

# agenda

## Policy Committee

A MEETING WILL BE HELD IN CONFERENCE ROOM 2  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** **TUESDAY 23 FEBRUARY 2010**  
**COMMENCING AT** **7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
19 February 2010

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**Note:****Clause 77 of the City’s Standing Orders Local Law 2005 states:**

“Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)”

## CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 23 FEBRUARY 2010** commencing at **7.00 pm**

GARRY HUNT  
Chief Executive Officer  
19 February 2010

Joondalup  
Western Australia

## AGENDA

### **Committee Members**

#### Members

Cr Kerry Hollywood  
Cr John Chester  
Mayor Troy Pickard  
Cr Trona Young  
Cr Liam Gobbert  
Cr Christine Hamilton-Prime  
Cr Fiona Diaz

*Presiding Person*  
*Deputy Presiding Person*

#### Deputies

Cr Tom McLean  
Cr Brian Corr  
-  
Cr Philippa Taylor  
Cr Geoff Amphlett  
Cr Mike Norman  
Cr Russ Fishwick

### **Quorum for meetings (4):**

*The quorum for a meeting is to be at least 50% of the number of offices (whether vacant or not) of member of the committee.*

### **Simple Majority:**

*A simple majority vote is to be more than 50% of those members present at the meeting.*

### **Absolute Majority (4):**

*An absolute majority vote is to be more than 50% of the number of offices (whether vacant or not) of the committee.*

### **Casting vote:**

*In the event that the vote on a motion is tied, the presiding person must cast a second vote.*

**Terms of Reference**

- (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.*

**DECLARATION OF OPENING**

**APOLOGIES/LEAVE OF ABSENCE**

**CONFIRMATION OF MINUTES**

MINUTES OF THE POLICY COMMITTEE HELD ON 8 DECEMBER 2009

**RECOMMENDATION**

**That the minutes of the meeting of the Policy Committee held on 8 December 2009 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**DECLARATIONS OF INTEREST**

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

**PETITIONS AND DEPUTATIONS**

**REPORTS**

**ITEM 1                      POLICY - SPECIFIED AREA RATES**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr. Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	15974
<b>ALT FILE NUMBER:</b>	
<b>ATTACHMENTS:</b>	Attachment 1: Policy - Specified Area Rates

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**PURPOSE**

To consider a policy for Specified Area Rates.

**EXECUTIVE SUMMARY**

At its meeting of 21 July 2009, Council adopted a resolution which in part requested that "a Specified Area Rates Policy be 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".

A draft policy has been prepared for consideration (refer Attachment 1). The policy has been prepared using the knowledge and experience from the three existing specified area rates that operate within the City.

It is recommended that the Policy Committee RECOMMENDS that Council ADOPTS the Specified Area Rates Policy.

**BACKGROUND**

Section 6.37 of the Local Government Act 1995 provides for specified area rates.

(1) *A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area*

- (a) have benefited or will benefit from;*
- (b) have access to or will have access to; or*
- (c) have contributed or will contribute to the need for,*

*that work, service or facility.*

Specified area rates are levied in addition to any general rate that applies to a property.

The City currently has three specified area rates. They are levied on properties within a defined area of Iluka, Woodvale and Hillarys. Although all three operate in a

slightly different manner they are all essentially for the same purpose being the provision, upkeep and maintenance of a higher level of landscaping services than would otherwise apply to those particular areas. The oldest of the specified areas has had a specified area rate for approximately 10 years.

In essence, the schemes operate by the City each year reaching agreement with a community representative group responsible for each area in regard to a proposed budget for the works that will be done over and above the standard that would normally apply by the City. The value of these additional works is estimated, the rate in the dollar is determined from this calculation and rates are levied as part of the budget adoption and annual rating process.

The proceeds from the specified area rate are accounted for separately from other rate income and each year are matched against the expenditure incurred for providing the additional level of service to those three areas. Each of the three specified areas has a reserve fund and at the end of the financial year if there is any unspent funds from the specified area rate that has been collected, these are transferred to the reserve fund in accordance with the provisions of the Local Government Act 1995. Funds held in the reserve may be spent in a subsequent year but only for the same purpose for which they were originally raised. It is therefore possible that in some years expenditure may exceed the rates raised for the specified area because excess funds from previous years, held in the reserve, are being used.

