

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 18 OCTOBER 2005

ATTENDANCE AND APOLOGIES

CMR J PATERSON - Chairman
CMR S SMITH - Deputy Chairman *from 2001 hrs; absent from 2050 hrs to 2052 hrs.*
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX *from 2002 hrs.*

Officers:

Chief Executive Officer:	G HUNT
Director, Corporate Services:	P SCHNEIDER
Acting Director, Planning and Community Development:	D DJULBIC
Acting Director, Infrastructure Services:	P PIKOR
Manager Marketing Communications and Council Support:	M SMITH
Team Leader, Organisational Policy and Planning:	G BLAKE
Committee Clerk:	J HARRISON

Note: The commencement of the Policy Committee was delayed due to the late finish of the Audit Committee meeting.

The Chief Executive Officer declared the meeting open at 1958 hrs.

The Meeting **ADJOURNED** at 1958 hrs and **RESUMED** at 2000 hrs.

Cmr Smith entered the Room at 2001 hrs.

The CEO advised that this was the first meeting of the Policy Committee and outlined the Terms of Reference of the Committee, which are:

- (a) To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;
- (b) To Initiate and formulate strategic (Council) policies;
- (c) To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;
- (d) To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995;

Cmr Fox entered the Room at 2002 hrs.

ELECTION OF PRESIDING MEMBER

Section 5.12 of the Local Government Act 1995 requires a committee appointed by a local government, to appoint a presiding member as the first item of business at its first meeting. Schedule 2.3 of the Act requires the Chief Executive Officer to preside. Nominations for the position of chairperson are to be given to the Chief Executive Officer in writing, with the vote to be conducted by ballot.

It is also advisable that at the same meeting the committee appoints a deputy presiding member, who would chair the meeting in the absence of the presiding member.

The Chief Executive Officer advised that a written nomination for the position of presiding member had been received from Cmr John Paterson.

There being no further nomination, Cmr Paterson was elected unopposed to the position of presiding person and assumed the Chair at 2003 hrs.

ELECTION OF DEPUTY PRESIDING MEMBER

Cmr Smith nominated Cmr Clough for the position of deputy president member. Cmr Clough declined the nomination.

Cmr Clough nominated Cmr Smith for the position of deputy presiding member. Cmr Smith accepted the nomination.

There being no further nomination, Cmr Smith was elected unopposed to the position of deputy presiding person.

ATTENDANCES AND APOLOGIES

Nil

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Nil

ITEM 1 POLICY REVIEW – [26176]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
 Office of CEO

PURPOSE

To provide the Policy Committee with a report detailing:

- Those policies categorised as ‘Council’ Policies according to the Policy Governance Framework and therefore referred to the Policy Committee for review and further development;
- ‘Council’ Policy gaps identified by the Council and referred to the Policy Committee for consideration; and
- Those matters referred by Council to the Policy Committee for consideration.

EXECUTIVE SUMMARY

All policies of Council have been categorised as ‘Council’ or ‘City’ Policies according to the Policy Governance Framework endorsed by the Council on 26 April 2005 (*refer CJO64 – 04/05*).

The Policy Committee has been established to oversee the review and development of ‘Council Policies’ which are defined in the framework as *‘strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions’*.

All Council policies have been referred, by the Council, to the Policy Committee for review and further development. Those policies categorised as ‘Council’ Policies are:

- 1-1 Leisure
- 1-2 Public Participation
- 2-1 Environmental Sustainability
- 3-1 Child Care Centres
- 3-2 Height and Scale of Buildings within Residential Areas
- 3-3 Centres Strategy
- 4-1 Code of Conduct
- 4-2 Setting Fees and Charges

Council further identified a number of ‘gaps’ in Council Policies and these matters were also referred to the Policy Committee for consideration, those being:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

BACKGROUND

Council disbanded the Policy Manual Review Committee and established a Policy Committee at the meeting of 26 April 2005 (*refer CJO64 – 04/05*). Council endorsed the following terms of reference for the Policy Committee:

- (a) *To make recommendations to Council on the development and review of Strategic (Council) policies to identify the direction of the Council;*
- (b) *To Initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

At the same meeting Council also endorsed a new Policy Framework. (*Refer CJ064 – 04/05*). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council Policies, according to the new Framework, are to be developed by the Policy Committee and may be subject to various levels of community consultation as determined by the Committee. City Policies are to be drafted by City officers and referred to Council for review and endorsement, and referral for public advertising where required or through a decision of Council. Regardless of whether a policy is defined as a “Council” or a “City” policy, public comment will be sought on any policy where there is a legislative requirement to do so.

