

# minutes

## Policy Committee

MEETING HELD ON **MONDAY 11 JUNE 2018**

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## CITY OF JOONDALUP

### MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 11 JUNE 2018.

#### ATTENDANCE

##### Committee Members

Cr Nige Jones *Deputy Presiding Member*  
Mayor Hon. Albert Jacob, JP *to 7.03pm*  
Cr Michael Norman  
Cr Russell Poliwka  
Cr Kerry Hollywood  
Cr John Chester

##### Observers

Cr Christopher May  
Cr Tom McLean, JP

##### Officers

Mr Garry Hunt	Chief Executive Officer	<i>from 6.06pm; absent from 6.08pm to 6.15pm</i>
Mr Mike Tidy	Director Corporate Services	<i>from 5.50pm</i>
Mr Jamie Parry	Director Governance and Strategy	
Ms Sheree Edmondson	Acting Director Infrastructure Services	
Mr Brad Sillence	Manager Governance	
Mr Mike Smith	Manager Leisure and Cultural Services	<i>to 6.24pm</i>
Mr Thomas de Mallet Burgess	Coordinator Cultural Services	<i>to 6.24pm</i>
Mr Shane Fraser	Coordinator Recreation Services	<i>to 6.24pm</i>
Mrs Lesley Taylor	Governance Officer	
Mrs Wendy Cowley	Governance Officer	

#### DECLARATION OF OPENING

The Deputy Presiding Member declared the meeting open at 5.45pm.

## **DECLARATIONS OF INTEREST**

Nil.

## **APOLOGIES/LEAVE OF ABSENCE**

### **Apology:**

Cr Russ Fishwick, JP.

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

Cr Sophie Dwyer	10 to 17 June 2018 inclusive;
Cr Christine Hamilton-Prime	18 June to 6 July 2018;
Cr John Logan	1 to 15 July 2018 inclusive;
Cr Mike Norman	22 July to 4 August 2018 inclusive.

## **CONFIRMATION OF MINUTES**

### **MINUTES OF THE POLICY COMMITTEE HELD ON 5 FEBRUARY 2018**

**MOVED** Cr Poliwka, **SECONDED** Mayor Jacob that the minutes of the meeting of the Policy Committee held on 5 February 2018 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood, Norman and Poliwka.

## **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                    REVIEW OF THE COMMUNITY ART EXHIBITION  
TERMS AND CONDITIONS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106807
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to review the Community Art Exhibition (CAE) Terms and Conditions including award categories, size and price restrictions and limitation to the total number of entrants that were implemented in 2014.

**EXECUTIVE SUMMARY**

The CAE is an annual non-acquisitive exhibition, open to City of Joondalup residents and members of local visual arts associations held at Lakeside Joondalup Shopping City. This report reviews the specific changes to the CAE award made by Council at its meeting held on 21 October 2014 (CJ201-10/14 refers), being the size restriction of 100cm x 100cm, the price restriction of maximum \$2,000 and limit of the number of entries to a maximum of 200. The report also includes recommendations for changes to the award categories from 2019 onwards.

The changes made by Council in 2014 have been well received to date. Between 2015 and 2018 there have been no exclusions due to the restriction on the number of entrants exhibiting in the CAE. The size restrictions have had no impact on the exhibition, but have assisted the Curator in ensuring the display is safely mounted. The total numbers of CAE entrants have fluctuated between 118 to 188 in the past four years.

The price restrictions have had little impact on the number of artwork sales, but there is an upward trend towards the total sales value. For the past four years annual CAE sales sit between 19 and 22 purchases. The CAE 2017 made an additional \$1,225 in total sales from CAE 2016. The CAE 2016 made an additional \$1,095 from CAE 2015. No singular sale has been valued at more than \$1,000 with the average sale price being \$395.

The prize categories of Textiles and Photomedia are the least subscribed to in the exhibition. In the past four years, textiles entries sit at three to seven per annum. The photomedia entries are also poorly represented, these entries sit at six to 14 per annum.

The number of younger entrants to the CAE is low. The Student Award (restricted to high school aged students) attracts two to 12 entrants per annum. With the cost of framing being a consideration for young people, changes to the platform of the exhibition could make it more appealing to a younger demographic. Including a digital photographic display as an additional prize category would engage with students in a media they often utilise.

*It is therefore recommended that Council AGREES:*

- 1 *to continue with the stipulated Terms and Conditions for size, price restrictions and limitation of the entries displayed in the Community Art Exhibition;*
- 2 *that the Textiles and Photomedia categories are merged to become the Multimedia Category \$1,000 prize from 2019 onwards;*
- 3 *a new category 'Youth Photography' is included for online display only and that the Community Art Exhibition judges nominate the winner for a \$250 prize.*

## **BACKGROUND**

This report is generated by a request from Council for feedback after three years with regards to the changes to the CAE (CJ201-10/14 refers):

*"That Council:*

- 1 *AGREES to amend the Terms and Conditions of the Community Art Exhibition by:*
  - 1.1 *Increasing the Community Art Exhibition artwork size restriction to 100cm x 100cm (including frame) and three-dimensional artworks to a size of 100cm high x 100cm wide and x 100cm deep;*
  - 1.2 *Introducing a change to the Terms and Conditions to include an option for the City to limit entries to a maximum of 200;*
  - 1.3 *Increase the Community Art Exhibition price restriction to \$2,000;*
- 2 *REQUESTS a further report following the 2017 Community Art Exhibition that evaluates the amendments made in Part 1 above."*

The City of Joondalup CAE is an annual exhibition open to all City of Joondalup residents and members of local visual arts associations. It offers non-acquisitive awards in a variety of categories:

### Overall Award

- Most Outstanding Work (any medium) - \$1,500.

### Media categories

- Works on Paper - \$1,000.
- Painting - \$1,000.
- Three Dimensional - \$1,000.
- Photomedia - \$1,000.
- Textiles - \$1,000.

### Additional Prizes

- Celebrating Joondalup Award - \$500.
- Student Award - \$250 Voucher.
- Arts *in Focus* Exhibition- \$500 and a solo exhibition at Joondalup Art Gallery.
- Popular Choice Award - \$500 .

### Project Commission

- Inside-Out Billboard - \$3,000.

The CAE is not restricted to any medium or theme and is an important event in the City's local visual arts calendar.

The visual arts form an important part of the cultural and economic development of the Joondalup region. The CAE contributes to the Joondalup community's sense of wellbeing through the promotion and support of local arts and culture, culminating in a showcase exhibition run to a professional standard.

The exhibition provides an engaging cultural experience for the community and is much anticipated by local artists, who range from art students to amateur artists. The exhibition has an ongoing partnership with the Joondalup Community Arts Association (JCAA).

## **DETAILS**

Between 2009 and 2012 size restrictions for artworks were as follows:

- Two-Dimensional work must not exceed 1m x 1m (including frame).
- Three-Dimensional entries must not exceed 2m x 2m (including base), if intended for floor display.
- Artwork prices must not exceed \$10,000.

At its meeting held on 20 November 2012 (CJ247-11/12 refers), Council agreed (in part) to amend the Terms of Reference for the CAE by limiting the two-dimensional artwork to a size of 50cm x 50cm (including frame); three-dimensional artwork to a size of 50cm high x 50cm wide x 50cm deep; and the maximum price of artworks to \$1,000.

The changes were designed to revitalise the award in the following ways:

- To present established artists with an interesting challenge in developing their practice by working in a new size.
- To encourage amateur artists to enter an exhibition for the first time.
- To present a level playing field for participating artists.

The changes were also introduced to address the issue of limited exhibition space available and it was anticipated the size restriction would offer an opportunity to present the exhibition in a more coherent and aesthetically pleasing way.

It was also proposed when setting a maximum price of \$1,000 on any work, that this would help members of the public feel more inclined to purchase works while encouraging artists to set realistic boundaries for their own sales.

The price and size restrictions were implemented for the 2013 and 2014 CAEs and the City received some negative feedback from participants and audiences, specifically regarding the size and price restrictions.

In addition, entry numbers into the CAE demonstrate a decline over the six years between 2009 – 2014 with the largest drop in numbers occurring between 2013 and 2014 with 43 fewer entries received. In July 2014 following the CAE, an online survey was developed to gather feedback on the CAE and was sent to CAE stakeholders.

The feedback and statistics (CJ201-10/14 refers), led to the most recent change in 2014, being a return to the size restriction of 100cm x 100cm and the price restriction of maximum \$2,000 that formed part of the terms and conditions from 2009 to 2012. Council also agreed to limit of the number of entries to a maximum of 200.

The statistics for the CAE are shown in the table below and demonstrate the changes have improved most aspects of the exhibition, apart from the numbers participating in the Student Award.

<b>AWARD CATEGORIES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Most Outstanding Work	1	1	1	1
Works on Paper	26	26	33	30
Painting	79	78	123	114
Three dimensional	4	9	10	11
Textiles	3	5	7	5
Photomedia	6	10	15	14
<i>Art in Focus</i>	94	51	67	95
Celebrating Joondalup	48	18	28	31
Student Award	3	2	12	8
Popular Choice	118	128	192	174
<b>TOTAL</b>	<b>118</b>	<b>128</b>	<b>188</b>	<b>174</b>

In line with the 2016 Census population trends for the City of Joondalup, the average profile of a CAE exhibitor falls within an older demographic. The census shows the prevalence of older families with teenage children living within the City of Joondalup. The CAE is actively promoted to all high schools in Joondalup, Edith Cowan University and other tertiary campuses outside the City boundary.

Although many of the other cultural <sup>services</sup> programs cater for younger people invested in the arts (*Arts In Focus* Exhibition, Urban Couture, Joondalup Festival and Music in the Park), changes to the CAE categories and prizes, outlined below may enhance the profile of the CAE with younger people.

## **Issues and options considered**

### Limited entries and size

To ensure the event remains manageable in the future, it was recommended to limit 200 entries at a maximum of 100cm x 100cm in the CAE Terms and Conditions from 2014 be retained. This has ensured the event remains manageable given the constraints of the venue.

The stipulated size has been adhered to by the artists. The City has exhibited all entries for entry to the CAE. Artist feedback suggests the limitation is acceptable. Maintaining the current size is still necessary to ensure a balance between the number of the artworks on display and the safety of the installation.

At the request of Lakeside Joondalup Shopping City, in 2016 and 2017 the exhibit moved to the Myer Court in the South Mall. The artworks were displayed over two split levels in smaller spaces and as such, the viewing space to enjoy the artworks was lessened. Display in two areas provided curatorial challenges and moving between the two spaces was difficult for the judges to make decisions about the award winners. Both the general public and the exhibiting artists complained. From 2018, the City will relocate the exhibition back to the Great Space where the works will be on one level and there is adequate room to display all works within a larger common area.

As this space is adequate there is no recommendation to change the size restrictions to the CAE.

#### Price restriction

The increase in the price restriction from \$1,000 to \$2,000 in recognition that their works normally sell for over \$1,000 has been well received. It is proposed to retain the price restriction of \$2,000.

Year	Total	Sales over \$1,500	Highest \$ artwork sold for	Total Artworks sold	Average \$
2017	9,435	0	1,000	21	449
2016	8,210	0	900	21	391
2015	7,115	0	1,000	19	374
2014	7,701	0	750	21	367

#### Award Categories

Four categories that are less popular are: Textiles, Photomedia, Art *In Focus* and Student Award.

