

# agenda

## Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A  
SPECIAL MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN

THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** **MONDAY 6 NOVEMBER 2017**

**COMMENCING AT** **7.00pm**

### **PURPOSE OF MEETING**

The purpose of the meeting is to give consideration to the following Items:

- Establishment of Council-created Committees and Appointments.
- Appointment of Representatives to External Committees and Boards and Internal Groups and Panels.

**GARRY HUNT**  
Chief Executive Officer  
3 November 2017

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on **Monday 6 November 2017**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

Please Note: Section 7(4) (b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)  
PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 19 November 2013:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final
  - nominate a member of the Council and/or City employee to respond to the question
  - or
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that does not relate to a matter affecting the City
  - or
  - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only)**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **DISCLAIMER**

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

## CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

\* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

**TABLE OF CONTENTS**

<b>ITEM NO.</b>	<b>TITLE</b>	<b>WARD</b>	<b>PAGE NO.</b>
	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>		<b>vi</b>
	<b>DECLARATIONS OF INTEREST</b>		<b>vi</b>
	<b>PUBLIC QUESTION TIME</b>		<b>vi</b>
	<b>PUBLIC STATEMENT TIME</b>		<b>vi</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		<b>vi</b>
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>		<b>vi</b>
	<b>REPORTS</b>		<b>1</b>
JSC03-11/17	ESTABLISHMENT OF COUNCIL CREATED COMMITTEES AND APPOINTMENTS	All	1
JSC04-11/17	APPOINTMENT OF REPRESENTATIVES TO EXTERNAL COMMITTEES AND BOARDS AND INTERNAL GROUPS AND PANELS	All	13
	<b>CLOSURE</b>		<b>22</b>

## CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Monday 6 November 2017** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
3 November 2017

Joondalup  
Western Australia

### AGENDA

#### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

#### DECLARATIONS OF INTEREST

#### PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the *Local Government (Administration) Regulations 1996* states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

#### PUBLIC STATEMENT TIME

Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

#### APOLOGIES AND LEAVE OF ABSENCE

##### Leave of Absence Previously approved

Cr Mike Norman	1 November to 6 November 2017 inclusive;
Cr Russ Fishwick, JP	15 November to 20 December 2017 inclusive.

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

**REPORTS****JSC03-11/17 ESTABLISHMENT OF COUNCIL-CREATED COMMITTEES AND APPOINTMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	02153, 101515
<b>ATTACHMENT</b>	Attachment 1 2016 and 2017 Committee Meeting Comparisons
<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 establish a committee structure and appoint elected member representatives to those committees.

**EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 1995* Council can establish committees to assist it with its decision-making functions and responsibilities. Following the biennial local government elections, it is usual practice for Council to appoint members to council-created committees.

Council is also requested to call the first meeting of its new committees to:

- enable a Presiding Member and Deputy Presiding Member to be appointed
- establish meeting dates where necessary for the remainder of 2017 to determine matters prior to Council going into recess over the months of December and January
- establish meeting days, times and frequency for 2018.

**BACKGROUND**

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly meeting cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

Council subsequently adopted a revised meeting cycle at its meeting held on 30 September 2008 (CJ196-09/08 refers), based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council meeting (third Tuesday).

This allowed the fourth and fifth Tuesdays (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

It has been a normal principle at the City that whenever a committee is formed, that an elected member representative from each of the City's six wards, plus the Mayor, is a member on a respective committee. Under the *Local Government Act 1995* the Mayor is entitled to be on a committee (where there is Elected Member representation and the Mayor so desires to be on the committee) and each Councillor is entitled to be on at least one committee.

## **DETAILS**

The following five committees were established following the 2015 local government elections with associated role and membership:

### **Finance Committee**

#### Role

The role of the Finance Committee is to:

- oversee the progress of the City's annual capital works program and review of the City's *Five Year Capital Works Program*
- make recommendations to Council on modifications of capital works projects outside those projects of the Major Projects Committee
- make recommendations to Council on the services to be provided by the City and the standards of service delivery being cognisant of industry best practice
- oversee the City's financial management activities, funding proposals and long term strategic financial planning
- make recommendations to Council on reviews and impacts on the City's *20 Year Strategic Financial Plan*.