Following the endorsement of the Policy Framework a review was undertaken of the Policy Manual to separate Council and City Policies to align with the new Policy Governance Framework prior to Council Policies being referred to the Policy Committee, and all City Policies were comprehensively reviewed to ensure:

- They accurately reflected the policy positions of Council
- They were presented in a standardised format, and
- That procedural information was removed from the Policy Statements.

Council adopted the revised Policy Manual on October 11 2005 (*Refer CJ206-10/05*), and referred ‘Council’ Policies, which were previously adopted by Council, to the Policy Committee for review and further development, those being:

- 1-1 Leisure
- 1-2 Public Participation
- 2-1 Environmental Sustainability
- 3-1 Child Care Centres
- 3-2 Height and Scale of Buildings within Residential Areas
- 3-3 Centres Strategy
- 4-1 Code of Conduct
- 4-2 Setting Fees and Charges

Council also nominated a number of areas where Council Policy ‘gaps’ existed for referral to the Policy Committee for consideration and development, those being:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

Following the establishment of the Policy Committee Council has referred a number of matters to the Committee. The table below details those matters:

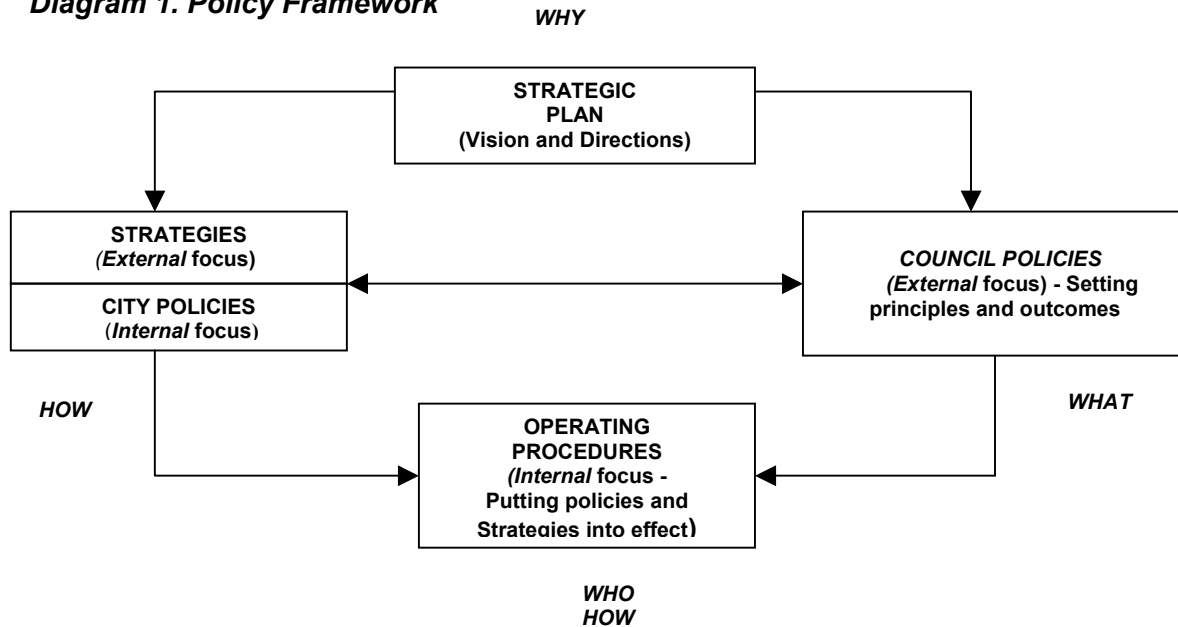
Date	Issue	Comment
Briefing Session 11 May 2004	<p>Council requested that the following comment, from the Minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, be taken into consideration within the proposed review of the Policy Manual:</p> <p><i>“General Business - Mr Carstairs indicated that it was important to ensure that sustainability issues are embedded into Council policy during the next 12 months to ensure ongoing sustainable outcomes in the City. Mr Carstairs believes that it is important to identify targets, outcomes and timeframes to implement these to ensure the best sustainability outcomes in the future.”</i></p>	<p>A draft policy has been developed for consideration by the Policy Committee.</p> <p>The Integrated Planning Framework consisting of the Strategic Plan, Strategic Financial Plan, Annual Plan, Business Unit Plans, and Annual Budget sets targets, outcomes and timeframes for all projects and programmes and progress against these are reported to the Council on a regular basis.</p> <p>The Strategic Plan will be reviewed over the next 12 months and this will provide an opportunity for the Council to review the vision, objectives and strategies, and to establish new targets and milestones.</p>
Annual General Meeting of Electors held on 22 November 2004 (CJ299 – 12/04)	<p>Review of code of conduct – non-vilification of ratepayers</p> <p>In relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, Council noted that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.</p>	<p>This matter will be considered by the Policy Committee in reviewing Council Policy 4-1 - Code of Conduct.</p>