With regard to the Textiles and Photomedia categories, these categories have received fewer entries due to the numbers of people working in the media, thereby increasing the chances for artists in these categories to win the award. Several artists have received the Textiles Award monies multiple times. To address the anomaly for the Photomedia and Textile categories, a new category, Mixed Media is recommended.

Mixed Media is a standard category in many art awards and categorises works that use a combination of visual art media. Many artists use a combination of media to create artworks that cannot be classified as sculptural or three dimensional, for example a paper-based work that may incorporate painting, textiles and found objects.

The introduction of a new Mixed Media category could offer opportunities for artists to enter a category in which their artwork will be judged more appropriately against entries of a similar nature. By combining two media categories into one category, a saving of \$1,000 will be made.

Entry into the 'Arts *In Focus*' Award has improved with the City from 2015 explaining the categories clearly as well as provide additional information about other advantages of the Award.

A public program in the lead up to CAE 2017 targeted 'Art Exhibitions / Awards and Categories' as a topic for an educational workshop, which was fully subscribed. Entry criteria to the 'Arts *In Focus*' Award in CAE 2018 was adjusted to include the submission of a curatorial premise to assist the judges and curator in appointing a suitable candidate for a solo exhibition. To encourage entries from graduating students, the City has directed the marketing of the CAE to tertiary arts lecturers for the attention of graduating students.

To broaden the scope of the CAE and encourage younger participants in an environment they are familiar with, a new prize category could be a 'Youth Photography Award' with a prize of \$250. Rather than add to the exhibition / display in the shopping centre, a category exhibited in the digital space would allow high school students (12 to 18 years) to enter the exhibition and the work could be displayed on the City's website online. The 'gallery' could be the City's social media Instagram page. The winner could be by popular choice or by the CAE judging panel. To avoid negative on-line commentary or swaying the process by multiple votes, the City would recommend the award is given by the arts industry judges attached to the CAE.

Were Council to accept the recommended changes in this report, CAE 2019 would offer the following categories:

#### Overall Award

- Most Outstanding Work (any medium) - \$1,500.

#### Media categories

- Works on Paper - \$1,000.
- Painting - \$1,000.
- Three Dimensional - \$1,000.
- Multimedia - \$1,000 = NEW (replacing Textiles and Photomedia).

#### Additional Prizes

- Celebrating Joondalup Award - \$500.
- Youth Photographer Award - \$250 = NEW.
- Student Award - \$250 Voucher.
- Arts *in Focus* Exhibition- \$500 and a solo exhibition at Joondalup Art Gallery.
- Popular Choice Award - \$500.

#### Project Commission

- Inside-Out Billboard - \$3,000.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally-enriched environment.

Promote local opportunities for arts developments.

Actively engage events promoters to host iconic, cultural and sporting events within the City.

**Policy** *Visual Arts Policy.*

### **Risk management considerations**

#### Financial risks

In lieu of a bespoke gallery within the City of Joondalup boundaries, the venue discussed in this report from 2017 onwards attracts a cost for the hire of floor space. This cost may rise in the future.

#### Physical risks

Hosting exhibitions carries a small degree of risk that is often well mitigated within a professional museum or gallery environment. The current venue at Lakeside Joondalup Shopping City has more risk, as demonstrated by several previous incidents.

### **Financial / budget implications**

<b>Account no.</b>	4003.
<b>Budget Item</b>	CAE Operating Costs.
<b>Budget amount</b>	\$ 49,942
<b>Amount spent to date</b>	\$ 8,425
<b>Balance</b>	\$ 41,518
<b>Proposed cost</b>	\$ 49,192

#### Future financial year impact

<b>Annual operating cost</b>	\$ 49,192
<b>Impact year</b>	2019 onwards.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The on-going provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City of Joondalup and for the development of visual arts within the industry of local government. The CAE attracts community artists and is an important cultural event held by the City in the northern corridor.

## **Sustainability implications**

### Environmental

Art strengthens the public realm by creating points of interest, animating spaces and providing beauty, character and colour to place.

### Social

The relevance of the City's cultural position increases the value of the City's cultural resources.

### Economic

Art is a driver for cultural tourism.

## **Consultation**

Consultation is delivered annually in the on-line Culture Counts Reports and the written CAE Evaluation Plans. Feedback, statistics and recommendations for improvement are collected for the duration of the exhibitions and summarised in the report.

## **COMMENT**

Through community consultation and a review of the CAE statistics, recommendations are made which are designed to improve the process of administering and running the exhibition.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION:**

That Council AGREES:

- 1 to continue with the stipulated Terms and Conditions for size, price restrictions and limitation of the entries displayed in the Community Art Exhibition;
- 2 that the Textiles and Photomedia categories are merged to become the Multimedia Category \$1,000 prize from 2019 onwards;
- 3 a new category 'Youth Photography' is included for online display only and that the Community Art Exhibition judges nominate the winner for a \$250 prize.

*The Director Corporate Services entered the room at 5.50pm.*

**MOVED Cr Norman, SECONDED Mayor Jacob that Council AGREES:**

- 1 to continue with the stipulated Terms and Conditions for size, price restrictions and limitation of the entries displayed in the Community Art Exhibition;**
- 2 that the Textiles and Photomedia categories are merged to become the Mixed Media Category \$1,000 prize from 2019 onwards;**
- 3 a new category 'Youth Photography' is included for online display only and that the Community Art Exhibition judges nominate the winner for a \$250 prize.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood, Norman and Poliwka.

## **ITEM 2                    REVIEW OF THE COMMUNITY INVITATION ART AWARD**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105646, 101515
<b>ATTACHMENTS</b>	Attachment 1    Value of the IAA CIAA Acquisitions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider recommended changes to the Community Invitation Art Award (CIAA) from 2019 onwards.

### **EXECUTIVE SUMMARY**

This report presents a review and options for the further development of the CIAA from 2019 onwards to ensure its significance and relevance within the arts industry and to further align it with the City's *Visual Arts Policy, Joondalup 2022* and the City's *Strategic Community Plan*.

The City of Joondalup's CIAA is an annual acquisitive professional contemporary art award that brings together a diverse selection of Western Australian artists through a competitive Expression of Interest (EOI) process and provides members of the public with access to a high standard of contemporary artworks. It started in 1998 and celebrated its 20<sup>th</sup> anniversary in 2018. To date, it has been held at the Lakeside Joondalup Shopping City.

At its meeting held on 20 November 2012 (CJ249-11/12 refers), Council amended the award including a name change from the Invitation Art Award (IAA) to the CIAA, a shift in artistic direction, inclusion of the selection criteria that referenced living in Joondalup or being a member of Joondalup Community Arts Association (JCAA) and changes to the distributions of the awards (prize totals). The changes resulted in fewer entries from artists and a reduction in the quality of the EOIs submitted in the first year of these changes. The number and quality of entries improved in subsequent years resulting from City officers using their personal networks to leverage participation.

The changes to the award in 2012, (specifically the renaming of the exhibition and restrictions to eligibility), and further changes in 2013 (reformatting of the prize structure and artistic direction) have eroded the prestige of the award. Addressing these reputational risks are the foundation of this report. Should Council wish to position the City of Joondalup as a leader in this cultural area, further changes are recommended.

*It is therefore recommended that Council APPROVES the continuation of the Community Invitation Art Award with the following changes from 2019 onwards:*

- 1 *Rename the Community Invitation Art Award the Joondalup Art Prize;*
- 2 *Change the criteria to increase the overall prize to \$25,000; being for one acquisitive prize only, and with no sub category prizes;*
- 3 *Change the criteria to allow up to 30 artworks, one artwork per artist and remove the \$500 payment to invited artists;*
- 4 *Change the eligibility to include all Western Australian professional contemporary artists;*
- 5 *In-lieu of the annual 2023 exhibition, extend the reach of engagement through a one-off exhibition of the past 25 winners as a 25<sup>th</sup> year retrospective.*

## **BACKGROUND**

The CIAA was previously named the Invitation Art Award (IAA) and was highly regarded by professional artists. In 1998, the IAA was a sought-after prize, as it involved a competitive process through EOI and an external selection panel that nominated the exhibiting artists. These 30 artists were then invited to exhibit one artwork each. Independent industry specialist judges awarded the acquisitive prize of \$10,000 from a total prize pool of \$10,000. This was increased in 2009 to \$12,500 and in 2011 to \$15,000. By 2011 independent industry specialist judges awarded the acquisitive prize of \$15,000 from a total prize pool of \$18,000.

At its meeting held on 20 November 2012 (CJ249-11/12 refers), it was resolved:

*“That Council AMENDS the Invitation Art Award to better reflect the aspiration of the local art community to include the following elements commencing in 2013:*

- 1 *The Invitation Art Award be RENAMED the Community Invitation Art Award;*
- 2 *Eligibility to the Community Invitation Art Award be restricted to the City of Joondalup residents or a member of the Joondalup Community Art Association;*
- 3 *Selection of the artists be by an external selection committee and awarded by an external judging panel;*
- 4 *An artistic direction be implemented to focus on exhibiting multiple work by fewer artists;*
- 5 *A possible alternative venue for the Community Invitation Art Award be investigated and reported back to the Art Collection and Advisory Committee;*
- 6 *A further report be submitted to the Art Collection and Advisory Committee outlining the terms, conditions, award categories and potential community education program for the Community Invitation Art Award.”*

At its meeting held on 19 February 2013 (CJ020-02/13 refers), it was resolved that Council:

- “1 *AGREES to hold the Community Invitation Art Award opening 26 October 2013 and closing 15 November 2013, at Joondalup Lakeside Shopping City;*
- 2 *AGREES that the Community Invitation Art Award:*
  - 2.1 *focus on exhibiting multiple works by fewer artists to achieve greater depth of presentation;*
  - 2.2 *comprise of the following award categories:*
    - 2.2.1 *Overall Award \$7,000 (acquisitive);*
    - 2.2.2 *Overall Runner-Up Award \$2,000 (non-acquisitive);*
    - 2.2.3 *Award for Excellence \$2,000 (non-acquisitive);*
    - 2.2.4 *Popular Choice Award \$2,000 - This award is non-acquisitive and will be awarded to the work that receives the most votes in the public voting ballot;*
    - 2.2.5 *Celebrating Joondalup \$2,000 – This award is non-acquisitive and will be awarded to a work that is based on Joondalup content or context. This is a voluntary category and any work nominated for the award category will be judged on artistic merit and by the extent to which it relates to and represents the City of Joondalup;*
- 3 *AGREES that each exhibiting artist will only be eligible to claim the Overall Award, Overall Runner-Up Award or the Award for Excellence as detailed in Part 2.2 above;*
- 4 *AGREES that those artists selected to exhibit and the award winners be chosen by the independent panels comprising art industry experts, with the panels being appointed by the City;*
- 5 *AGREES that no member of the Council or City is to be a member of the selection and/or judging panels as part of the Community Invitation Art Award as detailed in Part 4 above;*
- 6 *DEFERS the implementation of a Community Education Program as part of the Community Invitation Art Award until a review of the Community Invitation Art Award occurs in 2013.”*

## **DETAILS**

This report reviews the changes made to the CIAA outlined above, assesses any impacts from these changes and makes recommendations for the future of the CIAA from 2019 onwards.

