposals to be considered by the panel, the meeting will be vacated. The format of the meeting is proposed to align with the recommendations of the State's *Design Review Guide*, noting that the key components of the meeting are similar to the current panel meeting format.

Templates for officer reports, meeting agendas and minutes are provided within the *Design Review Guide*. It is proposed to retain the City's current report agenda and officer report formats. This report template includes all information required under the template in the *Design Review Guide*, but expands further to incorporate more background and information on the proposal to ensure panel members are better informed of the planning proposal prior to a briefing by City officers at the meeting. The current panel members (including those that sit on various other design review panels) have commended this additional level of detail being provided prior to the meeting.

It is however proposed to adopt the meeting minute formats of the *Design Review Guide* as this better aligns with the purpose of the panel. In particular, the feedback from the panel will be structured against the 10 design principles of SPP7.0, outlining whether the development is supported, not supported or if amendments are required. In addition, the *Design Review Guide* recommends that these minutes are provided as an attachment to reports to Council or DAPs to inform the decision-making process. Using the minutes template will also ensure consistency, not only within the City, but with other local governments, in particular for DAP reports where most local governments have now commenced use of this template as an attachment to the report.

Panel member fees

The *Design Review Guide* outlines that remuneration should reflect the expertise of the panel member and time taken to prepare and participate in meetings, recommending this be based per hour or per meeting.

The City has on average two to three planning proposals reviewed at each meeting, with meetings taking on average between two to three hours. Given the frequency of meetings and applications being reviewed, it is recommended that panel members be paid per meeting.

In consideration of advice from the Office of the Government Architect and through comparison with fee structures of other local governments, the recommended remuneration per meeting is:

- Panel Chairperson: \$500
- Panel members: \$400

Additional remuneration is proposed for the Panel Chairperson as they are also responsible for coordinating the feedback from the panel members and reviewing minutes.

It is noted that the current panel members are paid \$250 per meeting. However, this is significantly lower than the market rate and is not recommended by the Office of the Government Architect. Having a fee too low risks the City not being able to attract the appropriate level of expertise required for the panel, potentially undermining the purpose and effectiveness of the panel. The City in addition proposes to incorporate the provision of attendance of panel members at SAT matters, as required, subject to a mutually agreed hourly rate.

Proposed remuneration fees will be captured within the City's *Schedule of Fees and Charges*, with Council resolution to be sought on this matter at a later date following completion of advertising of the draft LPP.

Funding arrangements

Three funding models are set out in the State's *Design Review Guide*, being local government funded, proponent funded or a balance between local government and proponent funded.

Currently the City funds the design review panel, at a cost of approximately \$10,000 per year. To assist in covering the cost of the panel and acknowledging the benefit that developers receive from the design review process, it is recommended that a fee be introduced for planning proposals required to undergo design review.

Based on the remuneration for panel members provided above, on the basis that each meeting would comprise a Chairperson and three other panel members, each meeting will cost \$1,700 for panel members, with an additional \$25 for administration expenses.

It is proposed that the design review panel is funded as much as possible by the proponent. Based on three applications per meeting, this would equate to a cost of \$575 per development proposal.

Further, whilst the City expects that developments will be presented to the panel pre-lodgement, there is no statutory provision that can compel this to occur. To ensure that there is an incentive to proponents to seek advice from the panel pre-lodgement, the City proposes the following fee structure:

Proposals presented pre-lodgement	\$575
Proposals presented post-lodgement that have not previously been presented to the panel	\$1,150
Subsequent panel referrals	\$575

It is noted that depending on the number of applications received, less than three applications may be referred to a meeting, meaning the City would also need to cover part of the cost of this meeting. It is therefore recommended that the City would continue to budget an amount of \$10,000 for the first financial year to accommodate any costs of the JDRP that is not able to be recouped through applicant fees. This would be reviewed for subsequent years, in conjunction with the applicant fees.

The terms of reference will be formally presented to Council for consideration following consultation of the draft LPP.

Issues and options considered

Council has the option to either:

- advertise the draft *Joondalup Design Review Local Planning Policy*, without modifications
- advertise the draft *Joondalup Design Review Local Planning Policy*, with modifications or
- not support the advertising of the draft *Joondalup Design Review Local Planning Policy*.

In the event Council adopts a final version of the draft LPP following advertising and concurrently supports the draft terms of reference, the City will undertake an expression of interest process for members of the panel. A subsequent report will then be presented to Council to formally appoint the panel members.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative For the City's commercial and residential areas to be filled with quality buildings and appealing streetscapes.

