

minutes

Policy Committee

MEETING HELD ON

MONDAY 10 MAY 2021

This document is available in alternate formats upon request

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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 10 MAY 2021.

ATTENDANCE

Committee Members

Cr Christine Hamilton-Prime, JP	<i>Presiding Member</i>	
Mayor Hon. Albert Jacob, JP		<i>from 5.49pm absent from 7.26pm to 7.29pm</i>
Cr Kerry Hollywood	<i>Deputy Presiding Member</i>	<i>absent from 5.53pm to 5.56pm</i>
Cr Christopher May		
Cr Nige Jones		
Cr John Logan	<i>Deputising for Cr Chester</i>	
Cr Suzanne Thompson	<i>Deputising for Cr Fishwick</i>	
Cr Tom McLean, JP	<i>Deputising for Cr Hollywood</i>	<i>from 5.53pm to 5.56pm</i>

Observers

Cr Tom McLean, JP	<i>from 5.45pm to 5.53pm from 5.56pm</i>
Cr Russell Poliwka	<i>absent from 7.48pm to 7.50pm</i>
Cr John Raftis	

Officers

Mr James Pearson	Chief Executive Officer	
Mr Jamie Parry	Director Governance and Strategy	
Ms Dale Page	Director Planning and Community Development	<i>absent from 7.27pm to 7.28pm to 5.58pm</i>
Mr Roney Oommen	Manager Financial Services	<i>to 6.31pm</i>
Mr Chris Leigh	Manager Planning Services	<i>absent from 6.58pm to 7.01pm</i>
Mr Mat Humfrey	Director Corporate Services	
Mr Brad Sillence	Manager Governance	
Mrs Wendy Cowley	Governance Officer	
Mrs Natasha Mossman	Governance Officer	

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

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

Nil.

APOLOGIES AND LEAVE OF ABSENCE

Apology

Cr John Chester.

Leave of Absence Previously Approved

Cr Russ Fishwick, JP 7 to 17 May 2021 inclusive.
Mayor Albert Jacob, JP 25 June to 5 July 2021 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD ON 22 FEBRUARY 2021

MOVED Cr Jones, **SECONDED** Cr Hollywood that the Minutes of the Policy Committee Meeting held on 22 February 2021 be confirmed as a true and correct record.

The Motion was Put and **CARRIED (6/0)**

In favour of the Motion: Crs Hamilton-Prime, Hollywood, Jones, Logan, May and Thompson.

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 SPECIFIED AREA RATING POLICY - REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101278, 101515
ATTACHMENT	Attachment 1 <i>Specified Area Rating Policy – Reviewed</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the review of the *Specified Area Rating Policy*.

EXECUTIVE SUMMARY

The *Specified Area Rating Policy* (the Policy) guides the circumstances under which a Specified Area Rate (SAR) may be established and the requirements for managing and expending funds collected under such arrangements.

The City currently has four SAR arrangements in place at Woodvale Waters, Iluka, Harbor Rise and Burns Beach that are negotiated through the following representative bodies:

- Woodvale Landowners Association (WWLA).
- Iluka Homeowners Association (IHA).
- Harbor Rise Association of Homeowners (HRAH).
- Burns Beach Residents' Association (BBRA).

A significant revision of the Policy was undertaken in 2015.

The current review does not propose significant changes to the existing Policy.

BACKGROUND

At its meeting held on 21 July 2009 (C63-07/09 refers), Council requested that "*a Specified Area Rates Policy being developed by the City – a policy that would guide other areas of the City that might wish to pay a Specified Area Rate for additional landscaping services*".

In response to this request, a draft policy was presented to the Policy Committee in February 2010 and was subsequently adopted by Council at its meeting held on 16 March 2010 (CJ039-03/10 refers). The Policy was based on the knowledge and experience attained in the management of existing SARs operating within the City of Joondalup, (namely Woodvale Waters, Iluka and Harbour Rise).

Since the Policy was established, the City established the Burns Beach SAR area in 2015. At the time the provisions of the Policy were tested and reviewed, and the Policy updated to reflect this review. This followed on from the results of a consultation process undertaken with ratepayer and residents' groups after a request from the Burns Beach Residents Association (BBRA) to establish a SAR at Burns Beach. No further SAR areas have been added since 2015.

All SARs are managed in accordance with the parameters established within the Policy.

DETAILS

The SAR policy considers three major issues:

- *The circumstances under which the City may consider applying a SAR* (either by request of a developer of a new subdivision or a resident/ratepayer group representing the property owners of an established residential area).
- *The management arrangements for a SAR once introduced* (providing broad management parameters in relation to interactions with representative SAR bodies, the timing of agreement negotiations and the collection and expenditure of funds).
- *The termination arrangements for a SAR* (including the circumstances under which a SAR should no longer apply, the expectations for reverting or maintaining levels of service and the effective timing of termination).

The following SAR areas are currently established within the City:

- Woodvale Waters
- Harbor Rise
- Iluka
- Burns Beach.

Burns Beach SAR was the last area established, shortly after the last review of the Policy in 2015. No new SAR areas have been established since then.

Significant changes were effected to the policy at the last review in 2015, following consultation with the Resident and Ratepayer Groups in the existing SAR areas.

Issues and options considered

The review of the Policy recommends only two changes to the current Policy, both of which serve to enhance the clarity of the Policy. These changes are highlighted in Attachment 1 of this Report. The one change that may be considered relatively more significant is outlined below:

Paragraph 2.3 (b)(ii)

The existing clause reads as follows:

The representative property owners' group no longer represents all property owners affected by the Specified Area Rate.

It is proposed to amend this to the following:

The representative property owners' group no longer represents the majority of property owners affected by the Specified Area Rate.

This amendment has been considered to be appropriate in order to better articulate the intent of the Policy that the relevant representative group represents the majority of property owners in a SAR area, whether all property owners in the area subscribe to the group or not.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.37 of the *Local Government Act 1995*.

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 *Specified Area Rating Policy.*

Risk management considerations

There is a risk that property owners who do not agree with the representative ratepayers and residents group in a SAR area may consider that the Policy presently requires such a group to represent all or every property owner in the area and if it does not, that the SAR is thereby required to be terminated. This is not the intent of the Policy and the proposed amendment serves to better clarify this.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

No implications are expected to arise from the proposed revisions to the Policy.

Consultation

No consultation was considered necessary as this is a simple review of the existing Policy that was significantly amended in 2015 following feedback from the various ratepayer and resident groups in the SAR area.

COMMENT

The proposed amendments do not significantly change the Policy as it stands but serve to better explain the intent of the Policy.

VOTING REQUIREMENTS

Simple Majority.

Mayor Jacob entered the room at 5.50pm.

MOVED Cr May, SECONDED Cr Hollywood that Council ADOPTS the amended *Specified Area Rating Policy*, as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Hollywood, Jones, Logan, May and Thompson.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPOLICY210510.pdf](#)

ITEM 2 RATES HARDSHIP POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101275, 101515
ATTACHMENT	Attachment 1 Draft <i>Rates Hardship Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Rates Hardship Policy*.