Date	Issue	Comment
Council Meeting – 26 th February 2005 (CJ014- 02/05 refers)	Strategic plan for City's art collection - art collection purchases) Council requested that a strategic plan be developed for the art collection that takes into account an acquisition and disposal plan, and contains a strategy for the display of art works throughout the City's offices and appropriate buildings within the City of Joondalup, such as Edith Cowan University. The draft Art Acquisition Policy is to be considered as part of the Policy Review process.	Policy 5.3 has been reviewed and categorised as a 'City Policy'. The Policy refers to the 'Art Management Strategy' that has been developed in a draft format and details the long-term management, acquisition plan, display, valuation and sale of the collection.
Council Meeting – 26 th April 2005 (CJ064-04/05 refers)	Development of a statement of principles committing policies of council to sustainability objectives - Council referred to the newly formed Policy Committee for attention the resolution of the Sustainability Advisory Committee dated 14 October 2004 concerning development of a statement of principles that commits all policies of Council to sustainability objectives."	A draft policy has been developed for consideration by the Policy Committee
Council Meeting – 20 th Sept 2005 –(CJ203-09/05 refers)	Public open space - application for the cancellation of a portion of reserve 39624 (Castlecrag Park) Castlecrag Drive, Kallaroo). Council referred the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.	

DETAILS

The diagram below depicts the Policy Framework endorsed by the Council.

Diagram 1. Policy Framework



In accordance with the framework, Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community.

Attachment 4 to this Report details how the work of the Policy Committee relates to the decisions of Council, and the Strategic Plan. Attachment 3 provides a diagrammatic representation of all of the Committees established by the Council, including the Policy Committee.

Issues and options considered:

The review of the City's Policy Manual excluded some portions of the Policy Manual, specifically:

- Sections 3.1 and 3.2 – matters relating to development, many of which are subsidiary policies developed under the District Planning Scheme (DPS2) and will require a specific review process; (These local planning policies are currently being reviewed as a separate exercise in accordance with the provisions of the DPS2 and a separate report/s will be provided to Council following that review).
- Council policies (other than their categorisation) as these policies have been referred to the Policy Committee for review and development – gaps in Council Policies have, however, been identified for referral through to the Policy Committee for consideration and further development.

All policies (Council and City) have been aligned to the key focus areas contained within the Strategic Plan. Once a review has been completed of all associated management procedures and delegations, these will be cross-referenced to each policy for ease of access.

The current Code of Conduct (being Policy 4-1) was adopted by the Council and is included within Attachment 1 (stamped page 27) to this report.

Section 5.103 of the Local Government Act 1995 requires every local government to prepare and adopt a code of conduct to be observed by Council members, committee members and employees. The Act also requires that the local government reviews its Code within twelve (12) months of every ordinary election.

An initial review of the Code has been undertaken, raising a number of issues that need further consideration. The initial review highlighted the complexity of applying an individual code of conduct across all affected parties, being:

- Council members;
- Committee members;
- Chief Executive Officer; and;
- Employees.

A revised code needs to be drafted in such a fashion that allows for clear interpretation of the application of relevant sections to relevant parties.

Advice from the Department of Local Government and Regional Development indicates that the proposed Local Government (Official Conduct) Amendment Bill has been approved by the State Cabinet for printing and submission to Parliament. It is anticipated that this will occur prior to the end of 2005 and further anticipated that it will be considered by parliament in early 2006. If the expected timeframe is adhered to, a uniform Code of Conduct for the entire local government industry could be in place by June 2006.

A Draft Council Policy establishing a statement of principles committing policies of council to sustainability objectives has also been developed for consideration and review by the Policy Committee following on from the resolution of the Sustainability Advisory Committee dated 14 October 2004. This Draft Policy is shown as Attachment 2 to this report.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

The Local Government Act 1995 is the legislation under which Local Government bodies are constituted and contains detailed reporting and operational requirements which a Council has a duty to comply with. The Act establishes the framework for the system of local government in Western Australia.

