

agenda

Special Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that a **Special Meeting of Council** will be held at **6.30pm** on **Tuesday 22 October 2013** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "Kyron".

ATHANASIOS (ARTHUR) KYRON
CHIEF EXECUTIVE OFFICER

16 October 2013

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1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever. AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3 ATTENDANCE

Mayor: Mr T (Trevor) Vaughan

Banksia Ward: Cr C (Claire) Anderson
Cr J (John) Bissett
Councillor Elect
Councillor Elect

Jarrah Ward: Cr D V (Vin) Nairn
Cr V (Vicki) Potter
Councillor Elect
Councillor Elect

Chief Executive Officer: Mr A (Arthur) Kyron

Directors: Mr A (Anthony) Vuleta
Mr N (Nathan) Cain
Ms R (Rochelle) Lavery
Ms T (Tina) Ackerman

Secretary:

Public:

3.1 Apologies

3.2 Approved Leave of Absence

4 ELECTION OF DEPUTY MAYOR

5 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Declaration of Interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

6 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)

7 REPORTS

7.1 Elected Members Briefing Session Committee – Appointment of Members

File Reference:	ADM0027
Appendices:	No

Date:	14 October 2013
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Kyron
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – That Council re-establishes the Elected Members Briefing Session Committee (EMBS) and appoint all Elected Members to that Committee.

- The Council needs to re-establish the EMBS and re-appoint Elected Members to the Committee to provide a forum to facilitate questions and presentations of reports being presented to the next Council meeting.

TABLED ITEMS:

- Nil

BACKGROUND:

The Council has established the Elected Member Briefing Session (EMBS) as a Committee of the whole Council to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

It is customary to appoint all Elected Members to this Committee at the Special Meeting of the Council following an Ordinary Election.

DETAILS:

The *Local Government Act 1995* (the Act) stipulates that membership of a Council Committee ceases at the time of an ordinary election. All positions on the EMBS are therefore currently vacant and new appointments need to be made.

Any appointments made by Council to a Committees continues until the next ordinary election day in October 2013 unless, in the intervening period:

- an elected member no longer holds office;
- an elected member resigns, or
- the committee is disbanded.

At the commencement of the first meeting of the EMBS after an Ordinary Election, the first item of business is the election of a presiding member and, if considered necessary or desirable, a deputy presiding member. Both these positions are elected from all the members then present, the quorum being at 50% of the appointed membership. All members of the EMBS are entitled to vote.

It is however customary and protocol that the Mayor be appointed as the Presiding Member and the Deputy Mayor as the Deputy Presiding Member.

Purpose of Elected Members Briefing Session (EMBS)

The EMBS is a constituted Committee of the Council in accordance with Section 5.8 of the *Local Government Act 1995* (the Act). The function of the EMBS is to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

The EMBS:

1. Has no delegated power to make decisions;
2. Does not make recommendations about the adoption of reports of employees or others to the forthcoming Ordinary Council meeting;
3. Will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public; and
4. Provides an opportunity for Elected Members to be equally informed and seek additional information on reports, items and matters prior to them being presented to the forthcoming Ordinary Council meeting for formal consideration and decision.

Procedures for EMBS

A meeting of the EMBS will be conducted in accordance with the Standing Orders Local Law. The following procedures will also apply:

1. The EMBS will be open to the public except for matters of a confidential nature. The guide for determining those matters of a confidential nature shall be in accordance with the Act.
2. There is no debate amongst Elected Members on any matters raised during the EMBS.
3. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda of the EMBS.
4. A record (brief minutes) shall be kept of all EMBS meetings. As no decisions are made at an EMBS, the record will only be a record of;
 - 4.1 items listed on the agenda by heading and number;
 - 4.2 questions asked and the response provided; and
 - 4.3 any disclosure of interest as declared by individuals.
5. Persons having an interest in or knowledge of matters to be decided by the Council may be invited by the Chief Executive Officer to address an EMBS. Such persons making an address will be limited to 15 minutes. An address must relate to matters listed on the Agenda.

Legal Compliance:

Section 5.8 of the *Local Government Act 1995* (the Act) states that:

“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.

Section 5.9 of the Act stipulates the types of committees that the Council may establish and who may be appointed.

The Council therefore has the power under the Act to appoint a Committee of the whole Council. In this case being the Elected Members Briefing Session which has no delegated powers and its purpose has been addressed in the 'Details' section of this report.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The continuance of the EMBS Committee is required to enable Elected Members to be briefed about reports that are being presented to the next meeting of the Council. It also provides the Administration with an opportunity to present a report and for Elected Members to ask questions.

CONCLUSION:

It is desirable for the conduct of Council meetings that all Elected Members be appointed to the EMBS.