Policy *State Planning Policy 7: Design of the Built Environment.*

Risk management considerations

In May 2019 Council resolved to amend LPS3 to introduce feedback from JDRP as a statutory matter for consideration in the decision-making process for planning matters (CJ049-05/19 refers).

In approving the amendment to LPS3 to introduce Minister required a local planning policy to be prepared to outline the details of the panel and the types of matters to be reviewed.

In not proceeding with the local planning policy there is a risk that the process to establish statutory weight for the JDRP will not be closed out and will ultimately reduce the amount of due regard that can be given to panel recommendations and feedback as part of the decision-making process for planning proposals.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Ongoing funding for the JDRP will be partially funded by developers through fees. However, depending on the number of proposals referred to the JDRP at a meeting, the City may still be required to partially fund the meeting. It is therefore recommended that the City continues to budget \$10,000 for the panel.

Regional significance

Not applicable.

Sustainability implications

The role of the JDRP is to consider matters within the planning framework, in particular the 10 design principles of SPP7.0, including consideration of the sustainability aspects of a planning proposal.

Consultation

The deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* as well as the City's *Planning Consultation Local Planning Policy* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The policy is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Letter sent to registered resident and ratepayer groups.
- Letter sent to the Office of the Government Architect, the Department of Planning, Lands and Heritage and relevant industry bodies.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is also required to be given to the Western Australian Planning Commission. The proposed policy is not considered to be inconsistent with any State planning policy.

COMMENT

The draft LPP aims to provide guidance on the role and purpose of the JDRP, the types of applications that will be subject to design review and the matters that will be considered by the panel. The policy aligns with the State Government's *Design Review Guide* and will seek to ensure that feedback is provided early in the design process. In conjunction with the terms of reference, the LPP will allow for a panel that meets State Government expectations and that continues to provide advice and recommendations that inform planning decisions.

It is recommended that Council advertise the draft *Joondalup Design Review Panel Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

Cr Poliwka left the room at 6.51pm and returned at 6.53pm.

MOVED Cr May, SECONDED Cr McLean that Council in accordance with clauses 3 and 4 of schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the draft Joondalup Design Review Panel Local Planning Policy, as shown in Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agnPOLICY201005.pdf](#)

ITEM 7 DRAFT ADVERTISEMENTS LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	01907; 101515
ATTACHMENTS	Attachment 1 <i>Current Signs Local Planning Policy</i> Attachment 2 <i>Draft Advertisements Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a draft *Advertisements Local Planning Policy* for the purposes of public advertising, which will replace the existing *Signs Local Planning Policy*.

EXECUTIVE SUMMARY

A review of all advertising signage in the City of Joondalup has been undertaken to:

- explore the issues the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage
- make recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities.

The review has identified a series of recommended amendments to the existing *Signs Local Planning Policy (LPP)* in order to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding some sign types currently prohibited by the policy.

A draft *Advertisements Local Planning Policy* has been prepared to replace the existing *Signs Local Planning Policy*.

It is therefore recommended that Council supports the draft *Advertisements Local Planning Policy* (Attachment 2 refers) for the purposes of consultation for a period of 21 days.

BACKGROUND

Advertising signage in the City of Joondalup is currently guided and regulated by the *Signs Local Planning Policy (LPP)* and the *Local Government and Public Property Local Law 2014* (local law). The *Signs LPP* guides private signage, typically located on private property, with the local law regulating signage in public spaces and thoroughfares.

A review of all advertising signage in the City of Joondalup has been undertaken to explore the issues that the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage. The review has led to recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities. The following key issues and opportunities explored by the review include:

- Demand for business visibility:
 - businesses not visible from major thoroughfares/activity areas are demanding opportunities to enhance visibility to passing pedestrians and cars through portable signs, as wall signs are not directed towards passing trade;
 - proliferation of branding signs in commercial areas can make signs less effective, and impact on visual amenity;
 - use of temporary signs for promotional sales and events;
 - policy restriction of portable signs restricts “quirky” kerb appeal and place activation.
- Technology and digital messaging:
 - role of the current directional signs program, considering the availability of technology and digital wayfinding;
 - digital advertising can support the growth of Joondalup as a smart city;
 - digital sign technology may increase demand for private third-party advertising.
- Advertising as a revenue source:
 - sponsorship and advertising revenue may reduce reliance on rates revenue for services delivery to the community.
- Signs in residential areas:
 - display of small home improvements and renovations signs;
 - home business signs.