## **DETAILS**

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

Council's resolution of 21 July 2009, to develop a policy specifically referred to the specified area rates being for additional landscaping services, which is the same purpose that the three existing specified area rates are being used for.

The issues and options considered as part of the policy development were:

#### **1 The circumstances in which the City may consider applying a specified area rate**

There are two potential circumstances. Firstly a developer of a new subdivision may propose that a specified area rate apply to that area. The draft policy addresses this circumstance and stipulates that this must be agreed prior to all proposed landscaping being implemented and that it be conditional on the developer marketing the properties as having a specified area rate so that prospective purchasers are aware.

The second circumstance is where in an existing established subdivision or neighbourhood the community proposes an additional level of service for which they accept that they will pay a specified area rate. It is felt that for the City to consider accepting such an arrangement and to be confident that it was well supported there would need to be a survey of affected property owners with the results showing support by not less than 75% of affected property owners. Also in this case there would need to be an incorporated body representing the property owners of the proposed specified area to facilitate the management arrangements.

Whether it is a new area or an existing established area it is considered that the specified area which is proposed to be rated needs to be a reasonable size to make the proposition viable and clearly defined with discernable geographic boundaries, which may include main streets or natural features. A specified area rate should not be considered for a single street or a very small group of properties. It would need to be flexible to address individual circumstances but the draft policy proposes as a guide that the specified area should not be less than 100 properties. In the current specified areas they range in size from 137 to 1,532 properties. The draft policy also proposes that regardless of whether it is a new or established area, there will be a representative property owners group operating as an incorporated body open to membership by all property owners in the intended specified area.

## **2 Management arrangements for a specified area rate**

While it is not considered appropriate to address detailed operational issues in a policy it is felt that that the broad management parameters need to be identified. The works or services that are proposed in a specified area will be on property over which the City has responsibility for care, control and management. It is important, therefore, that the City retains the discretion to determine the method for delivery of the work or service.

Specified rates are levied under provisions of the Local Government Act 1995 which set out how they are to be treated so the City must remain at all times the custodian of the funds collected from a specified area rate and administer these accordingly. The draft policy addresses these broad management issues.

## **3 Termination of a specified area rate arrangement**

Since the first of the current specified area rates came into operation approximately 10 years ago there has been no termination of any specified area rate arrangement. It is reasonable to contemplate however, that at some point in time such an arrangement may need to be terminated.

The Council has the power to impose a specified area rate under the Local Government Act 1995 and therefore a decision to terminate a specified area rate also rests with the Council.

The circumstances in which the Council may consider a termination are considered to fit into four categories:

- (a) If the incorporated body representing property owners ceases to function through loss of incorporation, loss of office bearers or membership or through failure to meet on a regular basis and to agree on the issues related to the services provided under the specified area rates,
- (b) If the City establishes to its satisfaction that the incorporated body representing property owners although continuing to function no longer represents all of the property owners affected by the specified area rate,
- (c) If the incorporated body representing property owners although continuing to function requests the City to cease the arrangement, and

- (d) If the City considers that it is no longer appropriate, necessary or viable to continue to provide the additional services and to levy the specified area rate.

In the circumstances of a termination of a specified area rate there will need to be arrangements to deal with any surplus funds and to determine the level of service that should be provided in the future.

The draft policy addresses these issues. It sets out the circumstances in which a specified area rate may be terminated as described above. It identifies that any surplus funds will be dealt with in accordance with sections 6.37 and 6.11 of the Local Government Act 1995. It sets out that should a specified area rate arrangement be terminated, the service level provided to that area will revert back to the service level that previously existed and if there was no previous service level (such as in a situation where it was a new subdivision at the start) then it shall be the service level that the City determines at its sole discretion is an appropriate normal level of service for that area.