RECOMMENDATION/S:

The Council BY AN ABSOLUTE MAJORITY in accordance with:

- 1. Section 5.8 of the *Local Government Act 1995*, re-establishes the Elected Members Briefing Session as a Committee of the Council;**

- 2. Section 5.9 of the *Local Government Act 1995*, appoints:
His Worship the Mayor;
Cr Anderson;
Cr Bissett;
Cr Nairn;
Cr Potter;
Cr _____;
Cr _____;
Cr _____; and
Cr _____;
as Members of the Elected Members Briefing Session Committee.**

(Absolute Majority Required)

7.2 Regional Councils and Outside Organisations – Appointment of Members

File Reference:	ADM0027
Appendices:	No

Date:	14 October 2013
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Kyron
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Appoint Elected Members to Regional Councils and other outside organisations.

- The Council gives consideration to making these appointments particularly to the Regional Councils.

TABLED ITEMS:

- Nil

BACKGROUND:

The Mindarie and Tamala Park Regional Councils comprise seven member Local Governments being the Cities of Joondalup, Perth, Stirling Vincent and Wanneroo, and the Towns of Cambridge and Victoria Park. The Town has a one twelfth share in both Regional Councils which entitle it to be represented by one Elected Member on each of these two Councils.

It also has representation on the Mindarie Regional Council's Technical Committee which is a meeting of the seven member Councils senior engineering technical officers. The Town has therefore being represented by the Director of Renew Life.

The Town is also represented on the following outside organisations:

- Development Assessment Panel;
- Swan River Trust;
- WA Local Government Association (WALGA) – South-East Zone;
- Harold Hawthorne Senior Citizens Centre Board of Management;
- Metropolitan Regional Road Sub-Group;
- Two Rivers Catchment Group;
- Gurney VC RSL & Community Centre Management Committee;
- Burswood Park Board; and
- SERCUL - South East Regional Centre for Urban Land Care.

After each Ordinary Election all previous appointments on the Regional Councils cease and the Council is required to consider new or reappointments of Elected Members for a further period of two years until the next Ordinary Election on 17 October 2015 subject to Local Government Reform being implemented prior to that date. It is also customary to consider new appointments or re-appointments to outside bodies and organisations immediately following the elections.

DETAILS:

No special procedures apply for membership to an outside or statutory body. The Town's Administration will write to the organisation advising which persons have been appointed as primary and deputy delegates, where appropriate. Where the primary delegate is unable to attend a scheduled meeting, he or she should inform the deputy (if any) as early as possible to enable the deputy to attend in his or her place.

In particular, there is some urgency required with the appointment of an Elected Member to represent the Council on the Mindarie and Tamala Park Regional Councils. If appointments are not made by its seven Member Local Governments then there is no elected body in place to re-appoint committees or convene a special meeting should an emergency arise.

Any appointments made by Council to a Regional Council or outside organisation continues until the next ordinary election day in October 2015 unless, in the intervening period:

- an elected member no longer holds office;
- an elected member resigns, or
- the organisation is disbanded.

The Regional Councils purpose with a brief description and overview of their role and the Town's current representation is shown below:

Regional Council	Brief description/overview	Primary	Deputy	Officer
Mindarie (MRC) # (see note)	An independent Regional Council from 7 member councils (Cambridge, Joondalup, Perth, Stirling, Victoria Park, Vincent and Wanneroo) established to run the waste disposal, recycling facility at Tamala Park and the Resource Recovery Facility at Neerabup on land owned by the member councils. Meets every second month.	<u>Previous</u> Cr Bissett	<u>Previous</u> Cr Hayes (see note #)	Observer Director Renew Life
MRC Technical Committee	Committees of officers of the member councils that provide technical and professional advice to the MRC Meets as required	N/A	N/A	Director Renew Life
Tamala Park Regional Council # (see note)	An independent Regional Council from the 7 member councils (Cambridge, Joondalup, Perth, Stirling, Victoria Park, Vincent and	<u>Previous:</u> The Mayor	<u>Previous</u> Cr Ashton (see note #)	Observer CEO

	Wanneroo) established to develop (i.e. subdivide) the land surplus to waste disposal operations.			
	Meets every second month.			

Note:

In accordance with the *Interpretations Act 1984*, on each occasion that the appointed Member cannot attend a Regional Council meeting, the Victoria Park Council by resolution, needs to appoint a deputy for the specific period that the appointed (primary) member is not available.