#### Membership

- Mayor.
- One elected member representative from each of the City's six wards (with corresponding deputy member).

### **Policy Committee**

#### Role

The role of the Policy Committee is to:

- make recommendations to Council on the development and review of the City's policies and overall policy framework
- develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies
- collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art
- collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public

- review the criteria established to determine award winners
- oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs.

#### Membership

- Mayor.
- One elected member representative from each of the City's six wards (with corresponding deputy member).

### **Major Projects Committee**

#### Role

The role of the Major Projects Committee is to:

- oversee the progress of the Ocean Reef Marina, the Joondalup City Centre Office Development, the Joondalup Performing Arts and Cultural Facility and other major strategic capital projects as identified from time to time
- make recommendations to Council on various elements of the projects within the role of the Major Projects Committee, including but not limited to:
  - project scope
  - design elements and core project components
  - development models and financial structures
  - on-going management and utilisation models.

#### Membership

- Mayor.
- One elected member representative from each of the City's six wards (with corresponding deputy member).

### **Audit Committee**

#### Role

The role of the Audit Committee is to provide guidance and assistance to Council as to:

- the carrying out of functions in relation to audits under the *Local Government Act 1995*
- the development of a process used to select and appoint a person to be the City's auditor
- matters to be audited and the scope of audits
- the carrying out of functions relating to other audits and other matters related to financial management
- the review, the appropriateness and effectiveness of the City's systems and procedures in relation to:
  - risk management
  - internal control
  - legislative compliance
  - internal and external audit reporting.

### Membership

- Mayor.
- One elected member representative from each of the City's six wards (with corresponding deputy member).

### **Chief Executive Officer Performance Review Committee**

#### Role

The role of the Chief Executive Officer Performance Review Committee is to:

- review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract
- prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council
- review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract
- review the Key Performance Indicators to be met by the Chief Executive Officer
- review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract
- review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.

#### Membership

- Mayor.
- One elected member representative from each of the City's six wards (with corresponding deputy member).

Attachment 1 illustrates the following metrics associated with committee meetings during 2016 and 2017 to date:

- number of meetings
- duration of meetings
- number of items considered.

### **Proposed Changes to Committee structure**

Further to recent legislative changes and in order to streamline committee meetings, a number of changes to the committee structure are suggested.

It is recommended that the Audit Committee now be known as the Audit and Risk Committee to better reflect that the committee will not only consider audit matters, but also risk issues that may impact on the City.

The role of the renamed committee will remain the same as the previous Audit Committee.

It is also recommended the previous Finance and Major Projects Committees be merged into one committee, to be named the Major Projects and Finance Committee. This change is recommended on the basis that items previously dealt with by the Major Projects Committee will not require as regular reporting due to the maturity or current position of various projects, as well as to reduce the time commitment of Elected Members in attending committee meetings.

It is recommended the role of the new Major Projects and Finance Committee will be to:

- oversee the progress of the City's annual capital works program and review of the City's *Five Year Capital Works Program*
- make recommendations to Council on modifications of capital works projects and major strategic capital projects
- make recommendations to Council on various elements of major strategic capital projects (such as the Ocean Reef Marina, City Centre Office Development and Joondalup Performing Arts and Cultural Facility), including but not limited to:
  - project scope
  - design elements and core project components
  - development models and financial structures
  - on-going management and utilisation models
- make recommendations to Council on the services to be provided by the City and the standards of service delivery being cognisant of industry best practice
- oversee the City's financial management activities, funding proposals and long-term strategic financial planning
- make recommendations to Council on reviews and impacts on the City's *20 Year Strategic Financial Plan*.

### Issues and options considered

Council can either:

- establish the committee structure as recommended
- amend the committee structure as recommended  
or
- not establish the committee structure as recommended.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*  
*Local Government (Audit) Regulations 1996*  
*City of Joondalup Meeting Procedures Local Law 2013.*

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

Not applicable.

The *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* requires local governments to establish an Audit Committee with certain roles and responsibilities. The Chief Executive Officer's Employment Contract also requires a committee to be established specifically to review the performance of the Chief Executive Officer.