EXECUTIVE SUMMARY

At its meeting held on 16 March 2021 (CJ030-03/21 refers), Council considered a report on the development of a *Rates Hardship Policy*, and resolved that the Chief Executive Officer develop a *Rates Hardship Policy* for Council's consideration, including an associated process for ratepayers.

The *Rates Hardship Policy* has been developed with reference to similar policies at other local governments and the template policy published by the Western Australian Local Government Association (WALGA) to outline the City's approach to difficulties experienced by ratepayers in settling rates by the usual means.

BACKGROUND

At the outset of the COVID-19 pandemic in early 2020, there was widespread expectation that the lockdowns and restrictions that followed would lead to significant economic disruption and financial hardship in the community. At the time that Council approved the City's *2020-21 Annual Budget*, it was expected that rates collections would be lower than in prior years as a result of these economic impacts.

Although these anticipated disruptions have not eventuated and year-to-date rates collections in 2020-21 are only marginally below prior years, a *Rates Hardship Policy* clarifies the City's position on assistance offered to ratepayers suffering financial hardship.

DETAILS

The *Rates Hardship Policy* (the Policy) outlines the City's approach to ratepayers who are in financial hardship. The City recognises that ratepayers in financial hardship require consideration, compassion and fairness. For the purposes of the Policy, hardship comes into consideration if a ratepayer considers that they are unable to settle their outstanding rates in one of the following ways:

- In full by the due date.
- By way of one of the instalments options offered with the rates notice.

- By way of a weekly, fortnightly or monthly payment arrangement by 31 March of the rating year.

Where a ratepayer finds themselves in such a situation, the best course of action is to contact the City as soon possible. Once this happens, the City takes the following approach:

- Work with the ratepayer to review the ratepayer's financial position as advised.
- Offer payment arrangements that may extend payment timelines beyond 31 March of that rating year, including up to 30 June of the rating year.
- Where it may be necessary to offer payment arrangements that extend beyond 30 June, the City may offer the ratepayer a payment arrangement that includes an estimate of the following year's rates and charges and extends the payment period well into the following rating year, up to 31 March of the following rating year. Depending on specific circumstances, the City may extend this even further.
- In some situations, the City may offer a payment arrangement with significantly reduced initial payments to accommodate the ratepayer's current financial position, and then review the situation every two to three months with the ratepayer. Where the ratepayers' situation subsequently improves, the City then works with the ratepayer to review the payment arrangement amounts to enable settlement of the outstanding rates on a more timely basis, including consultation with a financial counsellor if required.
- Where none of the offered payment options are suitable for the ratepayer, or the ratepayer is experiencing severe hardship in their view, including where the ratepayer may have previously entered into payment arrangements with the City and repeatedly defaulted, the City will then request the ratepayer to visit an independent financial counselling service that is a member of the Financial Counsellors' Association of Western Australia (FCAWA). The City will provide the ratepayer with a list of such services to allow them to choose the one they consider most appropriate to their requirements.
- The financial counsellor will consider the ratepayer's financial position and thereafter provide an income and expenditure statement as well as a recommendation to the City as to what the ratepayer can afford.
- Following review and liaison with the financial counsellor, the City will then work with the ratepayer to structure a suitable payment arrangement that takes into account the financial constraints advised by the financial counsellor.

As individual ratepayer circumstances are unlikely to be exactly similar, the City's approach outlined in the *Rates Hardship Policy* lays out the principles under which the City engages ratepayers in straitened circumstances but allows the City to tailor arrangements to suit the ratepayer's particular circumstances.

Payment arrangements have associated administrative charges, and overdue amounts attract interest. In the *2020-21 Annual Budget*, the City set interest rates on overdue amounts at 3% per annum compared to the maximum of 11% permitted under the *Local Government (Financial Management) Regulations 1996*. Where individual circumstances may necessitate, the City may also write off administration charges and/or accrued interest.

Write-offs are processed in accordance with the City's Register of Delegation of Authority.

Issues and options considered

Scope

In reviewing similar policies at other comparable local governments, the following is observed:

Local Government	Scope of policy (Eligibility of ratepayers/properties)
City of Melville	Limited to resident ratepayers, on principal place of residence only.
City of Kalgoorlie-Boulder	Limited to resident ratepayers, on principal place of residence only.
City of Wanneroo	No limiting criteria mentioned in policy.
City of Swan	Limited to resident ratepayers, on principal place of residence only and specifically excluding corporations and trustees.
City of Canning	Limited to residential and small business ratepayers, no revenue from residential property, non-residential property must be principal place of business.
City of Kwinana	Applies to all ratepayers.
City of Stirling	Cannot locate a specific hardship policy.

The City's *Rates Hardship Policy* applies to individual ratepayers, whether owners or part-owners, regardless of the use of the property in question (residential, commercial or industrial).

Companies and other corporate entities, even smaller companies, generally tend to have access to mechanisms to manage cashflow in a more sophisticated manner than those available to natural persons. For this reason, it is recommended that consideration of rates hardship be restricted to ratepayers who are natural persons, but not limited to residential properties or principal place of residence. It is not unusual that ratepayers who do find themselves in financial hardship may have rates outstanding on more than one property, so it would make sense to allow any payment arrangements to encompass all rates due and not just those owing on the ratepayers' primary residence.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Financial Management) Regulations 1996.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

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

Policy *Payment of Rates and Charges Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

No material financial implications are expected.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No specific consultation was undertaken in respect of the development of the draft *Rates Hardship Policy*. The following materials were referred to in the development of the Policy:

- WALGA Template – COVID-19 Financial Hardship policy.
- Hardship policies in place at other local governments.

COMMENT

Following Council's decision at its meeting held on 16 March 2021 (CJ030-03/21 refers), a *Rates Hardship Policy* has been developed to set out the City's approach to issues of financial hardship experienced by eligible ratepayers.

VOTING REQUIREMENTS

Simple Majority.

Cr Hollywood left the room at 5.53pm. Cr McLean deputised for Cr Hollywood.

MOVED Cr Thompson, **SECONDED** Mayor Jacob that Council **ADOPTS** the *Rates Hardship Policy*, as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPOLICY210510.pdf](#)

ITEM 3 **PAYMENT OF RATES AND CHARGES POLICY - REVIEW**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101275, 101515
ATTACHMENT	Attachment 1 Draft <i>Payment of Rates and Charges Policy</i> (with changes highlighted)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the review of the *Payment of Rates and Charges Policy*.

EXECUTIVE SUMMARY

Council first approved a *Payment of Rates and Charges Policy* in June 1999 with the most recent review undertaken in 2012.

The current review has considered both general payment options and financial hardship provisions. Some minor amendments have been made, as reflected in Attachment 1 to this Report, no substantial changes are proposed.

It is recommended that Council ADOPTS the amended Payment of Rates and Charges Policy, as detailed in Attachment 1 to this Report.

BACKGROUND

The *Payment of Rates and Charges Policy* (the Policy) was first adopted by Council at its meeting held on 26 June 1999 (CJ213-06/99 refers) and is scheduled for its next review in the current year. The Policy has been reviewed in light of the observed impacts of the COVID-19 pandemic on the community.