The CIAA is held each year at Lakeside Joondalup Shopping City and is a primary source of acquisitions for the City’s Art Collection.

The following criteria and conditions currently apply to artists entering the 2018 CIAA:

### **Eligibility**

To be eligible for entry, artists must meet two of the following requirements:

- Tertiary qualifications in visual arts.
- Work represented by major public collections.
- Earn an income from arts related activities.
- Significant and peer recognized expertise and ability.
- Represented by a reputable gallery.
- Current practice, and have exhibited regularly and recently.
- Recently been the recipient of a recognized art award, prize, commission or grant.

### **Additional Criteria**

To be eligible for entry into the 2018 CIAA, artists must meet one of the following requirements.

- A resident of the City of Joondalup.
- Not a resident of the City of Joondalup, but am a current member – or willing to become a member, if selected – of the Joondalup Community Arts Association (JCAA).

Due to the award's location in a shopping centre, there are several display considerations for the exhibition and City officers evaluate artwork during development prior to acceptance into the exhibition:

- The work must be suitable for general audiences.
- The work must be suitable for display onto a two-metre-high wall.
- The work must be robust enough for a two to three-week exhibition period.
- All artworks in the exhibition must be available for sale, with artists setting the price for their work. A commission of 20% applies to all works and is included in the price.

### **Issues and options considered**

#### Eligibility

Restricting entry in the CIAA to artists who are City of Joondalup residents or a member of the JCAA has reduced the numbers of entrants.

In 2012 a database search by Western Australia's peak visual arts body listed only nine professional artists within the City of Joondalup's boundary at that time. Fremantle and Midland hold the highest population of professional artists in WA as recognised by the Department of Taxation.

This is evidenced in the list of the 2017 CIAA artists who come from the following suburbs:

- North Fremantle.
- Parkwood.
- Bayswater.
- South Guildford.
- Bedford.
- Beaconsfield.
- North Perth, Perth.
- Coolbellup.
- Maylands.

- Mount Lawley.
- Nedlands.
- Willagee.
- Fremantle.
- Bedford.

Of the 60 artists who exhibited in the CIAA between 2014 to 2017, only one artist has been local to the City of Joondalup.

All non-resident CIAA entrants join the JCAA as a condition of entry for \$40 per annum. Artists regard it as an entry fee and unless they are re-entering the CIAA the following year, they do not renew this annual fee. The JCAA has confirmed that only two artists have renewed their membership since this clause was introduced. Following consultation with members of the JCAA evidence shows that there has been little impact on the local program or quality and number of exhibitions held at the JCAA.

### Name of Art Exhibition

In 2013, the name change included the word 'Community' and stipulated eligibility was limited to City of Joondalup residents or a member of the JCAA. The initial feedback to the name change was that it was confusing.

The term 'community' was strongly identified with the annual Community Art Exhibition (CAE), where the artistic demographic was about participation in the arts, rather than high end artistic professional practice. The use of similar acronyms to describe two very different arts outcomes was problematic.

To give the City more obvious ownership of this prestigious award and in keeping with the naming of City awards nationally, alternative names could reflect the prestige of the 'invitation only' exhibition, such as Joondalup Art Award, Joondalup Invitation Art Prize, City of Joondalup Art Prize.

Global examples of how these competitions are named include The Turner Prize, The Duchamp Prize, Chelsea International Fine Art Competition, Luxembourg Art Prize and the John Ruskin Prize.

In 2017, feedback from federal art curator, Dr Daniel Mudie Cunningham, Assistant Director and Head Curator of 'Artbank', noted the recent absence of the City's award on many mid-career artists' CVs, highlighting the continued reluctance of artists to embrace the name change. This in turn impacts on industry promotion of the CIAA and places greater pressure on City officers to spruik the award through their networks.

Established in 1980, 'Artbank' is a unique federal government initiative. 'Artbank' supports artists and the community by purchasing Australian art and putting them out for lease in the public realm. Professional artists seek to be collected by 'Artbank'. This organisation makes note of exceptional exhibitions and will often purchase artworks from these. 'Artbank' curators have attended the IAA and the CIAA in the past.

A new title for the award would be an opportunity for a rebranding of the award and other potential changes as decided by Council. 'Artbank' has recommended either a complete name change or a return to the IAA.

### Prizes and categories

Art prizes garner tremendous exposure for an artist and are an excellent way to get artwork in front of a curator who may not otherwise be exposed to it.

The City's art prize began in 1998 with a single acquisitive prize of \$10,000. There were two increases to the award; in 2009 when it was increased to \$12,500, and in 2011 when it increased again to an acquisitive prize of \$15,000 with three smaller non-acquisitive awards of \$1,000. In 2013 this was reduced to \$7,000 with a number of smaller non-acquisitive awards introduced totalling \$15,000. This change diminished its position in the industry. In terms of the overall prize amounts, the CIAA appears at the bottom of a comparative list detailed in this report. Notwithstanding its current highly regarded position within the Western Australian arts community, its continued popularity may be affected by its falling behind other awards in the financial support it offers, which ultimately affects its ability to remain competitive. That is, a continued low overall prize amount could result in artists investing in other awards with the potential for greater financial returns. If the City wants to remain an arts industry leader, then positioning itself higher within the list of comparative WA awards would be sensible.

In 2013, there was a significant reduction in EOIs as a direct result of the Overall Acquisitive Award monies decreasing. Numbers have increased in subsequent years attributed to City officers working closely with their professional networks to encourage participation within the industry. This is very much dependent upon the officers in place rather than artists being attracted by the prestige of the award.

Prize monies should be considered against both the national Consumer Price Index (CPI) and the City's current position behind other local government entities in this space. Art Award comparisons across the state of Western Australia evidences the City of Joondalup \$7,000 Overall Acquisitive Prize positioned behind:

<b>Art Prize</b>	<b>Amount</b>	<b>EOI date</b>	<b>Exhibition date</b>
City of Busselton	\$10,000	August	September
Fremantle Print Award	\$15,000	May	November
Cossack Art Award	\$15,000	March	July
Morawa Art Award	\$20,000	July	August
City of Albany Art Prize	\$25,000	January	March
Mandola Art Award	\$25,000	March	June
Bankwest Art Award	\$30,000	April	November
Collie Art Prize	\$50,000	January	March
Black Swan Prize	\$50,000	April	November

Except for the Bankwest and Black Swan Awards, these acquisitive prizes are offered by local government regions or shires. Except for the City of Albany Art Prize, all the above awards have dates for EOI submission or exhibition that compete with the CIAA.

### Acquisition of Winning Work

The award is an acquisitive one, meaning that the winning work is added to the City's collection. The City's ability to attract entries from artists of high standing has a direct impact on the calibre and value of works in the collection.

The City's art collection is professionally valued every three years and its current value is \$772,478. Those artworks that experience the greatest appreciation are those produced by professional artists. The recent valuation showed that the values of artworks of this type have increased up to five times their value on acquisition. Many of the artworks the City acquired through the award in its early years are now the most valuable pieces.

Should the City wish to position itself as a leader in this realm, the industry prestige of the exhibition needs to be the driver for artists to enter. CIAA entries are predominantly from up and coming artists rather than mid-career or senior artists. Evidence of this is shown in CVs for 2017 CIAA. Of the 15 artists invited to participate, only two artists have been collected by 'Artbank'. Over time, the acquisition of less significant art works has the potential to devalue the City's art collection.

The reduction in prize monies directly affects the value of the artworks with which artists are prepared to part. For example, for a potential win of \$7,000, an artist will not submit anything worth more than that sum. Prizes of higher sums attract works of higher value, usually from more established artists. Since the prize money was reduced, the award has attracted more ambitious emerging artists than established professional artists. This has increased the risk of poor financial returns on the City's investment because artworks by emerging artists may not match the value of the prize at the time of acquisition, and may never do so, whereas those by mid-career artists appreciate the most, and most reliably, over time.

Feedback from mid-career arts professionals was that this change in artistic direction demonstrated a lack of understanding in the artistic process and this coupled with the location in a shopping centre, were the two main reasons artists gave for not submitting an EOI. The City is currently reliant on City officers to network with the arts community and encourage artists to enter the CIAA and this approach is not sustainable.

A similar impact of the reduction in prize monies has been a reduction in the number of EOIs from Indigenous artists. Indigenous art can increase steeply in value, an example is the acquisition of Julie Dowling's *Old Girl* for \$4,800 in 2003 is now worth \$8,800. Prior to 2013, up to 10 expressions of interest were received each year from high-profile Indigenous artists keen to enter the award, yet none have been received since the changes were made. These artists do not see the value in freighting three works from regional areas for a competition when they can sell them, often for more, in an art gallery.

#### Artistic direction

From 1998-2012, the time frame of three months from EOI invitation to exhibition allowed artists to focus on one work alone. Artists are invited to explore ideas and concerns of primary interest within their ongoing practice. Although there was an introduction of an exhibition theme in 2007, this was reversed the following year and there has since been no prescribed theme and this is viewed favourably by artists as it allowed them to extend their professional development.

The IAA format involved competition between 30 artists based on one artwork apiece. This broad-based exhibition was viewed as a strength as it allowed for open competition for artwork that had not been exhibited elsewhere.

Being a singular work, the range of possible artwork media submitted for exhibition was diverse as it takes time for an artist to resolve a new artwork to the point where they are happy to exhibit.

The inclusion of multiple works by fewer artists (three artworks each from 15 artists) meant the EOIs came from a narrower field due to the time needed to make quality works. The artwork media proposed tended to be dictated by the ability to replicate, for instance the casting of three-dimensional works, or the two-dimensional processes applied to photography or printmaking.

When considering submitting an EOI with this requirement, artists need to consider how the artwork will work as a set or as a cohesive unit of work. In response artists have asked the question:

*“What does the idea of a series actually add to the award when the City will only be acquiring one artwork from it?”*

Of importance is the stagnation in value of artworks produced in multiples. Editioned work (namely, two-dimensional works that are reproducible in limited editions or sculptures produced through casting) are poor investments. The values of these artworks remain fixed if others in the edition remain available for sale. Unlike the one-off artworks that have been added to the collection through winning the award, some editioned artworks that were acquired have not increased in value.

The City contributes \$500 per artist in acknowledgement and support of the multiple work requirement. Should the City return to one artwork per artist, the City would no longer make the \$500 payment towards the making of the multiple artworks resulting in a saving of \$7,500.

### Location

At its meeting held on 20 November 2012 (CJ249-11/12 refers), Council resolved in part that:

*“5 A possible alternative venue for the Community Invitation Art Award be investigated and reported back to the Art Collection and Advisory Committee;”*

The award was historically displayed at Lakeside Joondalup Shopping City in the centrally located Great Space until 2015 when it was moved to the Myer Court in the South Mall, a smaller display area with less light. In addition, the in-kind support to the City by Lend Lease at Lakeside Joondalup Shopping City by providing the Myer Centre Court at no charge has now expired. From 2018, the City has been quoted \$10,560 per annum to rent space at Lakeside for a three-week period in October. Lakeside management has also imposed access restrictions to artists and staff allowing installation operations only after hours on weekends.