Section 1.3 (2) states that the Act is intended to result in:

- (a) *Better decision-making by local government*
- (b) *Greater community participation in the decisions and affairs of local governments*
- (c) *Greater accountability of local governments to their communities; and*
- (d) *More efficient and effective local government.*

The degree to which this is achieved is dependant on the processes and practices for planning, and policy development.

Part 3 of the Act outlines the functions of local governments:

Section 3.1 - A *general function* to provide for good government

Section 3.4 - A *legislative function* to make local laws, and

Section 3.8 - An *executive function* to provide services and facilities.

The separation of powers and duties in relation to the Council and the Chief Executive Officers as detailed in the Local Government Act 1995 are:

Under the Act (Section 2.7) the role of the Council is to:

- (a) *Direct and controls the local government's affairs;*
- (b) *Be responsible for the performance of the local government's functions;*
- (c) *Oversee the allocation of the local government's finances and resources; and*
- (d) *Determine the local governments policies.*

Risk Management considerations:

Policy development is central to good governance. Good governance is about formalising, and making clear and consistent, the decision-making processes at the City. The Policy Governance Framework, including the establishment of the Policy Committee to oversee the development of 'Council Policies', will ensure that the opportunity and forum exists for Council Members to play a key role in policy development, and that the varying needs of all stakeholders are appropriately balanced and taken account of in the development of strategic policies.

Local Government operates under State legislation and Council is responsible for controlling the functions of the local government through its decision-making and policy development role.

The distinction between policy matters and procedural matters is central to the role of Council and the role of the CEO, and to the administration of local government. The new Policy Framework will assist Council to concentrate on policy matters rather than procedural issues, and for the CEO to provide advice to the Council and implement the decisions of Council.

Policy implications:

The Policy Committee will be reviewing all policies categorised as 'Council Policies' and will be considering gaps in 'Council Policies' with a view to developing new policies.

Regional Significance:

Not Applicable

Sustainability implications:

The review and development of Council policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan determines the long-term orientation of the Council and was developed in consultation with the community. The Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

The Council policies support the achievement of the Strategic Plan and state Council's position on social, environmental, and economic matters as well as governance issues.

The policy positions of Council attempt to balance the social, environmental and economic interests of the City, and the review of policies of the Council will ensure that social, economic, and environmental changes are reflected in policy statements and objectives.

Consultation:

One of the most important roles Council has is to participate in making policy and decisions on behalf of the community. An essential part of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The City of Joondalup values effective consultation in developing a positive relationship with its community and recognises that community input can assist in policy and decision making processes. The Council has endorsed the Policy Framework in recognition of the fact that community members have a right to be informed and influence decisions that affect their lives. As a result of this commitment Council has endorsed a Policy Framework that supports Council (strategic) policies being devised in consultation with the community, where deemed appropriate.

The framework is intended to ensure that Council is in touch with the community and that the major policy decisions accurately reflect the views and aspirations of the community.

COMMENT

Setting and reviewing policies is a prime responsibility of the Council. The Policy Governance Framework will provide Council with a structure to effectively lead the development and review of Council and City Policies.

The review of the Policy Manual has provided a clear delineation between Council and City Policies in accordance with the Policy Framework endorsed by Council and the first meeting of the Policy Committee will review the Council Policies and make recommendations for the review and further development of Council Policies.

The formation of the Policy Committee will provide Council Members with the space and setting to discuss and explore policy positions and to debate such positions without the decision-making imperatives of Council meetings.

The establishment of the Committee will allow Council Members to draft policy positions in a structured manner, and for the CEO to provide technical advice to assist in the development of such policies.

Council has determined, through the policy framework that community involvement in the development of Council Policies is highly desirable and the Policy Committee will recommend to the Council the level and manner of community consultation for Council Policies. All Council Policies, in accordance with the Council endorsed Policy Framework, will be submitted to the Council for final endorsement.

It is suggested that the Committee may consider a workshop-style approach of these issues during the Policy Committee meeting.