DETAILS

The *Payment of Rates and Charges Policy* has been reviewed and amendments proposed as indicated in the attached draft document (Attachment 1 to this Report). The amendments proposed are relatively minor in impact, with the following that may be highlighted:

- Part 2.1, the policy expands and clarifies the provisions the City may offer for payment of rates and charges.
- Part 2.2 is amended to refer financial hardship policy provisions to the new *Rates Hardship Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

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

Policy *Payment of Rates and Charges Policy.*

Risk management considerations

The amendments proposed to the existing policy will have the effect of better clarifying the policy and its relationship to the new *Rates Hardship Policy*. If the amendments are not adopted, the City runs the risk of retaining the current policy without the necessary clarifications as well as duplicating financial hardship provisions contained within the *Rates Hardship Policy*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed amendments serve to better clarify the intent of the policy as a guide to Council setting payment options for rates and charges.

VOTING REQUIREMENTS

Simple Majority.

Cr Hollywood entered the room at 5.56pm.

MOVED Cr Logan, SECONDED Cr Thompson that Council ADOPTS the amended *Payment of Rates and Charges Policy*, as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Hollywood, Jones, Logan, May and Thompson.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY210510.pdf](#)

ITEM 4 JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY - OUTCOMES OF CONSULTATION

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	103712, 101515
ATTACHMENTS	Attachment 1 Draft <i>Joondalup Design Review Panel Local Planning Policy</i> Attachment 2 Draft Terms of Reference Attachment 3 Expression of interest nomination form Attachment 4 Design Review comparison table Attachment 5 Summary of submissions table
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider:

- the draft *Joondalup Design Review Panel Local Planning Policy* following public advertising
- the revised Terms of Reference for the Joondalup Design Review Panel
- the proposed expression of interest process for the appointment of panel members to the Joondalup Design Review Panel.

EXECUTIVE SUMMARY

On 21 November 2017, Council requested preparation of an amendment to its *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 (CJ177-11/17 refers).

It was also requested that the JDRP Terms of Reference be amended to require a greater number of multiple dwelling proposals to be presented to the JDRP. Council adopted the updated Terms of Reference at its meeting held on 17 April 2018 (CJ056-04/18 refers).

On 21 May 2019, Council resolved to initiate an amendment to its *Local Planning Scheme*, to give greater statutory weight to advice provided by the JDRP, by including it in clause 67 of the scheme as one of the matters to be given due regard in planning decision-making (CJ049-05/19 refers). This scheme amendment was approved by the Minister for Planning in early 2020, subject to the preparation of a local planning policy to outline details of the JDRP and the matters to be reviewed by the JDRP.

The draft *Joondalup Design Review Panel Local Planning Policy* (LPP) was subsequently prepared in line with the *Design Review Guide* released by the State Government in March 2019. The *Design Review Guide* sets out a best practice model for the establishment and operation of design review panels.

On 20 October 2020, Council resolved to advertise the draft LPP for a period of 21 days (CJ161-10/20 refers). Public advertising concluded on 11 December 2020, with seven submissions received, being one objection and six neutral responses providing comments. A summary of the submissions that were received and officer comment is provided as Attachment 5 to this Report.

No modifications are proposed to be made to the draft LPP following consultation and it is recommended that Council proceeds with the draft LPP, without modification (Attachment 1 to this Report).

The report presented to Council on 20 October 2020 also included draft revised Terms of Reference to support the draft LPP. As part of the same Council resolution to proceed to advertise the LPP, Council also requested that amendments be made to the draft Terms of Reference. These amendments have been incorporated in the updated Terms of Reference at Attachment 2 to this Report.

While most of the proposed amendments seek to ensure the Terms of Reference align with provisions contained in the *Design Review Guide*, other changes provide further clarification on panel members and their responsibilities, including the role of the Deputy Chairperson, conflicts of interest and participation at the State Administrative Tribunal (SAT). It is recommended that Council endorses the JDRP Terms of Reference as per Attachment 2 to this Report.

At the Special Meeting of Council held on 4 November 2019 (JSC04-11/19 refers) the current members of the JDRP were appointed for a period of two years. Should Council resolve to approve the draft LPP and revised Terms of Reference, the City will proceed to seek expressions of interest for JDRP members for a two-year period. The members will commence upon their appointment by Council following the local government election in October 2021. It is recommended that Council supports the expression of interest process as outlined in this Report and endorses the nomination form included as Attachment 3 to this Report.

The draft LPP sets out that planning proposals referred to the JDRP shall be at the applicant's cost as included in the City's *Schedule of Fees and Charges*. A pre-lodgement fee of \$545 is proposed having regard to the number of applications typically presented to the JDRP, panel member remuneration fees and administration expenses. To encourage referral of a proposal to the JDRP prior to formal lodgement, a higher post-lodgement fee of \$1,150 is proposed. It is recommended that the proposed fees for the referral of applications to the JDRP be included in the *2021-22 Schedule of Fees and Charges*.

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 by Council on 16 June 2009 (CJ142-06/09 refers).

The Terms of Reference for the Panel 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. Currently there is no application fee for a proposal to be presented to the JDRP.

Modification to panel name

In 2011 the State Government implemented the Development Assessment Panel 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, that is replacing "Reference" with "Review".

It is considered that the change in name will ensure that decision-makers, such as JDAP 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 manage the impact of infill development in Housing Opportunity Areas, Council at its meeting held on 21 November 2017 (CJ177-11/17 refers) resolved, in part, that it:

"...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 commenced modifying the Terms of Reference, requiring that all multiple dwelling developments be referred to the JDRP for review.

The City also recommended that an independent design review be undertaken of grouped dwelling developments with five or more dwellings. On 17 April 2018, the Terms of Reference was amended by Council in line with the officer's recommendation (CJ056-04/18 refers).

On 25 May 2019 Council resolved to amend its planning scheme to include a provision to give statutory weight to the advice from the JDRP in considering a development application (CJ049-05/19 refers). This amendment was subsequently approved by the Minister, subject to preparation of a local planning policy that details the operation of the JDRP. This scheme 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 (DPLH) released the "Modernising WA's Planning System Green Paper". The green paper was an independent review of the Western Australia's planning system and identified key planning reform principles. 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*
- *Design Review Guide.*

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. It also provides details on how to establish design review processes, including appointment of members to the panel. These model documents have been considered in the development of the City's draft LPP.

Council consideration

On 20 October 2020 (CJ161-10/20 refers), Council resolved that:

- 1 *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 Report CJ161-10/20, for a period of 21 days;*
- 2 *NOTES that the draft Terms of Reference for the Joondalup Design Review Panel have been provided for context only at this stage and will not form part of the consultation process. Following consultation, when the draft Joondalup Design Review Panel Local Planning Policy is brought back for final consideration, Council will separately be requested to endorse an amended Terms of Reference to supplement and support the draft Joondalup Design Review Panel Local Planning Policy;*
- 3 *REQUESTS that the amended Terms of Reference also address the role of deputy chairpersons, conflicts of interest and duty of fidelity of panel members."*

Appointment of panel members

The City has previously approached the Australian Institute of Architects, the Planning Institute of Australia, and the Australian Institute of Landscape Architects to seek expressions of interest from their members for appointment to the JDRP. Each institution advertises the positions and makes recommendations on potential panel members to the City from each of the industry bodies.