The requirements of the *Local Government Act 1995* in respect of Council-created committees are as follows:

**“Establishment of committees**

5.8 *A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

**Types of committees**

5.9 (1) *In this section:*

*“other person” means a person who is not a council member or an employee.*

(2) *A committee is to comprise:*

- (a) *council members only;*
- (b) *council members and employees;*
- (c) *council members, employees and other persons;*
- (d) *council members and other persons;*
- (e) *employees and other persons; or*
- (f) *other persons only.*

**Appointment of committee members**

5.10 (1) *A committee is to have as its members:*

- (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

(2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

(3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:*
- (a) *to be a member of the committee; or*
- (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

### **Tenure of committee membership**

- 5.11 (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
- (b) *the person resigns from membership of the committee;*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the term of the person's appointment as a committee member expires;*
- (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*
- whichever happens first.*

### **Deputy committee members**

- 5.11A (1) *The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*
- \* Absolute majority required.*
- (2) *A person who is appointed as a deputy of a member of a committee is to be:*

- (a) *if the member of the committee is a council member – a council member; or*
  - (b) *if the member of the committee is an employee – an employee; or*
  - (c) *if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or*
  - (d) *if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

### **Risk management considerations**

The establishment of committees assists Council in performing some of its legislative responsibilities and functions. If Council does not establish committees this may hinder the overall decision-making process and place an onerous burden on Council as a whole.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

Further to the establishment of the committees, it is recommended that a special meeting of each committee is called immediately after the Special Council meeting to elect a Presiding Member and Deputy Presiding Member, as well as to consider setting meeting dates for each committee.

Some committees will be required to meet and consider matters prior to Council going into recess. In addition, all committees will be requested to consider setting meeting dates for 2018, being cognisant of Council's preferred monthly meeting cycle. This will assist with forward planning for all Elected Members, management and staff and ensure synergy between committee and Council meeting dates.

### **VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION****That Council:**

**1 BY AN ABSOLUTE MAJORITY DISBANDS the Finance Committee and Major Projects Committee and ESTABLISHES a new Major Projects and Finance Committee, with the role of the new committee being to:**

- 1.1 oversee the progress of the City's annual capital works program and review of the City's *Five Year Capital Works Program*;**
- 1.2 make recommendations to Council on modifications of capital works projects and major strategic capital projects;**
- 1.3 make recommendations to Council on various elements of major strategic capital projects (such as the Ocean Reef Marina, City Centre Office Development and Joondalup Performing Arts and Cultural Facility), including but not limited to:**
  - 1.3.1 project scope;**
  - 1.3.2 design elements and core project components;**
  - 1.3.3 development models and financial structures;**
  - 1.3.4 on-going management and utilisation models;**
- 1.4 make recommendations to Council on the services to be provided by the City and the standards of service delivery being cognisant of industry best practice;**
- 1.5 oversee the City's financial management activities, funding proposals and long-term strategic financial planning;**
- 1.6 make recommendations to Council on reviews and impacts on the City's *20 Year Strategic Financial Plan*;**

**2 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Major Projects and Finance Committee:**

**Members**

- **Mayor;**
- **Central Ward - One representative;**
- **North Ward - One representative;**
- **North Central Ward - One representative;**
- **South Ward - One representative;**
- **South-East Ward - One representative;**
- **South-West Ward - One representative;**

**Deputy Members**

- **Central Ward - One representative;**
- **North Ward - One representative;**
- **North Central Ward - One representative;**
- **South Ward - One representative;**
- **South-East Ward - One representative;**
- **South-West Ward - One representative;**

- 3 BY AN ABSOLUTE MAJORITY ESTABLISHES a Policy Committee to:**
- 3.1 make recommendations to Council on the development and review of the City's policies and overall policy framework;**
  - 3.2 develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;**
  - 3.3 collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;**
  - 3.4 collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;**
  - 3.5 review the criteria established to determine award winners;**
  - 3.6 oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs;**

- 4 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Policy Committee:**

**Members**

- Mayor;
- Central Ward - One representative;
- North Ward - One representative;
- North Central Ward - One representative;
- South Ward - One representative;
- South-East Ward - One representative;
- South-West Ward - One representative;