Several issues identified in the review, in particular business visibility, are already being actively addressed by the City's investment into economic development plans, business support initiatives, and the Place Activation Strategy currently in development. This includes dovetailing of business support and buy local campaigns to increase business visibility, for example the Joondalup Business Catalogue.

The placement of signs within road verges and thoroughfares is controlled by the local law which does not currently permit advertising signs to be placed in these areas. However, the City is currently reviewing its local law framework and, as part of its statutory review, any changes to the provisions within the local law can be considered as part of that review, based on the issues identified in the signage review.

Amendments required to the *Signs LPP* in response to the issues identified in the signage review have resulted in the preparation of the draft *Advertisements LPP*.

DETAILS

Advertising signs and devices regulated by the *Signs LPP* fall within the definition of “advertisements” under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Aligning the policy title with this definition is recommended to provide clarity. Therefore, instead of amending the *Signs LPP*, a new *Advertisements LPP* is proposed. Adoption of the *Advertisements LPP* following advertising will revoke the existing *Signs LPP*.

The revisions to the City’s approach to signage provided within the draft *Advertisements LPP* seek to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City’s position regarding signs currently prohibited by the policy.

Objectives specific to locality types

The draft *Advertisements LPP* acknowledges that the role and accepted level of advertising differs across the City based on the expected level of amenity and commercial functions of the City’s various zones. The draft policy defines locality types for the purpose of defining exemptions and provisions for signage in the different areas of the City. These locality types are:

Neighbourhood localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - Lakeside Residential precinct • Residential Zone • Rural Zone
Activity Centre localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - City Centre precinct - Learning and Innovation precinct - Health and Wellness precinct • Commercial zone • Centre zone • Mixed Use zone • Private Community Purpose zone
Service Commercial localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - Joondalup Edge precinct - Joondalup West precinct • Service Commercial Zone • Light Industry Zone

The draft *Advertisements LPP* provides specific objectives for each locality type, enabling consideration of the particular nature and amenity of each to guide decision making. Development standards and a listing of permitted or prohibited signs are structured based on the locality types, informed by the locality objectives.

Exemption pathway

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), development approval is not required for works and uses which are specified as being exempt under a local planning policy. The draft *Advertisements LPP* introduces a streamlined “exemption pathway” for signs that meet acceptable development standards, in addition to the list of exempt signs already provided in the current *Signs LPP*. This applies to specified on-building signs and temporary use of banners.

The additional exemptions in the *Advertisements LPP* would remove the unnecessary formality for businesses of having to apply for development approval for advertising signs that meet acceptable policy standards. The exemption pathway may also encourage the use of fewer and more appropriate signs, as businesses may look to avoid the time and costs of a development approval by complying with the policy provisions.

As a result of the exemption pathway, signs that do not comply with policy provisions will be subject to a merit-based, discretionary assessment. In addition to providing locality specific objectives, the policy objectives and design principles of the current *Signs LPP* have been reviewed, amended and included within the *Advertisements LPP* to provide a comprehensive set of objectives and principles to guide discretionary assessment and decision making when it is required.

Digital and animated signs

Policy provisions are proposed to address the specific amenity and safety implications of illuminated, variable, and animated content signs.

The proposed provisions utilise methodology provided within Main Roads Western Australia’s *Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves* (as amended), as relevant to digital and variable content signs. The proposed policy provisions would operate to prohibit variable or animated content within locations that pose an unacceptable risk to road users, being vital decision-making points in the road network. The policy provisions provide guidance for variable content signs in low risk areas and provide for the submission of road safety audit reports in locations where signs may be acceptable; however, there is an increased risk as a result of increased speed limits and road volumes. The proposed provisions provide greater ability for the City to consider road safety when assessing applications for digital, variable content signs.

Portable signs

Portable signs (such as sandwich boards or A-frame signs) are currently prohibited by the existing *Signs LPP* in all areas of the City, except Light Industrial zoned land along Canham Way in Greenwood. The *draft Advertisements LPP* proposes greater flexibility for their use on private land, based on the locality within which they are proposed.

The draft LPP recommends:

Neighbourhood localities	Maintaining the prohibition on portable signs to protect residential amenity.
Activity centre localities	Permitting one portable sign per business on private land where there is not an existing freestanding sign that advertises the business.
Service commercial localities	Permitting one portable sign per business on private land, reflecting the core commercial function of these areas.

Portable signs on private land, where permitted by the draft *Advertisements LPP* and subject to meeting policy provisions regarding safety, will not require development approval. Any other or additional portable signs will continue to be prohibited by the LPP to avoid a general proliferation of signs, and encourage the use of permanent, high quality signs for advertising purposes.