The current members of the JDRP were appointed at a Special Meeting of Council on 4 November 2019 (JSC04-11/19 refers). Members are endorsed for a period of two years following the biennial local government elections.

The *Design Review Guide* recommends that panel members have a range of design and built environment expertise, be independent and apolitical. The *Design Review Guide* also outlines that the member appointment process should demonstrate transparency with consideration given to establishing a pool from which the panel is appointed, as required. The appointment process should include public advertising of an expression of interest, consideration of expressions of interest via a selection panel, and presentation of panel recommendations to the Chief Executive Officer.

A draft Expression of Interest Nomination Form is included as Attachment 3 to this Report.

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 JDRP.
- Proposals that are required to be referred to the panel and the timing of 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 *State Planning Policy 7.0 – Design of the Built Environment* (SPP7.0).
- A fee structure for design review.
- Links between the operation of the panel and the draft amended Terms of Reference.

A comparison between the proposed JDRP, the current JDRP and the model outlined in the *Design Review Guide* is provided in Attachment 4 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, but 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 (JDAP) threshold and apartment developments of 10 or more.

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

- All developments with five or more multiple and grouped dwellings, outside 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 streetscape.
- Other developments that are likely to impact the streetscape.

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 JDRP 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 JDAP applications, noting that nearly all mandatory JDAP applications are currently considered by the panel.
- All opt-in JDAP 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, a schedule of colours or materials, or landscaping plan). This would most likely 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.

Through the consultation process, the Department of Communities raised concern with the types of proposals to be referred to the JDRP, commenting that these are not aligned with other local governments or the intent of the *Design Review Guide*. It was also queried by the Department whether the introduction of the State Government's Medium Density Codes would avoid some of the poor outcomes which currently occur, obviating the need for referral to the Panel.

Consultation on the draft Medium Density Codes recently closed; however, no decision on the final document has been made to date and the final content of the new Codes is unknown. Should it eventuate that the State Government takes the City's comments on the new Medium Density Codes on board and makes meaningful changes to new Codes, and should any revised codes assist in alleviating some of the poorer design outcomes being sought, the City could potentially look to amend the types of proposals referred to the Panel in the future. However, at this stage it is recommended that the types of applications included in the LPP remain.

The Office of the Government Architect (OGA) commented that the proposals are broad and cover all the suitable types of proposals for review. The OGA stated that it is particularly encouraging to see the inclusion of activity centre plans, structure plans, local development plans, local planning policies and relevant scheme amendments.

Timing of review

The current JDRP was established with an intent to only review planning proposals following formal lodgement. However, in line with the suggestions in the State Government's *Design Review Guide*, it is proposed that planning proposals would be reviewed by the JDRP prior to an application being formally lodged with the City. This would ensure that applicants are able to take best advantage of the feedback received at a time when there is most flexibility in the design and scope of a project.

In line with the *Design Review Guide*, the draft LPP 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, schedules of colours and materials or landscaping plans).

Terms of reference modifications

The JDRP is required to operate in accordance with the Terms of Reference endorsed by Council.

The draft amended JDRP Terms of Reference was included in the previous report to Council (CJ161-10/20 refers) for information and context. Several amendments were requested by Council and these have been incorporated into updated Terms of Reference. The changes are discussed below.

Panel membership

In line with the State's *Design Review Guide*, it is proposed to expand the membership of the JDRP. Currently the JDRP comprises three specialist members, with the City's Chief Executive Officer or delegate as Chairperson.

The new panel would consist of the following members:

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

The draft Terms of Reference set out that a pool of up to 10 specialist members would be selected by Council following an expression of interest process. These members would be 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 Panel Chairperson would then be selected from this group.

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

The expression of interest process is intended to occur via public advertising. A notice would be provided on the City's website and promoted via social media platforms, as appropriate. In addition, the City would ask the relevant professional institutes to assist with the distribution of the advertisement to their members. The Office of the Government Architect has also advised it would be willing to distribute the advertisement to its State Design Review Panel members, via its own mailing lists.

Following completion of the expression of interest process, a selection panel comprising of the JDRP Presiding Member (or their delegate), an appropriate City officer, and an officer representing the Office of the Government Architect would be convened to short-list and evaluate nominees. The nominees recommended by the selection panel would be presented to Council for consideration following the October 2021 local government elections. JDRP members would be appointed for a two-year term.

For each JDRP meeting, a maximum of six members would be selected from the specialist group, with member selection based on the types of expertise required for a particular application. For example, a multiple dwelling proposal would likely require expertise from architecture, landscaping and planning specialists. By comparison, a larger and 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 JDRP, 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 already mirror the current JDRP 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 agenda and officer report formats. These formats include all information required under the template in the *Design Review Guide*, but further incorporate more background and information on the proposal to ensure panel members are better informed of the proposal, prior to a briefing by City officers at the meeting. The current JDRP members (including those who sit on various other design review panels) have commended this additional level of detail currently being provided prior to the meeting.

It is, however, proposed to adopt the meeting minute formats of the *Design Review Guide* as these better align with the purpose of the panel. In particular, the feedback from the JDRP will be structured against the 10 design principles of SPP7.0, outlining whether the development adequately meets each principle, 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 JDAPs to inform the decision-making process. Using the minutes template would also ensure consistency, not only within the City, but with other local governments, in particular for JDAP reports where most local governments have already 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 for 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 (including Deputy Chairperson): \$400

Higher remuneration is proposed for the Panel Chairperson as they would be responsible for coordinating the feedback from the panel members and reviewing the meeting minutes. In the event the Panel Chairperson is absent from a meeting and the role is undertaken by the Deputy Chairperson, the Deputy Chairperson will be paid the Panel Chairperson's remuneration (\$500).

The current panel members are paid \$250 per meeting. 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.

It is also proposed to incorporate the provision of attendance of panel members at State Administrative Tribunal (SAT) matters, as required, subject to a mutually agreed hourly rate.

Proposed remuneration rates have been included in the modified Terms of Reference.

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 JDRP, 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 a design review.

Based on the recommended remuneration for panel members, and on the basis that a typical meeting would comprise a Panel Chairperson and three other panel members, each meeting would cost around \$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 a typical agenda of three proposals per meeting, this would equate to a cost of \$575 per development proposal for the panel to be cost neutral.

Further, while the City expects that developments would be presented to the panel pre-lodgement, there is no statutory ability to 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:

Fee for JDRP review prior to application lodgement	\$575 inc. GST
Fee for JDRP review post lodgement - not previously been presented to the panel	\$1,150 inc. GST
Fee for subsequent reviews by JDRP	\$575 inc. GST

Depending on the number of applications received, less than three applications could be referred to a meeting, meaning the City would also need to partially cover the cost of such a meeting. In addition, the City may need to fund items being presented to the Panel that are initiated by the City, such as structure plans and scheme amendments. It is therefore recommended that the City continues to budget an amount of \$10,000 for the first financial year to accommodate any costs of the JDRP that are not able to be recouped through applicant fees. This would be reviewed for subsequent years, in conjunction with the applicant fees.

In its submission on the draft LPP, the Office of the Government Architect (OGA) strongly recommends that design review processes are funded by local governments with no cost to proponents. The OGA considers that cost recovery models detract from the success of the process as any additional cost is a disincentive and works against early engagement.