**Deputy Members**

- Central Ward - One representative;
- North Ward - One representative;
- North Central Ward - One representative;
- South Ward - One representative;
- South-East Ward - One representative;
- South-West Ward - One representative;

- 5 BY AN ABSOLUTE MAJORITY ESTABLISHES an Audit and Risk Committee to provide guidance and assistance to Council as to:**
- 5.1 the carrying out of functions in relation to audits under the *Local Government Act 1995*;**
  - 5.2 the development of a process used to select and appoint a person to be the City's auditor;**
  - 5.3 matters to be audited and the scope of audits;**

- 5.4 the carrying out of functions relating to other audits and other matters related to financial management;
- 5.5 the review, the appropriateness and effectiveness of the City's systems and procedures in relation to:
- 5.5.1 risk management;
  - 5.5.2 internal control;
  - 5.5.3 legislative compliance;
  - 5.5.4 internal and external audit reporting;
- 6 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Audit and Risk Committee:

**Members**

- Mayor;
- Central Ward - One representative;
- North Ward - One representative;
- North Central Ward - One representative;
- South Ward - One representative;
- South-East Ward - One representative;
- South-West Ward - One representative;

**Deputy Members**

- Central Ward - One representative;
- North Ward - One representative;
- North Central Ward - One representative;
- South Ward - One representative;
- South-East Ward - One representative;
- South-West Ward - One representative;

- 7 BY AN ABSOLUTE MAJORITY ESTABLISHES a Chief Executive Officer Performance Review Committee to:
- 7.1 review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
- 7.2 prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council;
- 7.3 review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;
- 7.4 review the Key Performance Indicators to be met by the Chief Executive Officer;
- 7.5 review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;

- 7.6 review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary;
- 8 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Chief Executive Officer Performance Review Committee:

**Members**

- Mayor;
- Central Ward - One representative;
- North Ward - One representative;
- North Central Ward - One representative;
- South Ward - One representative;
- South-East Ward - One representative;
- South-West Ward - One representative;

**Deputy Members**

- Central Ward - One representative;
  - North Ward - One representative;
  - North Central Ward - One representative;
  - South Ward - One representative;
  - South-East Ward - One representative;
  - South-West Ward - One representative;
- 9 CALLS special meetings of the following committees at the date and time as specified to enable the election of a presiding member and deputy presiding member and set future meeting dates:
- 9.1 Major Projects and Finance Committee on Monday 6 November 2017, commencing at 7.30pm, Conference Room 1;
- 9.2 Chief Executive Officer Performance Review Committee on Monday 6 November 2017, commencing at 7.40pm, Conference Room 1;
- 9.3 Audit and Risk Committee on Monday 6 November 2017, commencing at 7.50pm, Conference Room 1;
- 9.4 Policy Committee on Monday 6 November 2017, commencing at 8.00pm, Conference Room 1.

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1agn171106.pdf](#)

## **JSC04-11/17 APPOINTMENT OF REPRESENTATIVES TO EXTERNAL COMMITTEES AND BOARDS AND INTERNAL GROUPS AND PANELS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	02153, 101515
<b>ATTACHMENTS</b>	Attachment 1      Role of external committees and boards Attachment 2      Joondalup Design Reference Panel Terms of Reference Attachment 3      Strategic Community Reference Group Terms of Reference
<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 appoint representatives to various external committees and boards where the City has representation.

### **EXECUTIVE SUMMARY**

Following the biennial local government elections it is usual practice for Council to appoint representatives to various Council-created groups and panels, as well as other external committees or boards where the City has representation.

Council is therefore requested to make the necessary appointments as listed in the recommendation to this report.

### **BACKGROUND**

Over a number of years Council has created a range of reference group and other panels (such as the Strategic Community Reference Group and the Joondalup Design Reference Panel) to assist it with its operations as well as technical and stakeholder reporting to City officers. Council also nominates representatives to other committees/boards created by external organisations.

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council resolved to disband the City's working groups and community forums and establish a Strategic Community Reference Group to provide advice to Council on matters of significant community interest and strategic initiatives. At its meeting held on 21 August 2012 (CJ156-08/12 refers), Council made various appointments to the group following an expression of interest process throughout the community. Appointments of community members from each ward of the City has been undertaken following the local government elections of 2013 and 2015.