ATTACHMENTS:

Attachment 1: Council Policies

Attachment 2: Council Policy – Sustainability Principles – Draft

Attachment 3: Administrative Structure

Attachment 4: Administrative Structure – Policy Committee

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION:

That the Policy Committee:

- 1 DETERMINES the frequency of Policy Committee meetings and sets meeting dates and times for the 2005/06 financial year.
- 2 DETERMINES the order and methodology for reviewing the existing Council Policies those being:
 - 1-1 Leisure
 - 1-2 Public Participation
 - 2-1 Environmental Sustainability
 - 3-1 Child Care Centres
 - 3-2 Height and Scale of Buildings within Residential Areas
 - 3-3 Centres Strategy
 - 4-1 Code of Conduct
 - 4-2 Setting Fees and Charges
- 3 DETERMINES the order and methodology for developing new Council Policies in the areas of:
 - (a) Financial Planning – Strategic Matters
 - (b) Economic Development
 - (c) Service Delivery (range/scope/role)
 - (d) Community Development; (include leisure, cultural development etc)
- 4 CONSIDERS the resolution of the Sustainability Advisory Committee dated 14 October 2004, concerning the development of a statement of principles that commits all policies of Council to sustainability objectives.

The Chief Executive Officer outlined that it is intended that the Policy Committee be engaged with, and have ownership of, Council policies. He suggested that the matters on the agenda be dealt with in an interactive and engaging way and sought guidance from the Committee on the proposed structure of the meeting.

SUSPENSION OF STANDING ORDERS LOCAL LAW

MOVED Cmr Smith **SECONDED** Cmr Fox that so much of Standing Orders be **SUSPENDED** to facilitate open discussion on items on the agenda.

The Motion was Put and

CARRIED (5/0)

The CEO provided an overview of the report and advised that existing Council policies have not been reviewed prior to presentation to the policy and that a number of gaps in Council policies had been identified, in the areas of:

- (a) Financial Planning – Strategic Matters
- (b) Economic Development
- (c) Service Delivery (range/scope/role)
- (d) Community Development; (include leisure, cultural development etc)

The CEO sought the views of the Commissioners in regard to their priorities for the review of Council policies (current and potential).

Discussion ensued, with the following key points being raised:

- There are difficulties in developing one Code of Conduct that relates to Council members, committee members, the CEO and employees.
- Various items raised in the Code of Conduct are dealt with in other policies. Consideration might be given to cross-referencing to those policies, rather than duplicating the clauses.
- Consideration to be given to one overall sustainability policy.
- The draft Statement on Sustainability in its current form is not in line with the original request. What is required is that Council policies contain a statement of how they achieve sustainability outcomes, and that Council policy outcomes demonstrate how they support sustainability objectives.
- Council policies require to be reviewed to ensure they commit to sustainability objectives that are in line with the charters developed at the Earth Summits held in Rio de Janeiro and Johannesburg.
- A definition of 'sustainability' is required.
- An overarching policy on sustainability will be prepared for consideration by the Committee, together with a City policy along the lines of the draft Statement of Sustainability as provided in the agenda.

Cmr Smith left the Room at 2050 hrs and returned at 2052 hrs.

- The need for a regional focus was discussed and a request made that consideration be given to a statement of regional commitment being included either in policies or in the Strategic Plan.
- The following title changes were suggested:
 - A more appropriate title for "Setting of Fees and Charges" might be "Pricing Policy".
 - "Provision" rather than "delivery" of services.
 - "Stewardship" of financial resources.
- Policy 3-2 Height and Scale of buildings within Residential areas. Policy to include coastal areas. Full public participation is required on this policy.
- It was considered that only minor adjustments are required to Policy 1-2 Public Participation.

RESUMPTION OF STANDING ORDERS LOCAL LAW

MOVED Cmr Smith SECONDED Cmr Clough that Standing Orders be RESUMED.

The Motion was Put and

CARRIED (5/0)

MOVED Cmr Clough SECONDED Cmr Fox that:

- 1 the Policy Committee DETERMINES that the following Council Policies are to be drafted in the following order of priority:**
 - (a) Policy 3-2 – Height and Scale of Buildings within Residential Areas;**
 - (b) Sustainability;**
 - (c) Financial Planning – Strategic Matters;**
 - (d) Economic Development;**
 - (e) Service provision;**
 - (f) Community Development;**
 - (g) Public Participation.**

- 2 a draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas, that includes coastal areas and is based on the expectation that full public participation is undertaken.**

The Motion was Put and

CARRIED (5/0)

MOVED Cmr Anderson SECONDED Cmr Clough that the Policy Committee REQUESTS a report on a revised Sustainability Policy that commits all policies of the Council to sustainability objectives.

The Motion was Put and

CARRIED (5/0)

MOVED Cmr Clough SECONDED Cmr Smith that meetings of the Policy Committee be held on a six-weekly cycle in accordance with the Council's current meeting cycle.

The Motion was Put and

CARRIED (5/0)

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2112 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX
CMR S SMITH