The Department of Communities also provided commentary that in order for the Department to meet its brief of providing affordable and social housing outcomes, the City should consider an abbreviated process for small residential developments (less than 10 units), and associated reduced costs.

On balance, it is considered that the cost recovery model proposed in the table above will incentivise developers to seek early feedback where more substantial design modifications can be incorporated, where necessary. This would reduce the need for post-lodgement review, which places additional pressure on the assessment process and makes it more difficult to adhere to statutory timeframes.

Should Council support the introduction of a fee for presentation of a proposal to the JDRP, it would be appropriate for the proposed fees to be included within the *2021-22 Schedule of Fees and Charges*.

Delaying the introduction of this fee until the adoption of the budget will allow the administration to formalise the detail associated with charging a fee pre-lodgement. The new remuneration structure proposed in the draft updated Terms of Reference would not come into effect until a new panel is appointed in October 2021.

Council resolution

In considering the recommendation of the Policy Committee, Council at its meeting held on 20 October 2020 (CJ161-10/20 refers) resolved in part that it:

“3. *REQUESTS that the amended terms of reference also address the role of deputy chairpersons, conflicts of interest and duty of fidelity of panel members.*”

The Terms of Reference have been modified, as per Attachment 2 to this Report, to provide additional clarification on the role of the Chairperson and to clarify that the role of the Deputy Chairperson is to undertake the roles and responsibilities of the Chairperson when the Chairperson is unable to do so.

Council, in reviewing the Terms of Reference, also raised issue with the lack of clarity around involvement of panel members in other matters that may impact on the outcome of an application. The Terms of Reference have subsequently been modified to preclude members of the Panel from participating in matters at the SAT on behalf of an applicant, where the City is the respondent or involved in the matter. In modifying the Terms of Reference, concerns raised on this matter during consultation of the draft LPP, have also been addressed.

The Terms of Reference continue to make it clear that all members are required to abide by the *City of Joondalup Code of Conduct*, which sets out principles and standards of behaviour that must be observed when performing duties, including conflicts of interest.

Consultation

Seven submissions were received during consultation on the draft LPP, with only one of those submissions explicitly stating an objection to the draft LPP. Two submissions were received from State Government departments, two others from resident associations and two submissions from residents of the City. A summary of the submissions and officer comment is included as Attachment 5 to this Report.

Many of the submissions raised concern with elements of the Terms of Reference, rather than the draft LPP, which was the document on which comments were sought. Suggestions received during consultation, that have not already been addressed within this Report, include:

- modifying the objectives to ensure that advice is consistent with objectives and intent of City policies and strategies
- providing additional clarification that the Panel is advisory only and comments are not binding and are provided on a without prejudice basis
- the ability of Panel members to provide independent advice, given the nature of the planning and development industry
- the potential inclusion of a non-industry appointed person
- inclusion of details on the composition and eligibility for membership within the policy
- concern that there is an in-built propensity for bias towards supporting rather than refusing developments
- meetings should be open to the public for openness and transparency
- increasing allocated time slots proposed for meetings
- independent review of the process and outcomes of the panel to ensure that the panel is working for the community.

Some of the suggested inclusions for the LPP, such as the composition of the Panel and clarification of its role, are already included and are more appropriately located in the Terms of Reference.

In relation to the ability for members to remain independent, Panel members (like officers of the City and elected members), are bound by the City's Code of Conduct. They are required to ensure that conflicts of interest are declared and managed appropriately, allowing them to participate to the extent that the interest allows them to remain impartial.

The role of the JDRP and the Terms of Reference for the Panel make it clear that the Panel is to provide expert advice on the design quality of proposals. The inclusion of a non-industry or non-technical person is at odds with the purpose and role of the JDRP. Community members who do not have a technical skillset in the design disciplines sought for the JDRP, still have an opportunity to review and provide input on a proposal through community consultation undertaken in accordance with the City's *Planning Consultation Local Planning Policy*.

In relation to a perception that the JDRP has a bias towards supporting rather than refusing developments, the Terms of Reference confirm that the role of the JDRP is advisory only and has no decision-making function, where it can support or refuse proposals.

Design review panels are designed to be meetings closed to the public. A closed meeting ensures that commercially confidential information can be discussed, allows for open discussion, and allows that unbiased, without prejudice advice can be provided by Panel members on a proposal to both the City and the applicant.

It is also intended that design review is undertaken prior to an application being formally lodged with the City. This means there is a possibility that proposals presented to design review may never actually be formally lodged. A public meeting for design review could therefore create concern for communities on proposals that never actually materialise.

As recommended, it is intended to include the minutes of design review meetings as part of reports for JDAP and Council's consideration. This will give interested community members the opportunity to review outcomes of the design review meeting.

It is also noted that a number of the suggestions made conflict with the best practice model outlined in the *Design Review Guide*. The *Design Review Guide* recognises the importance of design review panels and their ability to assist in providing good design outcomes. Ensuring that the draft LPP and Terms of Reference align with the Guide would result in a panel that is effective in encouraging improved design outcomes, for the benefit of the community.

Issues and options considered

Draft Joondalup Design Review Local Planning Policy (LPP)

Council has the option to either:

- proceed with the draft LPP, without modifications
- proceed with the draft LPP, with modifications
or
- not proceed with the draft LPP.

Terms of reference

Council has the option to either:

- adopt the Terms of Reference, without modifications
- adopt the Terms of Reference, with modifications
or
- not adopt the Terms of Reference.

In the event Council proceeds with the final version of the draft LPP 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 following the local government election scheduled for October 2021.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development (Local Planning Schemes) 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 7.0: Design of the Built Environment.*

Risk management considerations

In May 2019, Council resolved to amend *Local Planning Scheme No. 3* (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, the Minister for Planning 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

Ongoing funding for the JDRP will be partially recouped by developers through fees levied on proposals presented to the JDRP. 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 draft LPP was advertised for a period of 21 days, commencing on 19 November 2020 and concluding on 11 December 2020 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.

Seven submissions were received during the consultation period, being one objection and six neutral responses that provided comments.

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 that informs planning decisions.

The JDRP Terms of Reference have been comprehensively reviewed to align with the *Design Review Guide*, providing transparent guidance to both Panel members and the community on the City's expectation in relation to the provision of design advice. It is considered that both the draft LPP and the Terms of Reference will allow for good built form outcomes to be achieved to the benefit of the community.

VOTING REQUIREMENTS

Simple Majority.

The Manager Financial Services left the room at 5.58pm.

MOVED Cr May, SECONDED Cr Hollywood that Council:

- 1** In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the draft *Joondalup Design Review Panel Local Planning Policy*, as detailed in Attachment 1 to this Report;
- 2** **ENDORSES** the Joondalup Design Review Panel (JDRP) Terms of Reference as detailed in Attachment 2 to this Report;
- 3** **SUPPORTS** calling for Expressions of Interest using the Nomination Form and Terms of Reference as detailed in Attachments 2 and 3 to this Report;
- 4** **SUPPORTS** the inclusion of the following fees for presentation of planning proposals to the Joondalup Design Review Panel in the *2021-22 Schedule of Fees and Charges* that are to be considered as part of the *2021-22 Draft Budget*.