### **Legislation / Strategic Plan / Policy Implications:**

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

#### **6.37. Specified area rates**

- (1) *A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —*
- (a) *have benefited or will benefit from;*
  - (b) *have access to or will have access to; or*
  - (c) *have contributed or will contribute to the need for, that work, service or facility.*
- (2) *A local government is required to —*
- (a) *use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or*
  - (b) *to place it in a reserve account established under section 6.11 for that purpose.*
- (3) *Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —*
- (a) *change the purpose of the reserve account; or*
  - (b) *use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,*



*and section 6.11(2), (3) and (4) do not apply to such a reserve account.*

- (4) *A local government may only use the money raised from a specified area rate —*
- (a) *to meet the cost of providing the specific work, service or facility for which the rate was imposed; or*
  - (b) *to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*
- (5) *If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —*
- (a) *may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or*
  - (b) *is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.*

## **Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** To lead and manage the City effectively.

**Policy** No policy currently exists.

## **Risk Management considerations:**

There are few risk managements issues associated with the draft policy, however, there are risks associated with the actual operation of specified area rating arrangements. There are statutory requirements that need to be complied with in terms of how funds collected for a specified area rate are to be managed. There can also be issues associated with determining what the normal level of service is, what the additional level of service is that is to be funded by a specified area rate and ensuring that additional levels of service are maintained.

## **Financial/Budget Implications:**

If implemented, specified area rates raise the required income to do the works that are intended to be undertaken in a specified area.

## **Regional Significance:**

Not applicable.

**Sustainability implications:****Environmental**

There may well be some implications from an environmental point of view if it is suggested by the local residents that the additional landscaping services expected with the specified area are contrary to City or Council policies, goals and objectives in regards to environmental sustainability, eg water consumption.

**Social**

Not applicable.

**Economic**

A specified area rate is economically viable provided the rate continues to be raised to match the additional expenditure incurred for a higher level of service provided to the specified area.

**Consultation:**

Consultation was undertaken with officers who have involvement and responsibility for the operation and management of the existing specified area rate arrangements to develop the draft. It is recommended that the draft policy be referred to the Policy Committee for comment and consideration.

**COMMENT**

It is felt that the policy addresses the key issues that need to be covered in regards to the City considering a proposal for a specified area rate, the ongoing management of the specified area rate and how a specified area rate arrangement may be terminated.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That the Policy Committee RECOMMENDS that Council ADOPTS Council Policy - Specified Area Rates, forming Attachment 1 to this Report.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here:*

[ATTACH1GRN100223.PDF](#)

## **ITEM 2                      REVIEW OF COUNCIL POLICY 1.2: PUBLIC PARTICIPATION**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr. Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 75521

**ALT FILE NUMBER:**

**ATTACHMENTS:** Attachment 1            Option 1 - Draft Community Consultation and Engagement Policy  
Attachment 2            Option 3 - Public Participation Policy 1.2

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### **PURPOSE/ EXECUTIVE SUMMARY**

To present information pertaining to a review of Policy 1-2 - Public Participation.

### **BACKGROUND**

At the meeting of Council on 15 December 2008, a request was received for a report to the Policy Committee on a review of the Public Participation Policy 1.2. The review included consideration of the Public Participation Strategy which was written to support the Policy in 2005 and later amended in 2006. The Strategy supported implementation of the Policy by providing guidance on:

- The identification of issues requiring public participation;
- The inclusion in the annual budget process of funding for public participation activities;
- Increasing staff awareness and skills in public participation techniques;
- How all sectors and groups within the community can have the opportunity to participate in the City's activities; and
- A community education program relating to public participation in the City's affairs.

A report was presented to the Policy Committee at its meeting of 9 September 2009 that took into account the practical experience acquired from designing and carrying out consultation processes, the current literature on community engagement and consultation and a desktop review of policy documents of other local governments that had been redrafted or written in the last 12 months.

On receiving the report, the Policy Committee requested a further report concerning a future Community Consultation and Engagement Policy.

## DETAILS

It is proposed that the City's Public Participation Policy 1.2 and its supporting Strategy are replaced with a Community Consultation and Engagement Policy. The proposed Policy is divided into two parts. The first part identifies what the City will do when engaging with the community on matters associated with local governance and the second part identifies how the community will be actively encouraged to take up opportunities to participate. In this way, the proposed Policy incorporates aspects of the Public Participation Strategy that have been shown to be effective in practice and are most strongly supported by contemporary literature. The Strategy, which has previously been an internal document, will no longer be required given that the major elements have been incorporated into the proposed Community Consultation and Engagement Policy.

The following table concerns the first part of the proposed Policy and identifies statements that have been included in the document and the benefits of doing so.

