

# 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** **TUESDAY 3 NOVEMBER 2015**

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

### **PURPOSE OF MEETING**

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

- 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  
30 October 2015

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

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on

**Monday 2 November 2015**

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 (5) 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.*

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# 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 **Tuesday 3 November 2015** commencing at **7.00pm**.

Garry Hunt  
Chief Executive Officer  
30 October 2015

Joondalup  
Western Australia

## AGENDA

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### 2 DECLARATIONS OF INTEREST

### 3 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.)

### 4 PUBLIC STATEMENT TIME

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

### 5 APOLOGIES AND LEAVE OF ABSENCE

#### **Leave of Absence previously approved**

Cr John Chester 30 October to 8 November 2015 inclusive;  
Cr Liam Gobbert 22 November to 23 November 2015 inclusive;  
Cr Mike Norman 7 December to 11 December 2015 inclusive;  
Cr Liam Gobbert 10 December to 15 December 2015 inclusive.

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



**7 REPORT****JSC02-11/15 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>	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.

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**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.

At a recent workshop of elected members, it was suggested the committee structure that existed prior to the 2015 Local Government Elections be disbanded, and a new committee structure be established.

In view of this a structure of five committees is recommended and Council therefore is requested to establish an appropriate committee structure (with an appropriate role) and to make the necessary elected member appointments.

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 2015 to determine matters prior to Council going into recess over the months of December and January
- establish meeting days, times and frequency for 2016.

**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.

Over a number of years Council has established various committees, which all perform different functions in accordance with the role established for the particular committee. As at the 2015 Local Government Elections, Council had established the following committee structure:

- Art Collection and Advisory Committee (ACAC).
- Audit Committee.
- Capital Works Committee (CWC).
- Chief Executive Officer Performance Review Committee (CEOPRC).
- Joondalup Performing Arts and Cultural Facility – Steering Committee (JPACF Steering Committee).
- Ocean Reef Marina Committee (ORMC).
- Office Development Committee (ODC).
- Policy Committee.
- Strategic Financial Management Committee (SFMC).

The committee structure prior to the 2015 Local Government Elections required some committees to meet on a regular basis (such as the Capital Works Committee); some meeting at times where critical decisions are required to be made (such as the Audit Committee); or where projects evolve to a certain point of delivery (such as the Ocean Reef Marina Committee).

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.

Following a workshop of elected members, it was suggested that the committee structure be reviewed with a view of reducing the number of committees and streamlining their activities and role.

## **DETAILS**

In view of the workshop held with elected members, the following five committees are suggested to be established 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).

## **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.

At the workshop of elected members, it was suggested that the function and role of both the Audit Committee and the Chief Executive Officer Performance Review Committee could be amalgamated into one committee (thereby reducing the recommended number of committees down from five to four).

In accordance with good governance principles and philosophies, it is considered appropriate that both the Audit Committee and the Chief Executive Officer Performance Review Committee remain as separate committees within any committee structure, due to their specific role and activities; legislative and contractual requirements; and general oversight function and program of works.

## **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**

Some committees with the previous committee structure prior to the 2015 Local Government Elections had a range of external stakeholders as members. However there are alternative mechanisms outside of a formal committee structure (such as the establishment of project specific reference groups) that can be formed from time to time by Council to gain input and comment from stakeholders as the need arises.

The wording of the roles for the new committees has not changed the intent of the role wording that existed under the City's old committee structure. The intent of those old roles has been incorporated into the new roles, being cognisant of modern drafting standards.

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 2016, 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 following committees established by the Council at its meeting held on 5 November 2013 (JSC06-11/13 refers):**
  - 1.1 **Art Collection and Advisory Committee;**
  - 1.2 **Audit Committee;**
  - 1.3 **Capital Works Committee;**
  - 1.4 **Chief Executive Officer - Performance Review Committee;**
  - 1.5 **Joondalup Performing Arts and Cultural Facility – Steering Committee;**
  - 1.6 **Ocean Reef Marina Committee;**
  - 1.7 **Office Development Committee;**
  - 1.8 **Policy Committee;**
  - 1.9 **Strategic Financial Management Committee;**
- 2 **BY AN ABSOLUTE MAJORITY ESTABLISHES a Finance Committee to:**
  - 2.1 **oversee the progress of the City's annual capital works program and review of the City's Five Year Capital Works Program;**
  - 2.2 **make recommendations to Council on modifications of capital works projects outside those projects of the Major Projects Committee;**
  - 2.3 **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;**
  - 2.4 **oversee the City's financial management activities, funding proposals and long term strategic financial planning;**
  - 2.5 **make recommendations to Council on reviews and impacts on the City's *20 Year Strategic Financial Plan*;**
- 3 **BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the 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;