4.1	Fee for JDRP review prior to application lodgement	\$575 inc. GST
	Fee for JDRP review post lodgement	\$1,150 inc. GST
	Fee for subsequent reviews by JDRP	\$575 inc. GST

- 5** **NOTES** that the fees intended to be included in the *2021-22 Schedule of Fees and Charges* will not be charged until appointment of a new Joondalup Design Review Panel in October 2021.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Hollywood, Jones, Logan, May and Thompson.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agnPOLICY210510.pdf](#)

ITEM 5 **CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES, COMPLAINT INVESTIGATION POLICY AND PROTOCOL**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	09358, 101515
ATTACHMENTS	Attachment 1 <i>Local Government (Model Code of Conduct) Regulations 2021</i> Attachment 2 <i>Draft Code of Conduct for Council Members, Committee Members and Candidates</i> Attachment 3 <i>Draft Complaint Investigation Policy</i> Attachment 4 <i>Draft Complaint Investigation Protocol</i> Attachment 5 <i>City of Joondalup Code of Conduct Breach Complaint Form</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to:

- adopt the draft *Code of Conduct for Council Members, Committee Members and Candidates*
- adopt the draft *Complaint Investigation Policy*
- adopt the associated *Complaint Investigation Protocol* in support of the complaint investigation activities in relation to council members, committee members and local government election candidates.

EXECUTIVE SUMMARY

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the model code provisions.

A code of conduct to be observed by council members, committee members and candidates is to be prepared and adopted by a local government within three months after the day on which regulations prescribing the model code come into operation, which was 3 February 2021. Since the legislation was introduced, feedback has been sought from elected members around the new provisions and how a City code would be drafted, including any other required documents to support the complaint handling process.

In view of these discussions, a draft *Code of Conduct for Council Members, Committee Members and Candidates* (the Code) has been prepared as well as a draft *Complaint Investigation Policy* (the Policy) which details high level complaint investigation considerations the City will adopt when behavioural complaints around council members, committee members and candidates, are received. An internal *Complaint Investigation Protocol* has also been developed in support of the Code and the Policy. Feedback from elected members has indicated a desire to have the City's Chief Executive Officer to be responsible for making decisions around complaints lodged under the Code. Therefore, a delegation of these powers and duties to the Chief Executive Officer is therefore required under the *Local Government (Model Code of Conduct) Regulations 2021* (model code) and the City's adopted Code.

It is therefore recommended that Council:

1 *BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the Local Government Act 1995, DELEGATES to the Chief Executive Officer the powers and duties of the local government under:*

1.1 *clause 12 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021;*

1.2 *clause 13 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021;*

1.3 *clause 15(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021,*

including the relevant powers and duties within the same clauses specified in the Code of Conduct for Council Members, Committee Members and Candidates adopted by Council in accordance with section 5.104(1) of the Local Government Act 1995 (and in accordance with the Local Government (Model Code of Conduct) Regulations 2021);

2 *BY AN ABSOLUTE MAJORITY and in accordance with section 5.104(1) of the Local Government Act 1995 and part 1 above, ADOPTS the Code of Conduct for Council Members, Committee Members and Candidates, as detailed in Attachment 2 to this Report;*

3 *ADOPTS the Complaint Investigation Policy, as detailed in Attachment 3 to this Report;*

4 *ADOPTS the Complaint Investigation Protocol, as detailed in Attachment 4 to this Report.*

BACKGROUND

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the provisions stated in the model code.

The relevant new sections in the Act are as follows:

“5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include—*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with—*
 - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) *alleged breaches of the rules of conduct by committee members.*
- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*
- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*
- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements—*
 - (a) *can only be expressed to apply to council members or committee members; and*
 - (b) *are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government’s adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*

- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website."*

The regulations prescribing the model code provisions (as detailed in section 5.103(1) of the Act) are the *Local Government (Model Code of Conduct) Regulations 2021* which came into effect on 3 February 2021 (Attachment 1 to this Report). Furthermore, when these Regulations came into effect the existing *Local Government (Rules of Conduct) Regulations 2007* were also repealed, although many of the provisions within the *Local Government (Rules of Conduct) Regulations 2007* were incorporated into the model code.

The thinking behind this action, as stated by the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries, was to have in a single document and point of reference, where:

- minor behavioural matters within the code are dealt with by the local government itself, through a complaint and investigation process
- a breach of a rule of conduct within the code, is deemed a minor breach to be investigated by the Local Government Standards Panel.

Since the new legislation was introduced, feedback has been sought from elected members around the new provisions and how a City code would be drafted, and any other supporting documents required in support of the complaint handling process. Feedback requested included, but was not limited to the following:

- The role Council and/or the Chief Executive Officer in processing and investigating behavioural complaints involving elected members, committee members and local government election candidates.
- Who is authorised to receive complaints and withdrawal of complaints.
- How complaints are assessed and the factors that are taken into consideration.
- The nature of the investigation and the powers of those that perform investigations.
- The rules of evidence, standard of proof and procedural fairness.
- Reporting.

Subsequent to the formal adoption of a code, Council needed to authorise a person (or persons) to receive complaints as well as withdrawal of complaints under the model code, until such time as a City code is adopted by Council. In view of this, Council at its meeting held on 20 April 2021 (CJ045-04/21 refers) authorised:

- 1 the City's Chief Executive Officer to receive complaints and withdrawal of complaints under the model code
- 2 the Director Governance and Strategy to receive complaints and withdrawal of complaints under the model code, where the complainant is the City's Chief Executive Officer.

At that meeting, Council also noted the complaint form to be used for this purpose (Attachment 5 to this Report).

DETAILS

The model code (Attachment 1 to this Report) is the formal regulations that the City's code has been based on (Attachment 2 to this Report). One of the difficulties in relation to the development of the City's code is that it may include requirements additional to the model code, but any additional requirements:

- can only be expressed to apply to council members or committee members
- are of no effect to the extent that they are inconsistent with the model code.

Furthermore, a local government cannot include any provisions in addition to the general principles of behaviour referred to in section 5.103(2)(a) of the Act or the rules of conduct that are also specified in the model code. This in effect means there is no real opportunity for the City, and local governments generally, to expand on the provisions within the model code.

Feedback sessions held with elected members since the model code came into effect presented the above matters, as well as others, and in the main resulted in a view to:

- delegate responsibility to the Chief Executive Officer for the making of decisions on complaints lodged under the code
- create a range of procedural documents to support the code's operation, in light that the model code allows procedures to be determined around the complaint handling process.

In terms of putting the City's code into effect, especially in relation to dealing with minor conduct complaints under the code, legal advice and advice previously received from the Department of Local Government, Sport and Cultural Industries has indicated responsibilities can be undertaken by a council itself, a committee, or a local government's chief executive officer (both with relevant delegation of authority). There is no power under the Act for a local government's discretionary powers to be delegated to anyone else other than a committee or the Chief Executive Officer (the Chief Executive Officer can on-delegate responsibilities to employees).

Under section 5.42 of the Act a local government can delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Act, other than those powers or duties listed in section 5.43 of the Act. Section 5.43 of the Act does not prevent the local government delegating any powers or duties of the local government under the model code provisions, or indeed the City's own code. In view of the received advice and the fact there is no limitations around delegations to the Chief Executive Officer, it appears to be open to Council to delegate its discretionary powers to deal with complaints under the model code, to the Chief Executive Officer.