Statement	Benefits
The purpose and scope of each consultation exercise is clear and unambiguous.	<ul style="list-style-type: none"> <li>• Identifies issue/Sets agenda.</li> <li>• Identifies “out of scope” matters up front.</li> <li>• Provides for the articulation of a representative sample.</li> <li>• Explains how information will be sought from the public and what it will be used for.</li> <li>• Sets a standard for the information to be provided to the public.</li> </ul>
Timeframes of any consultation undertaken, including the opening and closing dates, are stated.	
Non negotiable aspects of a consultation are stated.	
The target audience for a consultation exercise is stated.	
The extent to which the outcome of a consultation will influence a Council decision is identified.	
The consultation methods to be employed for each consultation exercise are stated.	
Accurate, adequate and unbiased information is provided for the public to give informed opinions.	
Adequate time and resources are provided for consultation processes to take place.	<ul style="list-style-type: none"> <li>• Identifies level of resources needed for consultation – indicative of commitment.</li> </ul>
Analysis of the feedback from a consultation process will be published on the City's website.	<ul style="list-style-type: none"> <li>• Public education/information. Could be linked to an opportunity for the public to evaluate the extent to which they were ‘engaged.’</li> </ul>
Where applicable, statutory legislative requirements for community consultation are satisfied.	<ul style="list-style-type: none"> <li>• Indicates base level requirements for consultation.</li> </ul>

<p>Circumstances where wide consultation is not possible:</p> <ul style="list-style-type: none"> <li>• Emergencies – matters concerning public safety etc.</li> <li>• Legal constraints.</li> </ul>	<ul style="list-style-type: none"> <li>• Identifies practical limitations of consultative processes.</li> </ul>
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The second part of the proposed Policy focusses on the continuing need for community education for participation and refers to the provision of opportunities for 'active citizenship' in the City of Joondalup.

Retention of community education as a component of a new Community Consultation and Engagement Policy reflects review findings that community interest and involvement in policies, plans and service delivery continues to be challenging. There is the risk that low rates of participation may serve to invalidate the outcomes of a consultative process from a community perspective and increase public distrust and disaffection. Effective community education on opportunities to become 'active citizens' will serve as a vehicle for building trust with the community at the same time as empowering them to get involved.

Practical implementation of both parts of the proposed Policy will be guided by operational protocols on:

- how representativeness is to be sought on specific issues;
- participant identification;
- what methods of community engagement could be used by the City;
- when (time of year/suitable dates and times) and where community engagement could take place; and lastly,
- how 'active citizenship' will be promoted through community education.

### **How representativeness will be sought**

The proposed Policy identifies that a target audience will be identified for any consultation process and that this '*may involve random selection of participants.*' A protocol will outline how this may be done dependent on whether the consultation is to be exploratory and therefore 'open-ended' or whether it is to identify levels of community support for options that have already been identified.

Exploratory consultations are those in which the community is invited to contribute in ways that allow for the capture of their attitudes, values and beliefs on matters such as the development or review of a strategy, policy, plan or service. To encourage participation that encompasses the broader community, random selection of a representative sample of City residents are invited to become involved. Selection may be at the level of a geographic area or across the whole of the City. Opportunities to participate may also be advertised widely and through a range of communication channels. Exploratory consultations are those in which any individual or group with an interest in the matter may participate.

Consultation on identified options occurs when Council has already given 'in principle' support for a course of action as set out in a plan, policy, strategy or service but wishes to determine levels of community support before going further. In these circumstances, representation is a critical factor because the information sought must be aggregated to provide a result, usually in the form of a percentage response, to identify preferred options. As previously, selection may be at the level of a geographic area or across the whole of the City but the sample selected must be

representative of the population for the discrete geographic area or the whole of the City.

### **Participant Identification**

This is dependent on whether a consultation is exploratory or concerns predetermined options. During exploratory consultations where matters are in the developmental stage, participants may remain anonymous (other than having provided basic demographic information). During consultations to identify levels of community support for a particular option, being able to identify participants is important for the purposes of validation.

### **Methods of Engagement**

In general, exploratory matters may be addressed using on or off-line community forums, focus groups and even surveys (using only open-ended questions) as they provide opportunities for people to learn about the topic and to express their values, attitudes and beliefs on the matter.

In circumstances where community input is limited to deciding amongst the available options, on or off-line surveys using closed questions are the most appropriate method for determining levels of community support.