The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by amendments to the draft *Advertisements LPP*. The current local law maintains a general prohibition of advertising signs in thoroughfares. The City is currently undertaking a review of all local laws; the issue will be considered as part of that process.

Portable variable message board signs

Portable variable message board signs are currently prohibited in all areas of the City, as they are a potential traffic hazard and can impact upon local amenity.

As their use for business advertising purposes is typically short-term, requiring development approval for their temporary use is unlikely to meet business demands, as the development approval process can take up to two months and has costs associated. However, the safety and amenity risks associated with use of these signs makes a general policy exemption for these signs inappropriate.

The *Planning and Development (Local Planning Schemes) Regulations 2015* include a temporary works exemption from development approval which might be used by businesses for temporary signs, including temporary use of portable variable message boards. The draft *Advertisements LPP* seeks to manage the potential safety issues associated with temporary use of portable variable message boards under the temporary works exemption, by enabling their use under the exemption for longer than the 48 hours, once per year afforded by the Regulations. This agreement for time extension would be subject to meeting specific standards regarding their location and content to manage risk to road users and local amenity. This is similar to the approach utilised by the City to regulate temporary use of sea containers, with written planning advice (a formal request) provided so that the City can confirm that the safety standards are complied with.

Roof signs

Roof signs are currently prohibited in all areas of the City. Recognising the planning intention for the City Centre precinct of the Joondalup Activity Centre to be a vibrant, city area, the draft *Advertisements LPP* recommends removing the prohibition of roof signs in that area only, with development provisions included to ensure that roof signs add interest and vibrancy to Joondalup's skyline, without adversely affecting the amenity of residents.

Bunting

Bunting as an advertising device is currently prohibited in all areas of the City. The draft *Advertisements LPP* proposes removing this general prohibition, with the use of advertising bunting considered through a merit-based, discretionary development approval pathway.

Issues and options considered

Council has the option to either:

- advertise the draft *Advertisements LPP*, without modifications
- advertise the draft *Advertisements LPP*, with modifications
- or
- not support the advertising of the draft *Advertisements LPP*.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Signs LPP (to be revoked by Advertisements LPP).*

Risk management considerations

Risks associated with exempting development approval for certain signs that present potential hazard due to their materials or location can be reduced by establishing a process by which written planning advice (a formal request) so that the City can confirm that the specific standards are complied with.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any advertising signs that do not comply with the relevant provisions of the *Advertising LPP*.

The draft LPP includes specific provisions regarding traffic hazards associated with variable message signs, therefore providing a risk management approach to assessing the amenity and safety risks of digital signs.

Financial / budget implications

There will be a minor loss of revenue, should proposed advertising signs meet the provisions of the revised policy and not require planning approval.

In terms of costs associated with public advertising and notice of any final adoption of the revised policy, the approximate cost of this process will be \$1,000.

Regional significance

Not applicable.

Sustainability implicationsSocial

The introduction of key policy provisions regarding the amenity and safety of digital signs address a current policy gap and will assist the City to consider safety of road users when assessing applications for digital, animated, and variable content signs.

Economic

Several local businesses and the Joondalup Business Association have raised concerns regarding the City's current approach to portable signs. Whilst not all these issues, including portable signs on thoroughfares, can be addressed through a local planning policy, the additional flexibility and exemption pathway provided within the draft LPP will support local business and economic vibrancy.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The draft *Advertisements LPP* is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A letter sent to the Joondalup Business Association.
- Emails sent to all registered resident and ratepayer groups in the City.
- Emails sent to all members of the City's Community Engagement Network.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

If, in the opinion of the City, a local planning policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The revised policy is not considered to be inconsistent with any State planning policy.

COMMENT

The draft *Advertisements LPP* aims to provide clarity as to the City's expectations in respect to appropriate advertising signs from a planning perspective, whilst providing greater flexibility for businesses. It is recommended that Council advertise the draft *Advertisements LPP* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr May, SECONDED Cr Fishwick that Council, in accordance with clauses 3 and 4 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the *Advertisements Local Planning Policy*, as shown in Attachment 2 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Jones, May and McLean.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agnPOLICY201005.pdf](#)

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.03pm; the following Committee Members being present at that time:

Cr Christine Hamilton-Prime, JP
Mayor Hon. Albert Jacob, JP
Cr John Chester
Cr Russ Fishwick, JP
Cr Nige Jones
Cr Christopher May
Cr Tom McLean, JP