One complication in delegating the discretionary powers relating to complaints to the Chief Executive Officer, is in circumstances where the Chief Executive Officer is the actual complainant. It would be highly inappropriate and a compromised position for the Chief Executive Officer to exercise the discretionary decision-making power on a complaint that they themselves have made. There is no power under the Act for Council to delegate any powers or duties under the Act to anyone else other than the Chief Executive Officer. In this regard, the Chief Executive Officer would need to on-delegate their responsibilities to another employee in the case where the Chief Executive Officer is a complainant under the code.

The model code, and therefore the City's code provides that procedures in dealing within complaints under the code, may be determined by the local government to the extent that it is not provided for in the provisions around behaviour. There is currently no complaints process listed in either the model code or the City's draft code and therefore it is up to the City to determine that process. This was a matter raised with elected members during the feedback sessions.

In view of this and to ensure transparency in terms of how complaints are to be investigated, a draft Complaint Investigation Policy has been created (Attachment 3 to this Report). The purpose of the Policy is to establish high level complaint investigation considerations in support of the City's code, which detail matters such as:

- who is authorised to receive complaints and withdrawal of complaints (being the Chief Executive Officer or the Director Governance and Strategy where the complainant is the City's Chief Executive Officer)
- how complaints are assessed and the factors that are taken into consideration

- the nature of the investigation and the powers of those that perform investigations
- the rules of evidence, standard of proof and procedural fairness
- reporting.

A Complaint Investigation Protocol and associated complaint form (Attachments 4 and 5 of this Report) have also been developed which sets out the process for the management of complaints involving council members, committee members and candidates. This enables the City's complaint process to remain agile and flexible as and when things change or improvements are identified. As part of the complaint process, complainants are provided a copy of this protocol to clarify the process with them and the expectations of the City when dealing with their complaint.

Issues and options considered

Council can either:

- adopt the Code, Policy and Protocol as presented
- adopt the Code, Policy and Protocol as presented with any additional amendments or
- not adopt the Code, Policy or Protocol and seek further action from the Chief Executive Officer around the matter.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
 Local Government (Model Code of Conduct) Regulations 2021.

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 *Code of Conduct for Employees, Elected Members and Committee Members.*

Risk management considerations

Local governments across the state are now bound by the model code provisions and local governments are required to adopt a new code within three months of the Regulations coming into effect (being 3 February 2021). Local governments are required to abide by the requirements of the model code (if it does not adopt its own code within that time), and a local government would be deemed non-compliant with the legislative provisions if it does not adopt its own code by 3 May 2021.

Although Council has not adopted a code by the stipulated legislative timeframe, discussion with elected members has continually occurred including the need to clarify certain aspects of the model code with the Department of Local Government, Sport and Cultural Industries, legal advisors and other industry bodies.

Financial/budget implications

Provisions would need to be made in the City's operational budget to appoint any external party or investigator for complaints that are referred to those parties to manage. This could form part of the City's consultancy budget adopted annually from time to time.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Industry consultation has occurred with the Western Australian Local Government Association, Local Government Professionals WA and the Department of Local Government, Sport and Cultural Industries in terms of developing the City's complaint framework detailed in this Report. Other local governments (such as the Town of Victoria Park) have also been consulted and are acknowledged in the preparation of the City's documentation.

COMMENT

Previously section 5.103 of the Act required local governments to prepare and adopt a code of conduct to be observed by council members, committee members and employees. The *Local Government Legislation Amendment Act 2019* also inserted provisions that the Chief Executive Officer is to prepare a code of conduct for employees (section 5.51A of the Act) and this is also being progressed.

The *Local Government (Model Code of Conduct) Regulations 2021* has been imposed on local governments and the local government industry's feedback around the model code, when it was first released for comment, was not recognised or taken on board. Local governments are now bound by the model code provisions, and until such time that local governments adopt their own codes of conduct.

The Code has been based on the model code provisions and the City has very little opportunity to influence, clarify or review the provisions within it. One of the difficulties in relation to the development of the City's Code is that it may include requirements additional to the model code, but any additional requirements:

- in terms of additional behavioural matters, can only be expressed to apply to council members or committee members
- are of no effect to the extent that they are inconsistent with the model code.

Furthermore, a local government cannot include any provisions in addition to the general principles of behaviour referred to in section 5.103(2)(a) of the Act or the rules of conduct that are also specified in the model code. This in effect means there is no real opportunity for the City, and local governments generally, to expand on the provisions within the model code.

The model code, and therefore the City's Code provides that procedures in dealing within complaints under the Code, may be determined by the local government to the extent that it is not provided for in the provisions around behaviour. There is currently no complaints process listed in either the model code or the City's Code and therefore it is up to the City to determine that process. In view of this and to ensure transparency in terms of how complaints are to be investigated, a draft *Complaint Investigation Policy* and *Complaint Investigation Protocol* have also been created.

It should be recognised that:

- minor behavioural matters within the code are dealt with by City, through the complaint and investigation process detailed in the recommended Code, Policy and Protocol
- a breach of a rule of conduct within the Code, is deemed a minor breach which is to be investigated by the Local Government Standards Panel.

In this regard any complaints the City receives and investigates under the Code are only minor in nature with more significant complaints to continue to be investigated by the Local Government Standards Panel.

VOTING REQUIREMENTS

Absolute Majority.

The Manager Planning Services left the room at 6.31pm.

MOVED Cr Logan, SECONDED Mayor Jacob that Council:

- 1 **BY AN ABSOLUTE MAJORITY** and in accordance with section 5.42 of the *Local Government Act 1995*, **DELEGATES** to the Chief Executive Officer the powers and duties of the local government under:
 - 1.1 clause 12 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*;
 - 1.2 clause 13 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*;
 - 1.3 clause 15(2) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*,including the relevant powers and duties within the same clauses specified in the *Code of Conduct for Council Members, Committee Members and Candidates* adopted by Council in accordance with section 5.104(1) of the *Local Government Act 1995* (and in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*);
- 2 **BY AN ABSOLUTE MAJORITY** and in accordance with section 5.104(1) of the *Local Government Act 1995* and part 1 above, **ADOPTS** the *Code of Conduct for Council Members, Committee Members and Candidates*, as detailed in Attachment 2 to this Report;
- 3 **ADOPTS** the *Complaint Investigation Policy*, as detailed in Attachment 3 to this Report;
- 4 **ADOPTS** the *Complaint Investigation Protocol*, as detailed in Attachment 4 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Hollywood, Jones, Logan, May and Thompson.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agnPOLICY210510.pdf](#)

ITEM 6 Elected Members' Entitlements Policy - Review

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	27122, 44688, 101515
ATTACHMENT	Attachment 1 Revised <i>Elected Members' Entitlements Policy</i> (marked up)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the revised *Elected Members' Entitlements Policy*.