### **When and where for consultation?**

At the last meeting of the Policy Committee it was felt that consultations ought not to be conducted over the Summer period (being after the final ordinary meeting of Council in December to the first ordinary meeting of Council February of the following year). Two exceptions should be noted:

- On some occasions consultation during the Summer may be entirely appropriate and justifiable and approval for any consultation to be held is to be determined by Council;
- Compliance with statutory requirements concerning advertising for planning or approvals matters may make it necessary to advertise consultations during the Summer period. Approval for any consultation is to be determined by the CEO.

### **Off or online?**

Exploratory types of consultation using workshops, community forums or reference groups have traditionally been held at City venues and usually during the evening to cater for work commitments. Whilst events of this nature cannot be said to be representative of the interests of the community as a whole, they do provide opportunities for identifying issues, concerns and potential solutions on a broad range of matters

With the advent of social media, people can now become aware of and actively contribute to consultative processes via the internet. To date the City has used online surveys on a number of occasions and is currently researching capacity for exploratory types of online consultation such as moderated online forums or blogs.

## Promotion of Active Citizenship

As noted in the previous report, community education for active citizenship would primarily be targeted toward 'new citizens' in the City and include:

- The obligations of citizenship
- The role of the City in local governance
- Why community participation in local governance is important
- The differences between consultation (option preference) and engagement (exploration of the issues)
- Typical opportunities to participate
- How opportunities to participate will be communicated and managed – on and offline
- How the community will be able to evaluate the City's performance in managing a participative process

### Issues and options considered:

The Policy Committee may:

Option One: Approve the draft Community Consultation and Engagement Policy for referral to Council for consideration as a replacement for Council Policy 1.2 Public Participation. The draft policy is shown as Attachment 1 to this report.

Option Two: Amend the draft Community Consultation and Engagement Policy prior to referral to Council

Option Three: Retain Council Policy 1.2 Public Participation (and the present version of the Public Participation Strategy) with an amendment to reflect the fact that a Public Participation Strategy has been in place since 2005. The amended Policy is shown as Attachment 2 to this report.

Option One is recommended as it contains clear statements on what the City will do when seeking to engage with the community and incorporates the most salient aspects of the current Public Participation Strategy.

### Legislation/Strategic Plan/Policy Implications

**Legislation** Section 1.3 (2) (b) and (c) of the Local Government Act (1995). Refers to greater community participation in the decisions and affairs of local governments; greater accountability of local governments to their communities

### Strategic Plan

Key Focus Area: Leadership and Governance  
Objective: To engage proactively with the community

**Policy** 1.2 Public Participation

**Risk Management considerations:**

There is a risk associated with Council making decisions on the conduct of community consultation and engagement processes without a clear idea of developments in best practice on the national and international level.

**Financial/Budget Implications:**

There are financial implications associated with community consultation and engagement and these are considered during the annual budget process.

**Regional Significance:**

Not applicable

**Sustainability implications:**

Sustainable development is dependent on the practices associated with 'good governance' such as openness and transparency and the active involvement of citizens in decision-making. The literature on sustainable development indicates that by involving citizens in decisions likely to have an impact on them, then providing opportunities for information (learning) and deliberation, the outcome of a participative process is more likely to be accepted and also sustainable in the long term.

The City is faced with making decisions that will affect most citizens in one way or another, whether it be financially, environmentally or socially, at the level of a single street or across all 22 suburbs which make up the City of Joondalup. To ensure that those decisions are made with a '*clear understanding of the wishes of its community*' (Strategic Plan 2008 – 2011) and therefore sustainable, greater efforts are necessary to increase levels of community consultation and engagement through targeting and direct invitations to those most affected by a matter and at the same time, providing community education on 'active citizenship' in the interests of acting for 'the public good.'

**Consultation:**

Not applicable

**COMMENT**

Community consultation and engagement processes are evolving exponentially as tools of governance on the national and international stage. In the process of carrying out the review of the Public Participation Policy 1.2 and Public Participation Strategy it was found that many local governments had revised their policies and practices within the last 12 months.

The proposed draft Community Consultation and Engagement Policy has been informed by professional and academic literature, the practice of other local governments and the practical experience gained from implementing the current Policy and Strategy.

**VOTING REQUIREMENTS**

Simple Majority



**RECOMMENDATION**

**That the Policy Committee RECOMMENDS that Council:**

- 1 DELETES Council Policy 1.2 – Public Participate;**
- 2 ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 1 to this Report.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here:*

[ATTACH2GRN100223.PDF](#)

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**CLOSURE**

## APPENDICES

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