At its Special Meeting held on 24 October 2017 (JSC02-10/17 refers), Council appointed representatives to the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Metropolitan Zone.

The Western Australian State Parliament enacted legislation that introduced Development Assessment Panels which are the decision-making body for a certain type, class and/or value of planning applications the City receives from time to time. Development Assessment Panels consist of three specialist independent members and two elected members from the City with all membership appointments made by the Minister for Planning.

At its meeting held on 21 February 2017 (CJ006-02/17 refers), Council nominated Crs Hamilton-Prime and Taylor to represent the City of Joondalup on the North-West Metropolitan Joint Development Assessment Panel, with Cr Dwyer being nominated as first alternate member and Cr Jones as second alternate member. All appointments are made by the Minister for Planning and these appointments remain in force until 26 April 2020.

## **DETAILS**

Outside of the Council-created committees that are considered within a separate report, Council currently has two reference groups and a design reference panel. The City also has representation on two Regional Councils and 11 external committees or boards. Information on the roles of these committees and boards and their membership as at the time of the local government elections held on 21 October 2017 is provided in Attachment 1.

Some relevant considerations in relation to some committees, panels and groups is detailed below.

### Joondalup Design Reference Panel

Council endorsed the establishment of a Joondalup Design Advisory Panel (JDRP) at its meeting held on 30 September 2008 (CJ213-09/08 refers), now renamed to the Joondalup Design Reference Panel. Panel members are appointed for a two year period and have traditionally consisted of members from relevant professional institutions representing:

- architecture
- urban design planning
- town planning
- landscape architecture.

The panel has been instrumental in providing design advice to applicants, support to the City officers in their assessment of applications, support to staff in their negotiation with applicants to make changes to proposals and information to Council to assist in determining development proposals.

The existing panel members have individually and collectively been instrumental in adding value to the application assessment and determination process.

However, the Planning Institute of Australia (PIA) current deputy member, Ms Jane Bennett has now assumed the role of member; necessitating the appointment of a new deputy member.

An Expression of Interest has been received from Mr Chris Melsom for the position of deputy member on behalf of the Planning Institute of Australia. Chris Melsom is a qualified architect, planner, urban designer and strategist with 30 years experience encompassing private practice, state and local government; both in Australia and internationally.

Currently Mr Melsom is a senior practice leader with an international, multi-disciplinary practice. This involves leading and advising clients on complex, large scale commercial and mixed use projects from the initial strategic planning through site concept planning, planning framework development, business cases, design, obtaining approvals through to on-site delivery.

Mr Melsom has vast experience, mainly focussing on:

- large scale urban renewal projects
- concept planning and design for urban infill sites
- delivery of complex urban projects
- planning and designing the interface between various land use types and scales of community including industry, ports and surrounding urban communities
- landscape and architectural masterplanning.

Due to the unavailability of the current member and deputy member from the Australian Institute of Landscape Architects (AILA), advertising has been undertaken seeking nominations for these positions.

As a result of advertising a nomination has been received from Mr Robin Burnage. Mr Burnage is a full member of the AILA and a qualified landscape architect with 20 years experience in the profession, both internationally and locally. In addition, Mr Burnage is a qualified civil engineer.

Mr Burnage has been involved in a wide range of landscape and urban design projects ranging from large new subdivisions, being responsible for the management and expenditure of budgets up to \$50 million, to urban regeneration and environment improvement projects in Perth and surrounding regions.

It is recommended that Mr Burnage be appointed to the position of member – Australian Institute of Landscape Architects.

As outlined above, panel members are appointed for a two year period. Notwithstanding, the impending introduction of 'Design WA' may require a review of the JDRP prior to the culmination of the two year appointment.

The 'Design WA' suite of documents released by the State Government incorporates a 'Design Review Guide' which sets out guidelines for the establishment of design review panels and seeks to ensure consistency for panels of this nature across local governments.

A report was presented to Council at its meeting held on 21 February 2017 (CJ005-02/17 refers) which highlighted some key differences between the City's current JDRP and the proposed Design Review Guide.