Statistics regarding the foot traffic through the exhibition at Lakeside Shopping City show high numbers of people are seeing the CIAA artworks. From the period 2011-2016, gallery attendants have recorded over 7,000 visitors each year to the display. The 2016 Culture Counts survey recorded 88% of respondents selected that they enjoy regularly attending art exhibitions and 48% had attended the CIAA in the past. 28% of respondents were passing through the space. Although there are unique qualities about having the exhibition in a shopping centre, allowing access to people who otherwise would not go, the suitability of the venue remains an issue.

At an administrative level, installing artwork in a shopping centre does not allow for best practice with exhibition lighting, marketing and signage and environment control. The venue determines the size and type of artwork displayed due to wall height restrictions and the placement and stability of the temporary walls. The exhibition dates are restricted due to the availability of the space. In-lieu of a dedicated exhibition space, a better suited venue would resolve the issues raised above and enhance the overall experience of the exhibition for both artists and audience.

The shopping centre venue limits the potential of the exhibition as a premier art award event for many reasons. As a space of commerce, it conflicts with the engagement of contemplative artworks. There is background sound and a general atmosphere that is not conducive to experiencing art. People are there to shop and the space often competes with pop-up sales and product stands.

It is conflicting to host a prestigious cultural award in such a visually competitive environment. Best practice in the arts sector is a quiet, well lit, neutral space in which works can be viewed in a way that is not affected by hustle and bustle. This limits the overall impact of the exhibition and its ability to draw industry experts, leading artists and contemporary art audiences into Joondalup. Rather than measuring the success of the exhibition by the amount of foot traffic passing, it is preferred to facilitate engagements with the City's program, rather than encounters.

The City has investigated other venues within the city boundaries. These include the following:

- Libraries.
- Surf Clubs and Recreation Centres.
- Fleur Fraeme Pavilion.
- Whitford Shopping Centre.
- Hillarys Boat Harbour.
- Joondalup Art Gallery.
- AQWA.

As the exhibition would impact on the core activities of the above venues, these options were not considered viable. The newly renovated Whitford Shopping Centre raises the same conflicting issues as the location at Lakeside Joondalup Shopping City. Several sites were not considered secure. Joondalup Art Gallery is too small to exhibit in the current format and not big enough to host the opening event.

Outlined below are the two strongest options within the City of Joondalup. Both options will require the exhibition dates to be moved from October to June, July or August. This is not prohibitive as the annual CAE in June and the CIAA October dates could be swapped to accommodate this.

#### *Joondalup Resort- Lakeside Ballroom*

The Lakeside Ballroom at the Joondalup the Resort is a prestigious venue. It is a well-maintained space with added facilities the City could utilise in a broader arts program. It is a secure environment for artworks overlooking the golf course.

It is the most expensive option to hire at \$30,000 for a three-week period.

There would be a decrease in foot traffic but as a resort there will be more passive traffic than the Reception Centre (below). The City would blanket book space during this time and the exhibition would be administered and supervised as it has been at Lakeside. To minimise impact on the resort's booking schedule, the preferred month is July. The resort is unable to accommodate a booking in October.

#### *City of Joondalup Reception Centre*

The City's Reception Centre is a well-maintained space suited to an exhibition. It provides a secure environment for artworks and it is central to the civic area and the local arts community.

It is the median price option to hire at \$21,000 for a three-week period.

There would be a decrease in foot traffic. The City would blanket book space during this time and the exhibition would be administered and supervised as it has been at Lakeside. To minimise impact on the catering company who manage the space, the preferred months are either July or August. The Reception Centre is unable to accommodate a booking in October.

The City has also considered two venues outside the City boundaries which are suitable for the CIAA. The City of Wanneroo has a dedicated art gallery and Perth Institute of Contemporary Art (PICA) in Northbridge. Both these options represent best practice as an art venue and are available for bookings. As bespoke art spaces, there is no commercial competition that would impact on pricing. Both venues would better facilitate engagements with the City of Joondalup's program, rather than encounters.

Other arts activities could be scheduled into a new venue including primary and high school tours, arts educator programmes for teachers and curator talks for philanthropists, investors and developers. With a new venue, the program could be developed further however due to budget, timing, suitability, size and location no recommendation for an alternative venue within the City boundaries is available in this report.

Should another venue become available in the future, 'Artbank' have indicated they are interested in supporting the award, either through curatorial investment or by value adding to the prize category. Attracting a federal curator to the program would heighten the prestige of the prize. 'Artbank' have not invested this support in an award at a local government level elsewhere in Western Australia and this would be an aspirational outcome.

In-lieu of a suitable gallery space and although the use of the shopping centre for display of the work lessens the impact of the award, it is currently the only viable option given the restrictions investigated in this report.

### Judging

The IAA was a well-regarded award. Historically it was recognised and respected by the Western Australian art community due to its professional curatorial component, rigorous selection and judging. Selection of artists attached to both the IAA and the CIAA has always been a strength of the award and this is reflected in the industry feedback.

### Reach

From 1998, the City of Joondalup's art collection has been carefully and rigorously curated. Selective methods of acquisition and disposal, along with a management policy, have ensured that the collection has maintained integrity and has a meaningful place within the community. It is a cultural asset to the City because it records, interprets and celebrates the City of Joondalup as it develops and matures and becomes a part of the fabric of Western Australian identity.

To celebrate the 25<sup>th</sup> anniversary (2023) of the City's art collection currently housed in City buildings, the format of the CIAA exhibition could change (as a one-off event). Displaying the 25 winners from the IAA and CIAA awards from the past 25 years would showcase the achievement and investment made by the City, making it more accessible to the public. Curators and past prize winners would be invited to contribute to the catalogue of works, discussing how winning the prize has influenced and shaped their career. It may then be toured by 'Art on the Move'.

'Art on the Move' is Western Australia's only organisation dedicated to touring contemporary visual art exhibitions across the regions, interstate and beyond. It tours quality contemporary art with appropriate learning and development opportunities that speak to and develop the unique cultural narratives of communities whatever the cultural practice, age, ability and engagement with culture. Regional galleries across Western Australia would host the exhibition. The catalogue produced by the City of Joondalup for the 2023 CIAA would become an educative tool showcasing the significant investment made by the City in Western Australia's cultural portfolio.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally-enriched environment.

Promote local opportunities for arts developments.

Actively engage events promoters to host iconic, cultural and sporting events within the City.

**Policy** *Visual Arts Policy.*

**Risk management considerations**Reputational risks

The main reputational risk to the City is a loss of prestige and that numbers of entrants will drop.

Financial risks

Investing in the award will rapidly increase the value of the art collection in fiscal, as well as cultural terms by allowing high calibre and valuable artworks to be acquired into the collection.

Limiting the quality of artworks or limiting the ways that work is acquired will have a negative impact on the collection over time.

In-lieu of a bespoke gallery within the City of Joondalup boundaries, the available venues discussed in this report all include hire of floor space.

Physical risks

Hosting exhibitions carries a small degree of risk that is often well mitigated within a professional museum or gallery environment. The current venue at Lakeside has more risk, as demonstrated by several previous incidents.

**Financial / budget implications**

<b>Account no.</b>	4006.
<b>Budget amount</b>	\$ 58,610
<b>Amount spent to date</b>	\$ 53,746
<b>Balance</b>	\$ 4,864
<b>Proposed cost</b>	\$ 54,202 (2018-19)

With the proposal to remove the minor awards and the fee paid to artists, the operational budget for the CIAA will be reduced by \$15,550. It should be noted that the 2018-19 budget includes an amount of \$8,000 to cover the hire space with the shopping centre.

If it is agreed to increase the prize amount then the capital item C1020 will increase from \$7,000 to \$25,000.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The CIAA attracts entries from professional artists from across the state and is therefore considered to be a regional event hosted by the City. The on-going provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City of Joondalup and for the development of visual arts within the industry of local government.

### **Sustainability implications**

#### Environmental

Art strengthens the public realm by creating points of interest, animating spaces and providing beauty, character and colour to place.

#### Social

The relevance of the City's cultural position increases the value of the City's cultural resources.

#### Economic

Art is a driver for cultural tourism.

### **Consultation**

Arts industry specific feedback for the recommendations contained in this report has been sought from respected state and national arts industry practitioners, curators, academics and investors. Peak body agencies and institutions ('Artbank', 'Artsource', National Association of Visual Artists, Department of Culture and the Arts, Chamber of Culture and the Arts, The University of Western Australia, Curtin University of Western Australia, Culture Counts) have provided comment, comparisons and statistics. Stakeholders throughout the City including Cultural Services, Lakeside Joondalup Shopping City, Community Safety and JCAA management. Comparisons have been sought for this report from other local government entities, regions and shires as supporters of the arts industry. Feedback and correspondence from the community was also reviewed.

### **COMMENT**

National curator 'Artbank', has argued that to position itself as a leader in this realm, the City consider prizes and categories comparative to other prizes offered in WA. This could be a singular prize of \$30,000 or up to two categories attached to the award: for example, one prize \$25,000 to the overall winner and \$5,000 to a runner up. The notion of a themed prize category such as 'Celebrating Joondalup' was considered unnecessarily insular. Should the City wish to position itself as a cultural leader, it is recommended the total prize pool should be \$25,000.

Following the change of title from IAA to CIAA in 2013, there was a notable change in perception of the exhibition from the arts industry and this created confusion with artists as to the focus of the exhibition, the level of quality of the exhibition and the focus to the content of the exhibition. It is recommended to change the exhibition title while retaining its connection to its locality. It is recommended a name change to 'Joondalup Art Prize' and a marketing rebranding of the award.

To achieve a high standard of exhibition, display at nationally accepted gallery standards, a new venue that meets best practices and the legal moral rights of professional artists should be sought in the future. Further development of the CIAA from 2019 onwards is necessary to maintain the mechanism for providing meaningful content and engagement opportunities for the local art community.

A retrospective event in-lieu of the usual exhibition in 2023 would invite artists and curators from the past 25 years to contribute to a catalogue of works from the City's collection. After display at an agreed venue, this exhibition would tour the state of Western Australia as part of 'Art on The Move', an educative initiative. Celebrating the City's cultural acquisitions with a touring exhibition of previous prize winners will showcase the investment made by the City of Joondalup in the arts. The one-off status of the 25-year anniversary event would allow the City to deliver something unique by changing the venue.

## **VOTING REQUIREMENTS**

Simple Majority.