#### **4 BY AN ABSOLUTE MAJORITY ESTABLISHES a Policy Committee to:**

- 4.1 make recommendations to Council on the development and review of the City's policies and overall policy framework;
- 4.2 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
- 4.3 collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art
- 4.4 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
- 4.5 review the criteria established to determine award winners
- 4.6 oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs;

#### **5 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;

**6 BY AN ABSOLUTE MAJORITY ESTABLISHES a Major Projects Committee to:**

**6.1 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;**

**6.2 make recommendations to Council on various elements of the projects within the role of the Major Projects Committee, including but not limited to:**

**6.2.1 project scope;**

**6.2.2 design elements and core project components;**

**6.2.3 development models and financial structures;**

**6.2.4 on-going management and utilisation models;**

**7 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Major Projects 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;

**8 BY AN ABSOLUTE MAJORITY ESTABLISHES an Audit Committee to provide guidance and assistance to Council as to:**

**8.1 the carrying out of functions in relation to audits under the *Local Government Act 1995*;**

**8.2 the development of a process used to select and appoint a person to be the City's auditor;**

**8.3 matters to be audited and the scope of audits;**

**8.4 the carrying out of functions relating to other audits and other matters related to financial management;**

**8.5 the review, the appropriateness and effectiveness of the City's systems and procedures in relation to:**

- 8.5.1 risk management;**
- 8.5.2 internal control;**
- 8.5.3 legislative compliance;**
- 8.5.4 internal and external audit reporting;**

**9 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Audit 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;**

**10 BY AN ABSOLUTE MAJORITY ESTABLISHES a Chief Executive Officer Performance Review Committee to:**

**10.1 review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;**

**10.2 prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council;**

**10.3 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;**

**10.4 review the Key Performance Indicators to be met by the Chief Executive Officer;**

**10.5 review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;**

**10.6 review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary;**

- 11 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;

- 12 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:**

- 12.1 Major Projects Committee on Tuesday 3 November 2015, commencing at 7.45pm, Conference Room 1;
- 12.2 Chief Executive Officer Performance Review Committee on Tuesday 3 November 2015, commencing at 7.55pm, Conference Room 1;
- 12.3 Audit Committee on Tuesday 3 November 2015, commencing at 8.05pm, Conference Room 1;
- 12.4 Finance Committee on Tuesday 3 November 2015, commencing at 8.15pm, Conference Room 1;
- 12.5 Policy Committee on Tuesday 3 November 2015, commencing at 8.25pm, Conference Room 1.

## **JSC03-11/15 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. Council at its meeting held on 21 August 2012 (CJ156-08/12 refers) made various appointments to the group following an expression of interest process throughout the community.

Council at its special meeting held on 5 November 2013 (JSC06-11/13 refers) re-appointed existing community members to the group with the exception of the North Ward, where nominations were sought from the community for a vacant position.

At its Special Meeting held on 20 October 2015 (JSC01-10/15 refers), Council appointed representatives to the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Metropolitan Zone.

Furthermore 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 17 February 2015 (CJ010-02/15 refers), Council nominated Crs Chester and Gobbert to represent the City of Joondalup on the North-West Metropolitan Joint Development Assessment Panel, with Cr Taylor being nominated as first alternate member and Cr Hamilton-Prime as second alternate member. These appointments remain in force until 26 April 2017.

## **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 17 October 2015 is provided in Attachment 1.

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

### Joondalup Design Reference Panel

The 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 were 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.

In order to avoid delays in the processing of major development applications for the City, Council re-appointed existing panel members from the professional institutions to the panel positions at its Special meeting held on 5 November 2013 (JSC06-11/13 refers).

The existing panel members have individually and collectively been instrumental in adding value to the application assessment and determination process. The City has been pleased with the performance of all members and sees no need in changing membership.

It is recommended that the City not go through the process of calling for nominations from relevant professional institutions but should instead look at re-appointing existing panel members from the professional institutions to the panel positions.

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 this Report.