The most recent advice from the Department of Planning, Lands and Heritage (DoPLH) indicates that the Design WA suite of documents will be implemented in the first quarter of the 2018 calendar. If this results, the City will need to review the current JDRP, including its Terms of Reference and panel composition to determine whether changes to the structure are required. If changes are recommended, this may result in a shorter appointment timeframe for the proposed panel, or may required the proposed panel members to re-nominate. In view of this the appointment of a deputy member for the Australian Institute of Landscape Architects is not recommended at this time and will remain vacant.

In addition, on 1 July 2011, the State's Development Assessment Panels (DAPs) commenced operation throughout Western Australia. DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$10 million in value will be determined by the DAP. An applicant may also elect for a development with a value of between \$2 million and \$10 million to be determined by the DAP.

DAP applications need to be assessed, consulted on (where necessary) and reported to the DAP within tight statutory timeframes. These timeframes do not allow for assessment by the JDRP. It is also considered that, because the membership of the DAP includes three independent and specialist members, any referral to the JDRP would simply be a duplication of process.

At its meeting held on 24 June 2014 (CJ084-06/14 refers), Council resolved to change the terms of reference of the Design Reference Panel and is detailed in Attachment 2 to Report JSC04-11/17.

#### North West District Planning Committee

The North West District Planning Committee was established in accordance with the provisions of the *Planning and Development Act 2005*. At its meeting held on 25 August 2009, the Western Australian Planning Commission resolved that the North West District Planning Committee would become an advisory committee with meetings scheduled at the discretion and direction of the Western Australian Planning Commission. The committee has not met since 2009 and currently has no scheduled meetings.

#### Perth Region NRM – Local Government Reference Group

This group is no longer in existence, having last met in 2011.

#### Strategic Community Reference Group

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats. As an alternative option, Council supported the establishment of a Strategic Community Reference Group (SCRG) with the objective of providing advice to Council on:

- matters of significant community interest
- strategic initiatives, as determined by Council.

At its meeting held on 5 November 2013 (JSC06-11/13 refers), Council adopted the following format for the SCRG:

- Council appointed community representatives from each Ward who were subject to a nomination process addressing their experience in strategic planning and decision-making.
- Up to four elected members, one of whom acts as a Presiding Member.
- Up to four temporary-appointed professionals to provide expert advice and information on specific matters as required.

Since its inception, the SCRG has provided Council with advice on the following strategic matters:

- Review of the City's *Community Safety and Crime Prevention Plan*.
- Review of the City's *Environment Plan*.
- Review of the City's *Community Development Plan*.
- Review of the City's *Waste Management Plan*.
- Review of the City's *Bike Plan*.
- Options for *Volunteer Recognition Program*.
- Major review of the City's *Strategic Community Plan – Joondalup 2022*.
- Review of the City's Community Engagement and Communication Practices.
- Options for the development of a *Community Leaders Program*.

The Community Members of the SCRG, up until October 2017 were as follows:

- North Ward Mr Adrian Hill.
- North Central Ward Mr Wes Buzza.
- Central Ward Mr Bryan Saunders.
- South-West Ward Mr Brian Yearwood.
- South-East Ward Ms Sonia Makoare.
- South Ward Dr Susan King.

In accordance with the SCRG Terms of Reference, the terms for community members concluded in October 2017 in line with the ordinary local government election cycle. Community members were advised of the conclusion of their current term in October 2017 and were also informed that Council would consider the re-establishment of the SCRG and membership composition following the local government elections held on 21 October 2017.

In view of this, it is recommended that Council:

- endorses the current Terms of Reference of the Strategic community Reference Group
- authorises the Chief Executive Officer to seek nominations to fill the vacant community representative positions for all wards.

#### North-West Metropolitan Joint Development Assessment Panel (JDAP)

From 1 July 2011, 15 Development Assessment Panels (DAPs) commenced operation throughout Western Australia.

DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$10 million in value would be determined by the JDAP (mandatory DAP application). An applicant may also elect for a development with a value of between \$2 million and \$10 million to be determined by the JDAP (opt-in DAP application).

The JDAP consists of the following members:

- Three members with specialist knowledge in the areas of town planning, architecture, or other related disciplines.
- Two Elected Members from the City of Joondalup, who sit on the panel for applications relating to the City of Joondalup only.