*The Chief Executive Officer entered the room at 6.06pm.*

*The Chief Executive Officer left the room at 6.08pm and returned at 6.15pm.*

**MOVED Cr Hollywood, SECONDED Cr Norman that Council APPROVES the continuation of the Community Invitation Art Award with the following changes from 2019 onwards:**

- 1 Rename the Community Invitation Art Award to the 'Joondalup Art Prize';**
- 2 Change the criteria to increase the overall prize to \$25,000; being for one acquisitive prize only;**
- 3 Change the criteria to allow up to 30 artworks, one artwork per artist and remove the \$500 payment to invited artists;**
- 4 Change the eligibility to include all Western Australian professional contemporary artists;**
- 5 In-lieu of the annual exhibition, extend the reach of engagement through a one-off exhibition of the past 25 winners in 2023.**

**FIRST AMENDMENT MOVED Cr Norman, SECONDED Mayor Jacob that Part 1 of the Motion be amended to read as follows:**

**“1     *Rename the Community Invitation Art Award to the ‘City of Joondalup Invitation Art Prize’;*”.**

**The Amendment was Put and**

**CARRIED (6/0)**

**In favour of the Amendment:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood, Norman and Poliwka.

**SECOND AMENDMENT MOVED Cr Norman, SECONDED Cr Hollywood that Part 2 of the Motion be amended to read as follows:**

**“2     *Change the criteria to increase the overall prize to \$25,000; being for one acquisitive prize only; plus \$5,000 being for a ‘runner-up’ prize;*”.**

**The Amendment was Put and**

**LOST (1/5)**

**In favour of the Amendment:** Cr Norman.

**Against the Amendment:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood and Poliwka.

**THIRD AMENDMENT MOVED Cr Poliwka, SECONDED Cr Norman that Part 2 of the Motion be amended to read as follows:**

**“2     *Change the criteria to increase the overall prize to \$20,000; being for one acquisitive prize only; plus \$5,000 being for a ‘runner-up’ prize;*”.**

**The Amendment was Put and**

**LOST (2/4)**

**In favour of the Amendment:** Crs Norman and Poliwka.

**Against the Amendment:** Cr Jones, Mayor Jacob, Crs Chester and Hollywood.

**The Original Motion as amended, being:**

**That Council APPROVES the continuation of the Community Invitation Art Award with the following changes from 2019 onwards:**

- 1 Rename the Community Invitation Art Award to the ‘City of Joondalup Invitation Art Prize’;**
- 2 Change the criteria to increase the overall prize to \$25,000; being for one acquisitive prize only;**
- 3 Change the criteria to allow up to 30 artworks, one artwork per artist and remove the \$500 payment to invited artists;**
- 4 Change the eligibility to include all Western Australian professional contemporary artists;**
- 5 In-lieu of the annual exhibition, extend the reach of engagement through a one-off exhibition of the past 25 winners in 2023.**

**Was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood, Norman and Poliwka.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnPOLICY180611.pdf](#)*

*The Manager Leisure and Cultural Services, Coordinator Cultural Services and Coordinator Recreation Services left the room at 6.24pm.*

### **ITEM 3                    STREET VERGE TREATMENTS INSPECTION AND COMPLIANCE PROGRAM**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07963, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Street Verge Guidelines</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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#### **PURPOSE**

For the Policy Committee to review the City's street verge treatments inspection and compliance program.

#### **EXECUTIVE SUMMARY**

At the Policy Committee meeting held on 2 October 2017 a report was requested "defining what is acceptable/unacceptable with respect to verge treatments within the City of Joondalup and opportunities for flexibility in approach to management/enforcement".

Leading up to calendar year 2016, the City received strong feedback from the community, both directly and through Elected Members about the City's approach to verge treatment compliance and the management of verges by residents.

As a result, the City formalised the Street Verge Guidelines (refer attachment 1), made them publicly accessible on the website and a formal inspection regime commenced in October 2016 to assess every property in the City for compliance with the *Street Verge Guidelines* and the *Local Government and Public Property Local Law 2014* (local law).

The *Street Verge Guidelines* and the City's inspection and compliance regime have been reviewed and it is considered that verge treatments are adequately defined and that the approach to enforcement is appropriate.

*It is recommended that the Policy Committee NOTES the City's current street verge treatment inspection and compliance program, and associated actions.*

#### **BACKGROUND**

Verge compliance is an area of concern for the City in terms of treatments being applied to verges that are having a negative effect on the environment, safety and amenity of the City of Joondalup. To enable a more effective response from the City, as part of the review of the

previous *City of Joondalup Local Government and Public Property Local Law 1999* considerations in regard to verge treatments and permitted activities were addressed and included in the new local law.

In addition, the *Street Verge Guidelines* were reviewed and formalised to complement the new local law and provide detail as to what was a permitted treatment inclusive of defining what is “acceptable material”.

The local law became operational as at 28 January 2015 and is applied in conjunction with the *Street Verge Guidelines*.

In April 2016, City Rangers conducted a sample verge compliance investigation consisting of an inspection of all properties in one street in each of the City’s 12 suburbs. This indicated that 25% of the sampled verges were not compliant, confirming there is widespread non-compliance.

During calendar year 2016, the City received significant feedback from the community, both directly and through Elected Members about the City’s approach to verge treatments and the management of verges by residents. As a result, the City in October 2016 commenced a formal inspection regime to assess every property in the City for compliance with the *Street Verge Guidelines* and the local law.

The guidelines have been reviewed on several occasions and were last amended in December 2016.

## **DETAILS**

### Acceptable/Unacceptable Verge Treatments

There are two primary concerns, in regard to verge treatments that the local law and the *Street Verge Guidelines* are intended to address.

The first is to address the danger and risks that some treatments can present. Loose materials such as gravel, loose stones and crushed brick are a potential hazard for pedestrians, cyclists and motorists. Loose items can be slippery underfoot for pedestrians. They can also be dislodged on to the roadway where they could dismount a cyclist if struck or become a fast-moving missile if driven over.

The second is the environmental issues that hardstand treatments, in particular, present. The management of rainwater runoff is a significant issue for the City. While many residents are unaware of these issues because the water flows away from their properties, there are a significant number of properties in locations where the water collects as it flows around corners or pools too quickly for drainage management systems to cope. This can lead to localised flooding, traffic safety issues and even inundation of residents’ homes.

The local law sets out in clause 8.6 a definition for acceptable material, in clause 8.7 what is a permissible verge treatment and in clause 8.8 determines that only a permissible treatment is to be installed and maintained.

## 8.6 Definition

*In this Division -*

*acceptable material means any material approved by the local government that will create a hard and stable surface.*

## 8.7 Permissible verge treatments

- (1) *An owner or occupier of land which abuts a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.*
- (2) *Permissible verge treatments include –*
  - (a) *the planting and maintenance of a lawn;*
  - (b) *the planting and maintenance of a garden provided that -*
    - (i) *clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;*
    - (ii) *where there is no footpath, a person has safe and clear access of a minimum width of 1.5 metres along that part of the verge immediately adjacent to the kerb;*
    - (iii) *the garden does not include a wall, built structure or any thing of a like nature; and*
    - (iv) *the garden is not of a thorny, poisonous or hazardous nature;*
  - (c) *the installation of an acceptable material; or*
  - (d) *the installation of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).*

## 8.8 Only permissible verge treatments to be installed and maintained

- (1) *A person must not install or maintain a verge treatment which is not a permissible verge treatment.*
- (2) *The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 8.9.*

In the *Street Verge Guidelines* clause 4.3 sets out what the materials approved by the City are and which materials are specifically excluded:

### *“4.3 Acceptable material for hardstand surfaces*

*For the purposes of clause 8.7 of the Local Law, “acceptable material” means any material that will create a hard and stable surface (hardstand surface) which may be constituted by:*

- *brick paving, and/or*
- *cement-based materials, such as concrete and poured limestone, and/or*
- *synthetic turf.*

*Acceptable material does not include the following:*

- *asphalt/hot mix/bitumen seal/black top*
- *gravel*
- *crushed bricks*
- *compacted limestone*
- *loose stones.*

*Where a person seeks to install an acceptable material under sub-clauses 8.7 (2) (c) or (d) of the Local Law, the following conditions apply:*

- *for standard (non-corner) properties outside of HOAs the maximum area permitted for a hardstand surface is 75m<sup>2</sup> or 50% of the verge area (whichever is the lesser) exclusive of any existing footpaths and crossovers;*
- *for corner properties outside of HOAs the maximum hardstand area permitted is 150m<sup>2</sup> or 50% of the verge area (whichever is the smaller) exclusive of any existing footpaths and crossovers; and*
- *a minimum distance of one metre (4m<sup>2</sup> clearance) must be maintained between the base of any street tree and any hardstand surface or crossovers.*

*For properties within HOAs no additional hardstand areas are permitted exclusive of existing footpaths, crossovers or on street parking embayments constructed to the City's specifications.*

*A person must not install or maintain a verge treatment which is not a permissible verge treatment."*

It is considered that the current provisions of the local law and the *Street Verge Guidelines* in respect to defining acceptable/unacceptable verge treatments and acceptable materials adequately address the identified risk management and environmental concerns.

#### Inspection and Compliance Program

Having identified the issues of concern in regard to verge treatments and having set out provisions in the local law and the *Street Verge Guidelines* to address these concerns the City has an obligation to take reasonable measures to ensure that verges are compliant. The City is not able to ignore the local law or guidelines for some properties and enforce compliance at other properties. A consistent and measured approach is required to ensure natural justice and reasonableness in meeting the City's obligations. The City is actively working with affected residents, including allowing further extensions of time, to assist residents to make their verges compliant.

The inspection and compliance program commenced in the South-East Ward in October 2016. The program is necessary because some verge treatments are considered hazardous and have never been permitted, such as gravel, crushed brick and loose stones, or the hardstand is greater than the permitted percentage which causes engineering and environmental issues in managing rain water runoff. These non-compliant verge treatments are a serious issue for the City.

The program follows distinct steps to ensure there is a consistent approach for every property.

Properties are inspected visually against the guidelines and the local law. Properties considered to have a non-compliant verge treatment are photographed. Non-compliant includes unapproved materials and greater than a permitted percentage of hardstand.

Each property initially considered potentially non-compliant is further assessed against the City's *Geographical Information System (GIS)*, working backwards through aerial photographs to determine when the verge treatment was installed. Hardstand installed prior to January 2015 is deemed compliant if the materials used are permitted materials. Those properties are excluded from further assessment.

Properties that are determined to be non-compliant are then followed up with the resident with the objective to achieve compliance. This process involves the following:

- A City Officer initiating contact with the resident verbally first, if possible, and in writing advising the verge compliance requirements, that the residents verge is not compliant and why, providing a time frame for achieving compliance and providing contact details for further enquiries.
- The City will work with residents discussing options that will achieve compliance, providing additional time to enable a resident to seek advice and assistance, attending on site if required.
- If after exhausting all opportunities and voluntary compliance cannot be achieved the City will serve a notice on the resident requiring them to undertake remediation works as directed in the notice.
- After the serving of the notice the City will continue to endeavour to work with the resident to provide advice and support to achieve the works detailed in the notice. Again, this may result in further time being granted.
- In the event that compliance is still not achieved after a reasonable passage of time allowed for under the notice period, the City will remediate the verge and charge the resident to recover the costs.

The table below shows the properties inspected, assessed and worked through the program as at the end of December 2017.

<b>Suburb</b>	<b>No of properties inspected by Patrol Officer</b>	<b>No of properties deemed non-compliant for further follow up by a Ranger</b>	<b>No of Notices served</b>	<b>No of properties now compliant</b>	<b>No of properties outstanding</b>
Warwick	218	46	6	44	2
Greenwood	552	257	2	162	15

In Warwick, 46 properties were assessed as non-compliant and 44 of them have now been successfully remediated by residents, a 96% success rate with work still ongoing. Six properties were required to be issued with notices to achieve compliance.