EXECUTIVE SUMMARY

The City's *Elected Members' Entitlements Policy* details, among other things, payments and entitlements for elected members, including:

- the equipment issued to elected members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.128 was inserted into the *Local Government Act 1995* (the Act) requiring local governments to prepare a policy in relation to the continuing professional development of elected members which must be reviewed after each local government election. While there is no legislative prescription or guidance as to the form of this policy, it is considered the conference and training event provisions detailed in the *Elected Members' Entitlements Policy* satisfies the intent of section 5.128 of the Act.

In view of the need to review the policy in relation to the continuing professional development of elected members (being the City's *Elected Members' Entitlements Policy*) after each local government election, a revised policy has been subsequently discussed with elected members and is therefore submitted to Council for its consideration.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ADOPTS the revised Elected Members' Entitlements Policy, as detailed in Attachment 1 to this Report.

BACKGROUND

In accordance with the Act, elected members are entitled to fees and allowances as well as the reimbursement for expenses, and these requirements are prescribed within the Act, the *Local Government (Administration) Regulations 1996*, and determined by the Salaries and Allowances Tribunal on an annual basis.

The current *Elected Members' Entitlements Policy* (the Policy) was last significantly reviewed in September 2013 (CJ185-09/13 refers), with a number of minor amendments subsequently made in March 2015 (CJ050-03/15 refers) and April 2017 (CJ051-04/17 refers). The Policy details, among other things, payments and entitlements for elected members, including:

- the equipment issued to elected members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

On 16 September 2019 and as part of the *Local Government Legislation Amendment Act 2019* a new section 5.128 was inserted into the Act as follows:

"5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*
** Absolute majority required.*
- (2) *A local government may amend* the policy.*
** Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government—*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time."*

There is no legislative prescription or guidance as to the form that this policy is to take, however it is considered the conference and training event provisions detailed in the *Elected Members' Entitlements Policy* (parts 6 and 7) satisfies the intent section 5.128 of the Act. This new provision is in addition to the other new provision within the Act requiring elected members, on being elected at an election, to complete the mandatory training requirements within their first 12 months of Office.

DETAILS

To enable elected members to develop and maintain their skills and knowledge relevant to their role as representatives of the City, the Policy provides that elected members are able to attend conferences and training events within Australia and overseas (subject to Council approval) and the associated arrangements around bookings; registration; and the reimbursement of associated expenses (see Parts 6 and 7 of the Policy). Conferences and training under the Policy is generally limited to the following:

- Western Australian Local Government Association (WALGA) and Australian Local Government Association conferences.
- Special 'one off' conferences called for or sponsored by the Western Australian Local Government Association and/or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- Australian Sister Cities Conferences.
- Western Australian Local Government Association's Elected Member Training and Development.
- Training relating to the role of elected members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of elected members, meeting procedures and the like.

As part of the City's annual budget, allocation is made for elected members to attend conference and training events in line with the amounts set within the Policy. The costs for the mandatory training that is required to be completed by an elected member following their election, is not charged to the elected member's respective allocation, and is directly paid for by the City.

Although section 5.128 of the Act requires a local government to review its policy in relation to the continuing professional development of elected members following the bi-annual local government elections, other aspects of the Policy have also been reviewed.

In line with the need to review this Policy prior to the 2021 local government elections, amendments to the conference and training provisions within the current Policy have been made, including additional amendments necessary to be reflected in the Policy or provisions that need to be better clarified (Attachment 1 to this Report).

Issues and options considered

Council can either:

- adopt the amended policy as presented
or
- adopt the amended policy as presented with further amendments as required.

Legislation / Strategic Community Plan / Policy implications

Legislation

Local Government Act 1995.
Local Government (Administration) Regulations 1996.
Salaries and Allowances Determination on Local Government Chief Executive Officers and Elected Members.

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	<i>Elected Members' Entitlements Policy.</i> <i>Code of Conduct for Employees, Elected Members and Committee Members (Code of Conduct).</i>

The Act confers entitlements to claim fees, expenses and allowances for individual elected members and these levels are now set by the Salaries and Allowances Tribunal or as prescribed by the City. The payments that can be lawfully made by the City to elected members are limited to:

- a) a fee for attending Council or committee meetings (which may be either a fee per meeting up to an annual amount)
- b) a reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member
- c) in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense
or
- d) a cash advance to an Elected Member in respect of an expense for which the Elected Member can be reimbursed.

The Act allows expense reimbursement payments to be made over and above allowances that are set by a local government.

Risk management considerations

The expense reimbursements of government officials, politicians and local government elected members generates a high level of public scrutiny and organisations must be cognisant of the damage any inappropriate expense reimbursements can have on an organisation's brand and reputation.

The WA State Parliament, in its view to have greater public transparency into the affairs of local government, introduced changes to the Act and the *Local Government (Administration) Regulations 1996* that now requires local governments to publish on their websites, the type, and the amount or value, of any fees, expenses or allowances paid to each elected member during a financial year. Such information will be provided on the City's website following the end of each financial year.

Financial / budget implications

Sufficient budget provisions are made in the City's annual budget to cover the elected member allowances, expenses and entitlements that are detailed under the Policy.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable although assessment was undertaken of the policies in place for other local governments as well as the requirements for Ministers, Parliamentary Secretaries and Government Officers at a State Government level.

COMMENT

The *Elected Members' Entitlements Policy* provides a framework to support an elected member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The suggested changes to the Policy provide greater clarity around this framework and to support current arrangements for elected members in performing their statutory role.

VOTING REQUIREMENTS

Absolute Majority.

The Director Corporate Services left the room at 6.58pm and returned at 7.01pm.

Mayor Jacob left the room at 7.26pm and returned at 7.29pm.

The Director Planning and Community Development left the room at 7.27pm and returned at 7.28pm.

Cr Poliwka left the room at 7.48pm and returned at 7.50pm.

OFFICER'S RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ADOPTS the revised *Elected Members' Entitlements Policy*, as detailed in Attachment 1 to this Report.

MOVED Cr Jones, SECONDED Cr Logan that Council BY AN ABSOLUTE MAJORITY ADOPTS the revised *Elected Members' Entitlements Policy*, as detailed in Attachment 1 to this Report, subject to the following changes:

- 1 Amend 4.2 by inserting “(if required)” after “Computer equipment supplied”;**
- 2 Amend 4.3(b) by replacing “following every ordinary election at which they are elected” with “following their inaugural election and every second ordinary election thereafter in which they are elected”;**
- 3 Replace 6.6.5(c) with the following:**
 - 3.1 “All air travel within Australia shall be by Economy Class.”;**
- 4 Replace 6.8(e) with the following:**
 - 4.1 “Elected members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual Conference and Training Expense Allocation to meet those costs.”;**
- 5 Delete 6.8(g);**
- 6 Amend 7(c) by replacing “All air travel overseas shall be by Business Class” with “Air travel overseas may be by Business Class”;**
- 7 Amend 10.1(c) by inserting the following at the end of the provision:**
 - 7.1 “Details of invited guests that attend elected member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.”;**
- 8 Delete 10.1(d).**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Hollywood, Jones, Logan, May and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agnPOLICY210510.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 8.12pm the following Committee Members being present at that time:

CR CHRISTINE HAMILTON-PRIME, JP
MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR CHRISTOPHER MAY
CR NIGE JONES
CR JOHN LOGAN
CR SUZANNE THOMPSON