At its meeting held on 21 February 2017 (CJ006-02/17 refers), Council nominated Crs Hamilton-Prime and Taylor to represent the City of Joondalup on the North-West Metropolitan Joint Development Assessment Panel, with Cr Dwyer being nominated as first alternate member and Cr Jones as second alternate member. All appointments are made by the Minister for Planning and these appointments remain in force until 26 April 2020.

### **Issues and options considered**

Council can either:

- appoint members to reference groups, panels and external boards and committees as recommended  
or
- not appoint members to reference groups, panels and external boards and committees.

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

#### **Legislation**

*Local Government Act 1995.*

#### **Strategic Community Plan**

#### **Key theme**

Governance and Leadership.

#### **Objective**

Strong leadership.

#### **Strategic initiative**

Seek out City representation on key external and strategic bodies.

#### **Policy**

Not applicable.

### **Risk management considerations**

Should Council not appoint representation to external committees/boards, this may hinder the City's ability to be involved in key organisations where representation is available.

### **Financial / Budget implications**

Not applicable.

### **Regional significance**

A number of the external committees/boards that the City of Joondalup is entitled to have representation on deal with matters that not only affect the region but also the local government industry as a whole.

### **Sustainability implications**

Not applicable.

### **Consultation**

Consultation has occurred with external members on the various groups and panels the City has established and where confirmation of their continuance has been received, those persons have been recommended for appointment accordingly.

## COMMENT

Representation on externally based committees and boards allows the City of Joondalup to have input into various issues that face the local government industry.

Where there are more nominations than vacancies for representation, elected members will need to nominate which representatives will be appointed to the respective committee or board. Each elected member will be able to nominate as many times as there are vacant positions.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **APPOINTS** the following members and deputy members to the Joondalup Design Reference Panel:

### Members

- The Chief Executive Officer or his nominee
- Australian Institute of Architects Mr Rod Mollet;
- Planning Institute of Australia Ms Jane Bennett;
- Australian Institute of Landscape Architects Mr Robin Burnage;

### Deputy Members

- Australian Institute of Architects Ms Nerida Moredoundt;
- Planning Institute of Australia Mr Chris Melsom;
- Australian Institute of Landscape Architects Vacant;

- 2 **RE-ESTABLISHES** the Strategic Community Reference Group to provide advice to Council on:

2.1 Matters of significant community interest;

2.2 Strategic initiatives,

as determined by Council;

- 3 **ENDORSES** the current Terms of Reference of the Strategic Community Reference Group, as detailed in Attachment 3 to Report JSC04-10/17;

- 4 **APPOINTS** the following members and deputy members to the Strategic Community Reference Group:

### Members

- Mayor;
- Three Elected Members;

**Deputy Members**

- Three Elected Members;
- 5 AUTHORISES the Chief Executive Officer to seek nominations to fill the vacant community representative positions for the following wards:**
- 5.1 North Ward;**
  - 5.2 North Central Ward;**
  - 5.3 Central Ward;**
  - 5.4 South Ward;**
  - 5.5 South-West Ward;**
  - 5.6 South-East Ward;**
- 6 NOMINATES the following persons to represent the City of Joondalup on the:**
- 6.1 Community Board of Advice (Joondalup Health Campus):**
    - One Elected Member;
    - One Elected Member (deputy);
  - 6.2 Joondalup Lotteries House Inc:**
    - Coordinator Community Services;
  - 6.3 North West District Planning Committee:**
    - One Elected Member;
    - One Elected Member (deputy);
  - 6.4 North Western Metropolitan Regional Road Sub-Group:**
    - One Elected Member;
    - One Elected Member (deputy);
    - Director Infrastructure Services;
  - 6.5 Wanneroo/Joondalup Local Emergency Management Committee:**
    - One Elected Member;
    - One Elected Member (deputy);
    - Manager Asset Management;
    - Emergency Management Officer;
    - Principal Environmental Health Officer;
  - 6.6 Yellagonga Regional Park Community Advisory Committee:**
    - One Elected Member;
    - One Elected Member (deputy);
    - Team Leader Natural Areas;