In Greenwood, of the 257, 179 properties were assessed as non-compliant with 162 now compliant a 91% success rate. There are 15 properties still being worked on by the City to assist residents to achieve compliance and only two notices have had to be served.

The majority of residents with whom the City engaged to achieve compliance have been fully understanding of their requirements and quickly undertaken the work requested of them. A very small minority, less than 4% have had to have notices issued to help them get to the point of undertaking the necessary work.

Initial assessments are being undertaken in Kingsley and Padbury and officers will shortly begin working with residents in those suburbs.

The most common concern found during inspections in the older suburbs is the use of gravel on the verge. On properties that have been re-developed the more common concern is the amount of hardstand applied to the verge.

It is acknowledged that some residents find it very difficult to accept that a verge treatment at their property and that has been in place, in some cases for many years, is considered non-compliant and needs to be changed. The City's current inspection and compliance program recognises this and is applied with flexibility to provide all the assistance and time that can reasonably be provided in order to achieve compliance.

### **Issues and options considered**

#### Inspection and Compliance Program

The City could cease the inspection and compliance program. That would not be consistent with those residents who have already taken steps to make their verge compliant, nor would it be prudent for the City to be ignoring non-compliance with its own local law. Ceasing the inspection and compliance program is not recommended.

The City could modify the inspection and compliance program by taking a more liberal interpretation of the local law and the *Street Verge Guidelines*. A more liberal interpretation is likely to significantly disadvantage those residents who have already taken positive action to ensure their verges are compliant, and may also create an impression within the City's operating legislative framework and the *Local Government Act 1995* that it is not consistent in its enforcement activities. Both of these outcomes would be deleterious to the City and its standing in the community. Modifying the inspection and compliance program is not recommended.

The City could continue the current inspection and compliance program. While it is acknowledged that the program will take a considerable time to complete it ensures a fair and equal approach to all residents, demonstrating a high level of confidence in the operation of the legislative framework and providing certainty to residents now and into the future as to how they may modify their verge appropriately to their use. This approach also provides a high level of appropriate engineering methodology which assists the City and thus the residents to ensure rainwater runoff is properly managed, with good levels of rain being returned to the soil and the City's rainwater management system performing to the standards for which it was created. Continuing current inspection and compliance program is recommended.

#### Acceptable Materials

The City could consider re-defining the acceptable materials. This would be a risky course of action particularly if someone was subsequently injured by these materials which have for a long time been considered hazardous. It is noted that the *Western Australian Local Government Association Model Local Law for Public Property* also identifies the same types of materials identified by the City as hazardous. Redefining the acceptable materials is not recommended.

The City could maintain the current definitions of acceptable materials, which have now been in place successfully since October 2016. The materials reflect the nature and type of the most suitable treatments, both hard stand and soft landscaping while providing a degree of choice to the community to develop approved verge treatments to suit their needs. Maintaining the current definitions is recommended.

**Legislation / Strategic Community Plan / policy implications****Legislation**

*Local Government Act 1995.*  
*Local Government and Public Property Local Law 2014.*

**Strategic Community Plan****Key theme**

Community Wellbeing.

**Objective**

Community Safety.

**Strategic initiative**

Build a community that works in partnership with government and non-government organisations to achieve real and long-lasting improvements in safety and wellbeing.

**Policy**

*Street Verge Guidelines.*

**Risk management considerations**

There are no risks associated with the implementation of the program. There is a risk that some residents who have had a verge treatment for several years, and which is non-compliant because of the materials used, will feel aggrieved at being required to make the verge compliant.

**Financial / budget implications**

The City's street verge treatment inspection and compliance program, and associated actions are being undertaken within normal operating budgets as approved by Council.

**Regional significance**

Not applicable.

**Sustainability implications**

The management of rainwater is a serious issue for the City.

**Consultation**

The City has undertaken a number of proactive measures to assist residents to only install compliant verge treatments. It is hoped these measures will have a significantly positive impact on future verge treatments which will greatly assist the delivery of the program. Measures include:

- *Street Verge Guidelines* are sent out with every building and development application and approval
- clear and easy to understand educational materials on the City's website
- updates and news items on the City's social media platforms
- early intervention by City officers where a new treatment is identified which appears to be being constructed that would not be compliant.

**COMMENT**

It is considered that the current provisions of the local law and the *Street Verge Guidelines* in respect to defining acceptable/unacceptable verge treatments and acceptable materials adequately address the identified risk management and environmental concerns.

It is acknowledged that some residents find it very difficult to accept that a verge treatment at their property and that has been in place, in some cases for many years, is considered non-compliant and needs to be changed. The City's current inspection and compliance program recognises this and is applied with flexibility to provide all the assistance and time that can reasonably be provided in order to achieve compliance.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That the Policy Committee NOTES the City's current street verge treatment inspection and compliance program, and associated actions.

**MOVED Mayor Jacob, SECONDED Cr Hollywood that the Policy Committee:**

- 1 NOTES the City's current street verge treatment inspection and compliance program, and associated actions;**
- 2 REQUESTS the Chief Executive Officer prepare a report on an outcomes based framework on the permissibility of acceptable materials for verge treatments.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Jones, Mayor Jacob, Crs Chester, Hollywood, Norman and Poliwka.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agnPOLICY180611.pdf](#)

Mayor Jacob left the room at 7.03pm.

## **ITEM 4                    REVIEW OF STREETLIGHT SHADING POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101474, 101515
<b>ATTACHMENTS</b>	Attachment 1    Revised <i>Streetlight Shading Policy</i> Attachment 2    Current <i>Streetlight Shading Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to review the *Streetlight Shading Policy* and adopt the revised *Streetlight Shading Policy* as part of the Policy Manual review process.

### **EXECUTIVE SUMMARY**

The City's *Streetlight Shading Policy* was initially adopted by Council at its meeting held on 14 December 2010 (CJ220-12/10 refers) to outline the City's position on the provision of shading on streetlights installed by Western Power or by City approved contractors.

As part of the 2017 Policy Manual Review, the *Streetlight Shading Policy* was identified as requiring amendments, namely:

- amend the objective to better reflect the purpose of the policy
- ensure that the applications are compliant with Australian Standards AS1158 and this is updated in the 'Related Documentation' section of the policy
- ensure the policy clearly articulates that the resident will be responsible for covering costs only in the cases where Western Power installs the streetlight shading
- remove details pertaining to pensioner discounts, as it is not offered by Western Power and would mean the City would be liable for the cost balance.

*It is therefore recommended that Council ADOPTS the revised Streetlight Shading Policy, as shown in Attachment 1 to this Report.*

### **BACKGROUND**

In 2010, the City received several streetlight shading requests per month from residents as a result of Western Power's bulk lamp replacement program, as the new replacement lamps were appearing brighter when first installed.

In the absence of a formal policy position on the installation of streetlight shading mechanisms and some uncertainty surrounding the financial obligations involved in installation, Council considered and subsequently adopted the *Streetlight Shading Policy* at its meeting held on 14 December 2010 (CJ220-12/10 refers).

As part of the 2012 Policy Manual Review, the *Streetlight Shading Policy* was classed as requiring only minor amendments as the purpose and intention of the policy remained unchanged. Council subsequently adopted the revised policy at its meeting held on 7 May 2012 (CJ093-05/12 refers).

The *Streetlight Shading Policy* was identified in the 2017 Policy Manual Review as requiring major amendments, based on a preliminary review of its relevance and last review date. This report outlines the proposed amendments to this policy and the justification for the changes.

## DETAILS

In accordance with the *Streetlight Shading Policy*, residents may apply for streetlight shading to reduce the light intrusion by submitting a request to the City. Applicants are informed that they will be charged the full cost of the installation should the application be successful. Should the applicant agree to the costs, the City would submit a request to Western Power to install shading options including a metal deflector or painted-out sections of the lens. The provision and installation of metal deflectors by Western Power currently can cost up to \$4,000.

Costs for installing methods of reducing light intrusion have continued to increase over the last five years. Feedback from previous applicants indicates a reluctance to pay for the light reducing methods as it is predominantly perceived as a City issue. The City has also explored alternative methods including remotely dimming streetlights within the Joondalup CBD and/or issuing instructions to contractors to paint the luminaire or lens to reduce the brightness. In situations where these options are suitable and appropriate, costs are currently covered by the City. As a result, the City has not commissioned Western Power to install shading for streetlights within the City of Joondalup in the last five years.

### Proposed Amendments

The following amendments are recommended to the *Streetlight Shading Policy*:

- Amend the objective to better reflect the purpose of the policy.
- Added a criterion that ensures applications are compliant with *Australian Standard AS1158* including updating the 'Related Documentation' section of the policy.
- Clearly articulate that the resident will be responsible for covering costs only in the cases where Western Power installs the streetlight shading.
- Remove details pertaining to pensioner discounts, as they are no longer relevant.

### Issues and options considered

Council has the option to either:

- adopt the revised *Streetlight Shading Policy*, as shown at Attachment 1 to this Report
- suggest further modifications to the revised *Streetlight Shading Policy* or
- retain the *Streetlight Shading Policy* in its current format as shown at Attachment 2 to this Report.

Option 1 is the recommended option.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community safety.

**Strategic initiative** Imbed safety principles into asset management and design.

**Policy** *Streetlight Shading Policy.*

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City receives approximately five to ten requests for streetlight shading per year and resolves approximately 20% of these requests by painting the luminaire or lens. Financial costs are currently incorporated on an ad-hoc basis into the *Arterial Roads Streetscape Upgrade Program* within the City's *Five-Year Capital Works Program*.

Over the past five years, none of the streetlight shades applications received by the City have progressed to Western Power's installation due to the high costs to the residents.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The *Streetlight Shading Policy* continues to provide the City guidance in responding to requests for streetlight shading. The proposed amendments will continue to allow discretion in decision-making relating to shading of streetlights and ensure that the City can balance the expectations of its residents with the rising costs of installing streetlight shading. As such, it is considered appropriate that the proposed *Streetlight Shading Policy* is adopted by Council.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Norman, **SECONDED** Cr Hollywood that Council **ADOPTS** the revised ***Streetlight Shading Policy*** provided as Attachment 1 to this Report.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Jones, Chester, Hollywood, Norman and Poliwka.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3agnPOLICY180611.pdf](#)

## ITEM 5                      REVIEW OF VANDALISM TO VEGETATION ON CITY LAND POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101068, 101515
<b>ATTACHMENTS</b>	Attachment 1    Revised <i>Vandalism to Vegetation on City Land Policy</i> Attachment 2    Examples of signage erected under the <i>Vandalism to Vegetation on City Land Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to review information regarding the location and longevity of signage erected under the *Vandalism to Vegetation of City Land Policy* and adopt the revised policy provided at Attachment 1 to this Report.

### EXECUTIVE SUMMARY

The *Vandalism to Vegetation on City Land Policy* provides a system for restoring vandalised or damaged vegetation on City land and establishes the mechanisms for penalising offenders. The policy outlines several approved responses including “erect[ing] signage advising of the vegetation vandalism or damage, detailing the penalties of such offences and requesting information from the public regarding the vandalism”. These signs would typically be erected in situations where it is not possible to identify perpetrators of the vandalism and/ or where there is repeated damage to vegetation in the same area.