#### 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.

The Council supported the establishment of a Strategic Community Reference Group (SCRG) with the objective of providing advice to the Council on:

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

The format of the group was to include:

- 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 the Council with advice on the following strategic matters:

- *Community Safety and Crime Prevention Plan.*
- *Environment Plan.*
- *Draft Waste Management Plan.*
- *Draft Bike Plan.*



The Community Members of the SCRG, up until October 2015 were as follows:

- North Ward Mrs Penny Gilpin
- North-Central Ward Mr Wes Buzza
- Central Ward Mr Bryan Saunders
- South-West Ward Mr Brian Yearwood
- South-East Ward Dr Zarrin Siddiqui
- South Ward Dr Susan King

In accordance with the Terms of Reference for the SCRG, the terms for members concluded in October in line with the ordinary Council election cycle. Community members were advised of this in September 2015 and were also advised that Council would consider the re-establishment of the SCRG and membership composition following the local government elections on 17 October 2015.

Members were invited to advise the City by 23 October 2015 whether they would remain as a ward representative on the group should Council resolve that the current membership be invited to continue for a further two years, until October 2017. Mr Bryan Saunders (Central Ward), Mr Wes Buzza (North Central Ward), Dr Susan King (South Ward), Mrs Penny Gilpin (North Ward) and Mr Brian Yearwood (South-West Ward) have advised that they would continue on the group if Council resolved as such.

However with the adjustment of the City's ward boundaries between the North and North Central Ward from the 2015 Local Government Elections (with the transfer of the suburb of Connolly from the North Ward to the North Central Ward), Mrs Penny Gilpin will no longer be able to represent the North Ward as she no longer resides in the North Ward.

In view of this, it is recommended that Council:

- endorse the current Terms of Reference of the Strategic Community Reference Group
- re-appoint the community representatives for the North-Central Ward, Central Ward, South Ward and South-West Ward.
- authorise the Chief Executive Officer to seek nominations to fill the vacant community representative positions for the North Ward and South-East Ward.

#### 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 17 February 2015 (CJ010-02/15 refers), Council nominated Crs Chester and Gobbert to represent the City of Joondalup on the North-West Metropolitan Joint Development Assessment Panel, with Cr Taylor being nominated as first alternate member and Cr Hamilton-Prime as second alternate member. All appointments are made by the Minister for Planning and these appointments remain in force until 26 April 2017.

### **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 RE-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** **Rod Mollet;**
- **Planning Institute of Australia** **Mathew Selby;**
- **Australian Institute of Landscape Architects** **Andy Sharp;**

### Deputy Members

- **Australian Institute of Architects** **Nerida Moredoundt;**
- **Planning Institute of Australia** **Jane Bennett;**
- **Australian Institute of Landscape Architects** **Regan Douglas;**

- 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 JSC02-11/15;**

**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 RE-APPOINTS the following community representatives to the Strategic Community Reference Group:**

**Members**

- Mr Bryan Saunders - Central Ward;
- Mr Wes Buzza - North Central Ward;
- Mr Brian Yearwood - South-West Ward;
- Dr Susan King - South Ward;

**6 THANKS Mrs Penny Gilpin and Dr Zarrin Siddiqui for their participation and contributions on the Strategic Community Reference Group;**

**7 AUTHORISES the Chief Executive Officer to seek nominations to fill the vacant community representative on the Strategic Community Reference Group for the North Ward and South-East Ward;**

**8 NOMINATES the following persons to represent the City of Joondalup on the:**

**8.1 Community Board of Advice (Joondalup Health Campus):**

- One Elected Member;
- One Elected Member (deputy);

**8.2 Joondalup Lotteries House Inc:**

- Coordinator Community Services;

**8.3 North West District Planning Committee:**

- One Elected Member;
- One Elected Member (deputy);

**8.4 North Western Metropolitan Regional Road Sub-Group:**

- One Elected Member;
- One Elected Member (deputy);
- Director Infrastructure Services;

**8.5 Perth Region NRM Local Government Reference Group:**

- One Elected Member;
- One Elected Member (proxy);

**8.6 Wanneroo/Joondalup Local Emergency Management Committee:**

- One Elected Member;
- One Elected Member (deputy);
- Manager Asset Management;
- Emergency Management Officer;
- Principal Environmental Health Officer;

**8.7 Yellagonga Regional Park Community Advisory Committee:**

- One Elected Member;
- One Elected Member (deputy);
- Team Leader Natural Areas;

**9 NOTES that:**

**9.1 Appointment of City of Joondalup representatives to North-West Metropolitan Joint Development Assessment Panel is by Ministerial appointment;**

**9.2 The following four City of Joondalup representatives were appointed by the Minister for a term expiring 26 April 2017:**

**Members**

- Cr Chester;
- Cr Gobbert;

**Alternate Members**

- First alternate member Cr Taylor;
- Second alternate member Cr Hamilton-Prime;