**7 NOTES that:**

- 7.1 Appointment of City of Joondalup representatives to North-West Metropolitan Joint Development Assessment Panel is by Ministerial appointment;
- 7.2 The following four City of Joondalup representatives were appointed by the Minister for a term expiring 26 April 2020:

**Members**

- Cr Christine Hamilton-Prime;
- Cr Philippa Taylor;

**Alternate Members**

- First alternate member Cr Sophie Dwyer;
- Second alternate member Cr Nige Jones.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agn171106.pdf](#)

**CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

**NAME** .....

**ADDRESS** .....

**QUESTIONS**

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Please submit this form at the meeting or:

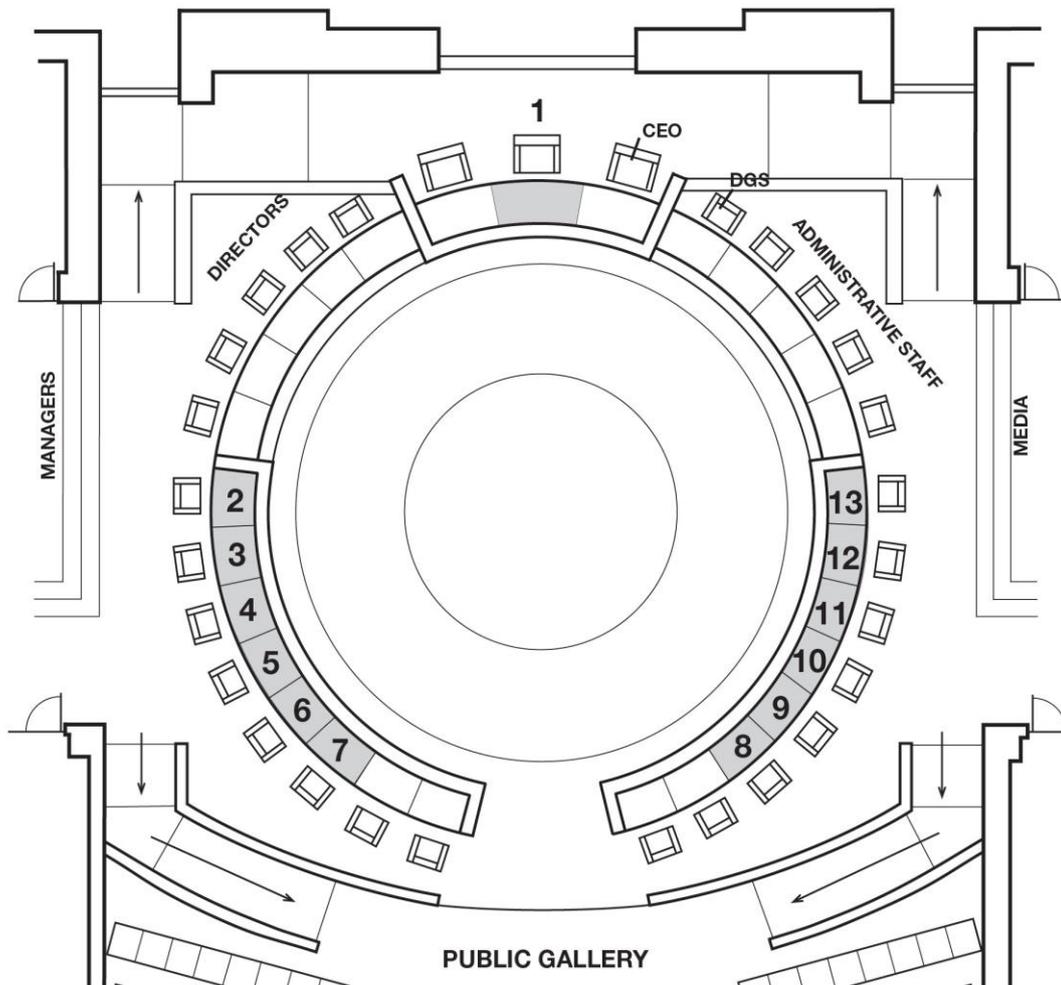
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/19)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/19)

### Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/19)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr Mike Norman (Term expires 10/19)

### South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/19)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Sophie Dwyer (Term expires 10/19)