At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council requested that the Chief Executive Officer provide further clarity around the City’s current *Vandalism to Vegetation on City Land Policy* (Attachment 1 refers), including information on:

- the location of any existing signs related to this policy and how long they had been in place
- whether a specific timeframe for such signage should be included in the policy.

The City currently has eight existing signs in place. The length of time signage remains in situ varies and is dependent on a range of factors, such as the type of vandalism that has occurred and the time taken for replacement vegetation to grow (among others). Due to the diverse nature of the type, size and location of vegetation on City land, as well as the diverse nature of vandalism that can occur, it is recommended that the timeframes for such signage to remain in place continues to be at the City’s discretion, so that the most appropriate mechanisms can be applied on a situation-specific and site-specific basis.

## BACKGROUND

Illegal damage to vegetation on City land is an ongoing issue. Vegetation is often damaged for several reasons, ranging from random acts of vandalism to deliberately planned and repeated acts of vandalism that may be for private benefit, such as the enhancement of views.

The *Vandalism to Vegetation on City Land Policy* was adopted at the Council meeting held on 15 March 2011 (CJ041-03/11 refers) to provide guidance in dealing with unlawful destruction, damage or injury to vegetation, including poisoning, mowing, pruning, removal, breaking and / or ringbarking. This policy also aimed to:

- increase awareness and to educate the community and developers on the value of vegetation in the urban landscape
- provide a mechanism to encourage community members to report illegal damage to vegetation on land owned or managed by the City
- send a strong message to the community that illegal damage to vegetation on the City's reserves will not be tolerated and to provide a deterrent against future damage to vegetation on land owned or managed by the City.

At its meeting held on 15 May 2012 (CJ093-05/12 refers), Council approved minor amendments to the *Vandalism to Vegetation on City Land Policy* that did not impact the application of the policy.

At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council, as part of the Policy Manual review process, requested that the Chief Executive Officer provide further clarity around the City's current *Vandalism to Vegetation on City Land Policy* (Attachment 1 refers), including information on:

- the location of any existing signs related to this policy and how long they had been in place
- whether a specific timeframe for such signage should be included in the policy.

## DETAILS

Since the policy's adoption in 2011, the City continues to deal with a number of vandalism incidents in which it has enacted the approved response to "erect signage advising of the vegetation or damage detailing the penalties of such offences and requesting information from the public regarding the vandalism".

### Current location of signage

There are currently three large signs (2,000 x 3,000 millimetres) and five small signs (600 x 600 millimetres) that have been erected at various locations within the City of Joondalup. These are listed in the table below and examples are provided as Attachment 2 to this Report.

Location:	Size of signage:	Details:
Leeward Chase, Hillarys	2,000 x 3,000 mm	Several Agonis and Tuart trees on the embankment between Leeward Chase and Hepburn Avenue have been destroyed over a period of several years. Soil testing of the immediate area confirmed that the trees had been poisoned. A sign has been displayed at the site since August 2014. It is proposed that this sign remain in place until the vandalism stops and the vegetation is restored.

<b>Location:</b>	<b>Size of signage:</b>	<b>Details:</b>
Ocean Reef Road, Ocean Reef	2,000 x 3,000 mm	Trees were cut down on a median strip on Ocean Reef Road (opposite Naval Parade) in 2016 and a sign has been displayed since. The replacement trees have now grown to the height of the sign as such the sign will be removed in June 2018.
Edgewater Drive, Edgewater	2,000 x 3,000mm	A tree was cut down on Edgewater Drive in late 2016 and a sign has been displayed since. The replacement tree has now grown to the height of the sign as such the sign will be removed in June 2018.
Padbury Circle, Sorrento	600 x 600 mm	In 2018, a tree was poisoned on the verge at Padbury Circle, Sorrento. The poisoned tree has been left in situ and a sign has been attached to the tree. This sign will be removed when the poisoned tree is replaced during the winter planting program.
Hood Terrace, Sorrento	600 x 600 mm	In 2018, a tree was poisoned on the verge at Hood Terrace, Sorrento. The poisoned tree has been left in situ and a sign has been attached to the tree. This sign will be removed when the poisoned tree is replaced during the winter planting program.
Sherman Court, Kingsley	600 x 600 mm	In 2018, a tree was poisoned on the verge at Sherman Court, Kingsley. The poisoned tree has been left in situ and a sign has been attached to the tree. This sign will be removed when the poisoned tree is replaced during the winter planting program.
Raphael Lane, Currambine	600 x 600 mm	In 2018, a tree was poisoned on the verge at Raphael Lane, Currambine. The poisoned tree has been left in situ and a sign has been attached to the tree. This sign will be removed when the poisoned tree is replaced during the winter planting program.
Shenton Avenue/Burns Beach Road, Iluka	2,000 x 3,000 mm	A tree was vandalised on Burns Beach Road, Iluka in 2016 and a sign has been displayed since. The natural vegetation has now grown to the height of the sign as such the sign will be removed in June 2018.

### Issues and options considered

The timeframes for signage relating to the *Vandalism to Vegetation on City Land Policy* to remain in situ is dependent upon a number of factors, including:

- the type of vandalism that has occurred (such as removal, poisoning, pruning)
- other nearby vegetation growth
- community safety
- time to replace vegetation

- time taken for replacement vegetation to grow
- ongoing vandalism issues.

As noted in the table above, these factors determine whether the signage remains in place for some time, or whether it removed relatively quickly (and vegetation replanted). Given that the type, size and location of vegetation, as well as the nature of vandalism that can occur, varies so considerably, it is recommended that the timeframes for such signage to remain in place continue to be at the discretion of the City, so that the most appropriate mechanisms can be applied on a situation-specific and site-specific basis

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

#### **Legislation**

*Local Government Act 1995.*  
*Local Government (Uniform Local Provisions) Regulations 1996.*  
*City of Joondalup Local Government and Public Property Local Law 2014.*

#### **Strategic Community Plan**

##### **Key theme**

The Natural Environment.

##### **Objective**

Environmental leadership.

##### **Strategic initiative**

Demonstrate leadership in environmental enhancement and protection initiatives.

##### **Policy**

*Vandalism to Vegetation on City Land Policy.*

### **Risk management considerations**

The City's vegetation is at ongoing risk due to instances of vandalism; the *Vandalism to Vegetation on City Land Policy* addresses such risks by employing the most appropriate mechanisms on a situation-specific and site-specific basis and encouraging community members to report illegal damage to vegetation on City land.

### **Financial / budget implications**

Costs associated with implementation of the policy relate to investigation and deterrence measures, such as chemical testing and CCTV surveillance. It is not possible to forecast specific financial implications, as the City's response to vandalism to vegetation is determined on a case-by-case basis, as outlined in the *Vandalism to Vegetation on City Land Policy*.

There are also significant costs associated with replacement of poisoned or damaged trees. Perpetrators who can clearly be identified are fined. The amount charged is generally based on the value of the vegetation which has been damaged; the amenity value of the City's trees can range from around \$500 to \$15,000.

Regulation 5 of the *Local Government (Uniform Local Provisions) Regulations 1996* also provides that it is an offence for a person, without lawful authority, to interfere with the soil or anything on local government property (which includes a verge), or take anything from land that is local government property. Additionally, Part 8.1 of the *Local Government and Public Property Local Law 2014* states:

*“A person must not — (a) damage, injure, prune, remove or kill by felling, poisoning or any other means, a tree on a thoroughfare or verge unless the person is — i. acting under authority of the local government; or ii. a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or iii. acting under authority of a written law.”*

Parties who breach the regulation and/or this local law may also be responsible for the amenity value, replacement and establishment costs of a suitable replacement tree.”

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

Application of the *Vandalism to Vegetation on City Land Policy* will support the protection of natural assets to retain biodiversity.

#### Social

Application of the *Vandalism to Vegetation on City Land Policy* will enhance the amenity of public spaces.

#### Economic

There are significant costs associated with replacing vegetation damaged due to vandalism. The *Vandalism to Vegetation on City Land Policy* is intended to deter such incidents of vandalism.

### **Consultation**

Not applicable.

### **COMMENT**

The *Vandalism to Vegetation on City Land Policy* continues to provide a system for restoring vandalised or damaged vegetation on City land and establish a mechanism for penalising offenders.

Due to the diverse nature of the type, size and location of vegetation on City land, and the diverse nature of vandalism that can occur, it is recommended that the timeframes for signage advising of vegetation damage to remain in situ continue to be at the discretion of the City, so that the most appropriate mechanisms can be applied on a situation-specific and site-specific basis.

The minor amendments proposed to the policy provided at Attachment 1 to this Report will allow the City to continue to apply the policy where appropriate. It is recommended that the revised policy is adopted by Council.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION:**

That Council:

- 1 NOTES the information contained in this report regarding the location and longevity of signage relating to signage the City's *Vandalism to Vegetation of City Land Policy*;
- 2 ADOPTS the revised *Vandalism to Vegetation of City Land Policy* provided as Attachment 1 to this Report.

**MOVED Cr Norman, SECONDED Cr Chester that Council:**

- 1 **NOTES** the information contained in this report regarding the location and longevity of signage relating to signage the City's *Vandalism to Vegetation of City Land Policy*;
- 2 **ADOPTS** the revised *Vandalism to Vegetation of City Land Policy* provided as Attachment 1 to this Report, subject to clause 4.1(a) being amended to include the words "of a size based on the maturity of the tree or extent of the damage" after the word signage.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Jones, Chester, Hollywood, Norman and Poliwka.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4agnPOLICY180611.pdf](#)

## **ITEM 6                    REVISED ELECTED MEMBERS' ENTITLEMENTS POLICY – PAYMENT OF STUDY ASSISTANCE**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	101269, 27122, 44688, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Elected Members' Entitlements Policy</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For the Policy Committee to note the investigations into the City's ability to pay study assistance for elected members.

### **EXECUTIVE SUMMARY**

The City's *Elected Members' Entitlements Policy* details a range of entitlements that are available to elected members during their term of office, including the payment of training and conference expenses. Recent enquires have been made into the City's ability to provide study assistance for elected members that may wish to undertake tertiary studies, in lieu of payment of expenses to attend conferences and training.

Investigations into local governments' ability to pay or reimburse such costs of elected members have concluded it could be unlawful for a local government to do so, and would most likely fail the test of reasonableness, in the eyes of the community. In view of this, any training or professional development of elected members should continue to be aligned with the policy provisions that are currently listed in the City's existing *Elected Members' Entitlements Policy*.

*It is therefore recommended that the Policy Committee NOTES the investigations of providing study assistance for elected members as detailed in this Report.*

### **BACKGROUND**

The *Elected Members' Entitlements Policy* (Attachment 1 refers) details the range of entitlements that are offered to elected members during their term of office. The policy details, among other things:

- the equipment provided to elected members during their term of office
- the level and amount of fees and allowances paid to elected members, which in the main are determined by the Salaries and Allowances Tribunal on an annual basis
- the type of interstate and overseas conferences and training events elected members can attend that are determined relevant to their role
- the type of expenses incurred by elected members that can be reimbursed by the City

- a range of other entitlements such as elected member dinners and acknowledgement of service.