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn031115.pdf](#)*

**8 CLOSURE**



**APPENDICES FOR AGENDA FOR  
SPECIAL MEETING OF COUNCIL**

**3 NOVEMBER 2015**

ITEM NO.	SUBJECT	APPENDIX NO.	STAMPED PAGE NO.
JSC03-11/15	<b>Appointment of Representatives to External Committees and Boards and Internal Groups and Panels</b>	1	
	Attachment 1      Role of external committees and boards		1
	Attachment 2      Joondalup Design Reference Panel Terms of Reference		15
	Attachment 3      Strategic                      Community Reference Group Terms of Reference		17



**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



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**STATEMENT**

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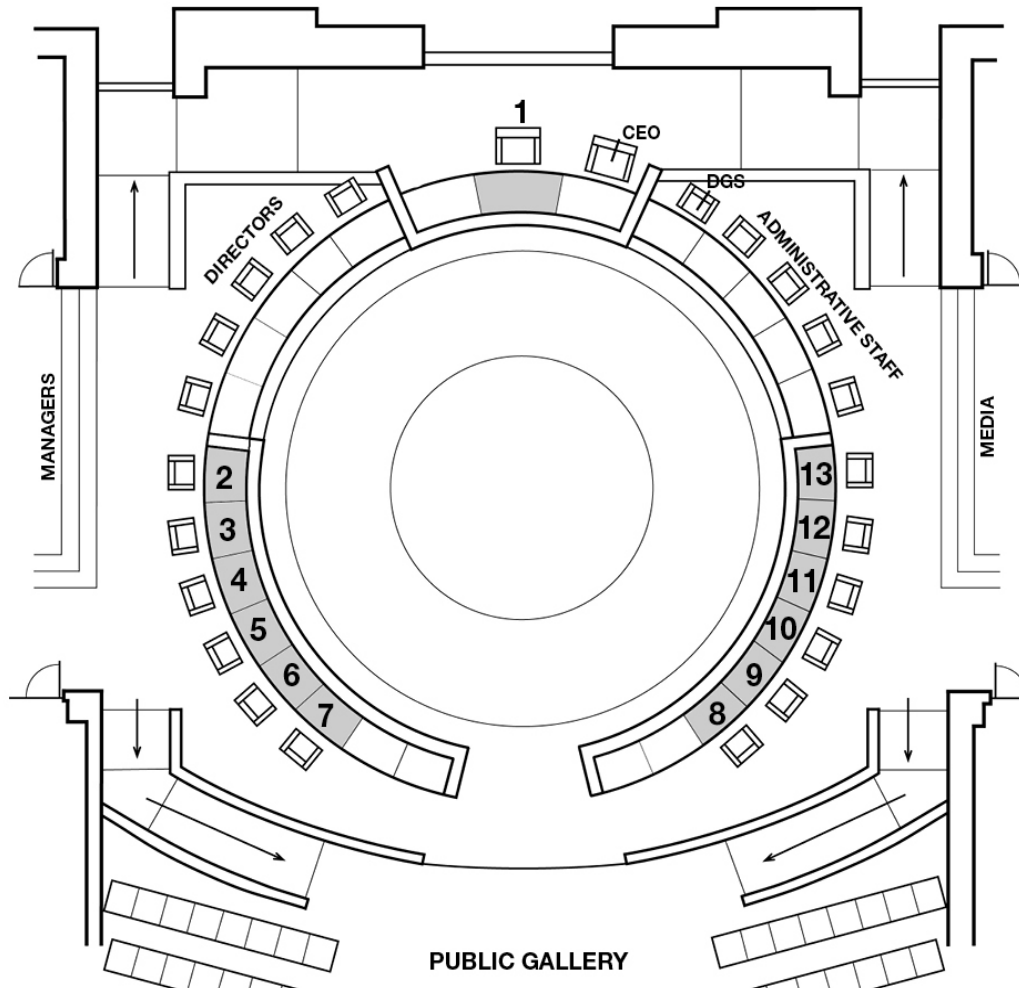
Please submit this form at the meeting or:

- **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:**

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

## Council Chambers – Seating Diagram



### Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)
- 3 Cr Tom McLean, JP (Term expires 10/19)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)
- 5 Cr Nige Jones (Term expires 10/19)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)
- 7 Cr Russell Poliwka (Term expires 10/19)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)
- 9 Cr Mike Norman (Term expires 10/19)

### South-East Ward

- 10 Cr John Chester (Term expires 10/17)
- 11 Cr John Logan (Term expires 10/19)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)
- 13 Cr Sophie Dwyer (Term expires 10/19)