Recent enquires have been made into the ability for the City providing study assistance for elected members who may wish to undertake tertiary studies, and such costs be paid for by the City in lieu of payment of expenses to attend conferences and training as currently provided under the policy.

In view of this a number of matters need to be taken into account should such a proposal be supported.

## DETAILS

### Legislative provisions

It is important to take into account the legislative framework in which local governments' work, particularly relating to expenses incurred by elected members. The *Local Government Act 1995* (the Act) sets the framework for elected members' entitlements by way of remuneration or expense reimbursement. In regard to understanding what can be lawfully paid to elected members, section 5.98(6) of the Act states:

*'A local government cannot:*

- a) make any payment; or*
- b) reimburse an expense of,*

*a person who is a Council member or a mayor or president in that person's capacity as a council member, mayor or president unless the payment of reimbursement is in accordance with this Division.'*

The relevant 'Division' is Division 8 of Part 5 of the Act, which contains sections 5.98 to 5.102. These sections, together with regulations 30-34AC of the *Local Government (Administration) Regulations 1996* (the Regulations), set out the type of payments that can be lawfully made by the City to an Elected Member. Payments 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 (section 5.98(1)) or an annual fee (section 5.99)
- b) reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member (section 5.98(2), (3), and (4) and regulations 31 and 32)
- c) in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense (section 5.99A)
- d) a cash advance in respect of an expense for which the Elected Member can be reimbursed (section 5.102).

All four payment types are detailed within the City's current *Elected Members' Entitlements Policy*.

### Reimbursement of elected member expenses

There are two categories of expenses that affect an elected member's entitlement to be reimbursed. An expense may be of a kind:

- a) that the City ***is*** required to reimburse - such as telephone rental, child care and travel expenses to Council and Committee meetings and a range of other meetings (section 5.98(2)(a) and regulation 31)  
or
- b) that the City ***has a discretion*** whether to reimburse, such as:
  - i an expense incurred by an Elected Member in *'performing a function in his or her capacity as a Council member'* (section 5.98(2)(b) and regulation 32(1)(c))
  - ii an expense incurred by an Elected Member in being accompanied by another person while performing a function in his or her capacity as a Council member (section 5.98(2)(b) and regulation 32(1)(b)).

For both types of expenses (required and discretionary), an Elected Member:

- a) cannot - by way of reimbursement - be paid more than the actual amount that he or she spent or as determined by the Salaries and Allowances Tribunal
- b) must verify the expense has been incurred by supplying sufficient evidence of the cost incurred.

Some local governments have approved a variety of discretionary expenses incurred by an Elected Member as being expenses that can be reimbursed. In viewing the policies and practices of other local governments, the words *'an expense incurred...in performing a function...as a Council Member'* contained in the Act, have been viewed quite broadly, and therefore there are many variations between local governments on the expenses that are being reimbursed.

In most instances and to control expenditure, local governments generally establish a maximum dollar limit for expenses that can be reimbursed under the respective discretionary reimbursement category. Where expenses are incurred above these maximum levels, any reimbursement is generally presented to the local government's respective Council for consideration and approval.

### *Elected Members' Entitlements Policy for conferences and training*

Part 6 of the City's *Elected Members' Entitlements Policy* provides the City will make an annual budget allocation for each Elected Member for attendance at conference and training events to enable elected members to develop and maintain skills and knowledge relevant to their role as a representative of the City.

The conferences and training to which the policy applies are generally limited to the following:

- a. West Australian Local Government Association and Australian Local Government Association conferences.
- b. Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues.
- c. Annual conferences of the major professions in local government and other institutions of relevance to local government activities.

- d. Australian Sister Cities Conferences.
- e. West Australian Local Government Association Elected Member Training and Development.
- f. Training relating to the role of elected members.
- g. Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of elected members, meeting procedures, etc.

From the above, it is demonstrated that those conferences and training events the City is prepared to accommodate under the policy are aligned to an elected member's statutory function; the performance of their statutory function; or aligned with the functions of the local government industry.

Where an entitlement or benefit of an Elected Member is not considered reasonably connected or necessary to support the performance of their statutory role, then the payment of such an expense could be determined as potentially constituting a gift and thereby be unlawful.

The former Department of Local Government previously clarified the difference between a gift and implicit / explicit statutory entitlements for elected members. The former Department's view is unless it is an implicit or explicit entitlement that relates to the performance of an elected member's role it would be considered a gift and cannot therefore be given. It could be highly likely that the provision of study assistance for elected members, in which they are gaining a continuing personal benefit, would not be an implicit or explicit statutory entitlement and therefore would be considered a gift for the purposes of the Act and the Regulations.

The Act also provides some level of complexity regarding gifts given to elected members. Section 5.100A of the Act clarifies that a local government can only give a gift to an Elected Member if it is in the prescribed circumstance. The prescribed circumstance is detailed in Regulation 34AC of the Regulations which states a gift can only be given to an Elected Member on retirement, and cannot exceed the prescribed level in the Regulations (being \$100 for each year of service to a maximum amount of \$1,000).

In this regard any expense or entitlement would need to be in line with the performance of an elected member's role under the Act or any other written law.

#### Payment of study assistance in lieu of conference and training allocations

It has been recently questioned whether the City's *Elected Members' Entitlements Policy* can be modified so that conference and training funds can be utilised for participation in further tertiary education at either university or TAFE, similar to the arrangements the City has for employees. It was also suggested that the course would need to be relevant to role of the Elected Member and that participation in graduate and post graduate qualifications is a logical utilisation of funds and potentially more beneficial to an Elected Member than attending some interstate conferences.

There is no provision in the City's current policy around study assistance or for the City to reimburse the costs of an elected member for tertiary studies. Most local governments have provisions within their policies, similar to the City's, around conference attendance and conference costs. The only local government known at this stage that has a provision along the lines of study assistance is the City of Wanneroo in its *Council Members Fees, Allowances, Reimbursements and Benefits Policy* which states the following:

- “5.6 The CEO is authorised to arrange, at the City’s cost, and at the request of a member, an educational course of study for the member which course is:
- a) conducted by a Western Australian university, tertiary educational institution or registered training organisation; and
  - b) considered by the CEO to be directly relevant to the performance by the City of its functions including financial management, corporate governance and social infrastructure.
- 5.7 A maximum cost of \$4,000 per member, and \$8,000 for the Mayor per annum is set for the cost under 5.6 above.
- 5.8 The Council Member is not entitled to any subsidy where a course of study is subsidized through other means.
- 5.9 Elected Members will be required to reimburse any payments made in accordance with Clause 5.6 in the event that they do not successfully complete the relevant course of study.”

This provision in the City of Wanneroo’s policy has been in place since 2009.

#### Appropriate expenditure and ‘test of reasonableness’

The City is the custodian of public funds and is therefore entrusted to expend those funds for the good government of the persons in the district. Section 6.7(2) of the Act provides clarity in that *‘money held in the municipal account may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act [the Local Government Act 1995] or any other written law’*. The general function of a local government, as described in section 3.1 of the Act, *‘is to provide for the good government of persons in its district’*.

While the legislation and the current *Elected Members’ Entitlements Policy* detail the type of payments and entitlements that are available for elected members, the broader and fundamental issue to consider in regard to payments and entitlements (including the reimbursement of expenses for personal tertiary education), is that any expenditure of public funds must only be applied for the performance of the functions and the exercise of the powers conferred on the City by the Act or other written law.

Just as important, a ‘test of reasonableness’ must also occur when considering expenditure for the reimbursement of expenses and indeed approving other payments or benefits to elected members. That is, the local government must be satisfied that the expenditure is reasonably connected to the performance of its statutory function. Another way of expressing this test is to ask whether the community would consider it reasonable that type of expense incurred by an Elected Member should be an expense that should be reimbursed or paid for by the local government.

Consistent with the above principles, the test of reasonableness would apply in terms of whether the payment of tertiary studies (in lieu of conference and training expenses aligned with local government) would assist or support the Elected Member in the performance of their statutory role.

The City therefore must be cognisant that any change to the current policy satisfies the test of reasonableness and that any expenditure from the City’s municipal fund is for a purpose that is aligned with the performance of the Elected Member’s role. The levels set for expense

reimbursements and the various other Elected Member entitlements must be cognisant of the legislative framework and limits currently in place.

### Issues and options considered

The Policy Committee can either:

- note the information provided in this report  
or
- request changes to the existing policy for Council's consideration.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Local Government Act 1995. Local Government (Administration) Regulations 1996. Salaries and Allowances Determination on Local Government Chief Executive Officers and Elected Members.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Effective representation.
<b>Strategic initiative</b>	Attract a diverse elected body that represents, promotes and reflects the composition of the community.
<b>Policy</b>	<i>Elected Members' Entitlements Policy. 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 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

Should changes be made to the policy that allow the City to pay tertiary study costs for elected members, such provisions may be unlawful and fail the test of reasonableness in the eyes of the community.

**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.

**COMMENT**

In view of good governance principles, there needs to be a clear difference between the role of an elected member (and that of Council) and the role of employees (and that of the Chief Executive Officer). The Chief Executive Officer and employees are to manage operations, implement decisions and provide balanced advice to Council based on professional qualification, knowledge and assessment of technical detail. This role requires employees to have the necessary skills and knowledge that is developed over time and based on years of training and development. The role of elected members (and that of Council) among other things is governing, strategy, policy and outcomes. The roles therefore are very different in terms of a local government's functions.

There are many tertiary qualifications on offer for local government employees or for people wishing to pursue a career in local government however there is not a particular tertiary course of study that would be aligned with an Elected Member's statutory role. WALGA does provide a range of training modules and offers a Diploma course for elected members however no current elected members have completed this course of study, although some elected members have completed various modules from time to time.

Putting aside the possible unlawfulness of paying study assistance for elected members, any change to the City's policy around study assistance would need to satisfy the 'test of reasonableness' in that the City / Council would need to be satisfied that:

- such expenditure is reasonably connected to the City's performance of its statutory functions which includes the general function of providing for the 'good government of persons in its district'
- whether such expenditure is necessary or appropriate in supporting the more specific functions of an elected member in the performance of their statutory role.

In view of the matters raised in this report, it is not considered the payment of tertiary studies for elected members is either lawful or satisfies the reasonableness test and the purpose for which expenditure can be made by a local government.

Notwithstanding, as part of the Local Government Act Review, discussion is occurring around the professional development of elected members including what competencies are required to be an elected member; aspects of mandatory training; and the level of continuing professional development that should occur. The City made a submission to the Department of Local Government, Sport and Cultural Industries and it may be prudent to consider the

outcome of the review and any changes to the legislative landscape that may be forthcoming before any change is made.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Poliwka that the Policy Committee NOTES the investigations of providing study assistance for Elected Members as detailed in this Report.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Jones, Chester, Hollywood, Norman and Poliwka.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5agnPOLICY180611.pdf](#)*

**URGENT BUSINESS**

Nil.

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

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**'Art in the Park'**

Cr Hollywood requested a report on 'Art in the Park' whereby artists are able to exhibit their work at a park that is suitable for an exhibition of this nature.

**CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.27pm; the following Committee Members being present at that time:

Cr Michael Norman  
Cr Russell Poliwka  
Cr Nige Jones  
Cr Kerry Hollywood  
Cr John Chester