The other organisations that request / require representation from the Town, with a brief description and overview of their role and also naming the Town's current representation, is shown below:

Organisation	Brief description/overview	Primary	Deputy	Officer
Development Assessment Panel (DAP) ## (see note)	Comprises two elected members representatives and two elected members as deputies to be appointed to the DAP The DAP meets as required.	<u>Current:</u> Cr Ashton Vacant (see note #)	<u>Current</u> Cr Potter Cr Skinner	<u>Observer</u> Director Future and Built Life or her nominee
Swan River Trust	The Trust invites an elected member and officer to the meeting whenever an application by the Town is being considered. (Rare event)	<u>Previous:</u> Cr Hayes	N/A	<u>Observer</u> Officer at CEO discretion
WA Local Government Association (WALGA) – South-East Zone	2 delegates from each of the councils comprising the south-east zone (i.e. Serpentine-Jarrahdale, Armadale, Gosnells, Canning, Victoria Park and South Perth) meet every 2 months to discuss LG issues of the region and matters listed for consideration by WALGA's State Council)	<u>Previous:</u> Cr Vilaca Cr Bissett	<u>Previous:</u> Cr Ashton (1 st Deputy) Cr Hayes (2 nd Deputy) CEO (non-voting)	NA
Harold Hawthorne Senior Citizens Centre Board of Management	2 Elected members have, under their Constitution, seats on the Board. Meets, at the CSC centre. Meets monthly	<u>Previous:</u> The Mayor Cr Hayes	No previous deputy	NA

Metropolitan Regional Road Sub-Group	Determines and considers road funding priorities for the SE Region for submission to Main Roads WA for funding (1 or 2 meetings per year, at most)	<u>Previous:</u> The Mayor	No previous deputy	<u>Observer</u> Director Renew Life
Two Rivers Catchment Group	Meets monthly	<u>Previous:</u> Cr Skinner	No previous deputy	<u>Observer</u> Environmental Officer
Gurney VC RSL & Community Centre Management Committee	Committee manages the Centre. Meets monthly	<u>Previous:</u> Cr Nairn	<u>Previous:</u> Nil	N/A
* Burswood Park Board	Government appointed Board that manages all Reserve land north of Great Eastern Highway and the railway, from the Causeway to Windan Bridge.	<u>Current</u> Cr Hayes (see note)	N/A	N/A
SERCUL - South East Regional Centre for Urban Land Care	Meets 4 times per year 9am to noon on 2 nd Thurs of each month. SERCUL requests either a Councillor or officer to be a member.	N/A	N/A	<u>Previous</u> Environmental Officer

Notes:

The Council at its meeting held on 12 February 2013 resolved to recommend to the Minister for Planning that he appoints Councillors Ashton and Bissett as the two DAP members and Councillors Potter and Skinner as the two alternate members. Cr Bissett has since resigned and there is a position vacant as a DAP Member. The Director of Future Life and Built Life will however be presenting a separate report on appointing a new member on the DAP at the Council Meeting to be held on 12 November 2013.

* In relation to the Burswood Park Board the Council at its meeting held on 9 April 2013 resolved to recommend to the Minister for Racing and Gaming that Cr Hayes be appointed. The Minister appointed Cr Hayes for the period 1 August 2013 until 31 July 2015. Consequently there is no vacant position on the Burswood Park Board.

Fees & Allowances paid to Members by Regional Councils and other organisationsMindarie Regional Council (MRC)

MRC Councillors fees are \$10,000 per annum - (1 Member to be appointed)

Tamala Park Regional Council (TPRC)

TPRC Councillors fees are \$10,000 per annum (1 Member to be appointed)

Development Assessment Panel (DAP)

DAP members, including local government members are to be paid \$400 per sitting of the DAP.

Burswood Park Board

Each Board Member receives an annual sitting fee of \$5,200 (Current Member Cr Hayes who will hold office if re-elected until 31 July 2015)

Legal Compliance:

Should any of the Council's appointed representatives not be available to attend a meeting of the Mindarie Regional Council or the Tamala Park Regional Council during their term, then a special resolution of Council is required to appoint an alternate member for the specific period that the appointed (primary) member is not available, in accordance with Clauses 52(b) and (c) of the *Interpretation Act 1984*, which provides:

"52(b) Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment."

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:**Internal Budget:**

Nil

Total Asset Management:

Nil

Sustainability Assessment:**External Economic Implications:**

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The *Local Government Act 1995* (the Act) stipulates that membership of the Regional Councils ceases at the time of an ordinary election. It has also been customary to review the Town's representation on the other outside organisations due to a possible change in the line-up of its Elected Members due to the election or a change in circumstances and also interest shown by other Elected Members wanting an opportunity to represent the Town on a particular organisation or board.

The Town may consider appointing a deputy to both the MRC and the TPRC. The appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an on-going basis. By appointing a deputy to a Regional Council would however provide the Administration with an Elected Members name to be included in a report being presented to Council to appoint a deputy when the appointed (primary) member has given sufficient notice that he or she is unable to attend.

The Council is requested to give consideration to appointing representatives to the Regional Councils and the other organisations shown in the above tables.

CONCLUSION:

It is desirable to assist Regional Councils to be able to convene a council meeting for the Town to appoint its Members for a 2year period.

RECOMMENDATION/S:

That the Council:

1. **Appoints _____ to represent the Town on the Mindarie Regional Council until 17 October 2015 and _____ as the Deputy Member until 17 October 2017, noting that the appointment of the Deputy needs to be by Council resolution for the specific period that the appointed (primary) member is not available;**
2. **Appoints _____ to represent the Town on the Tamala Park Regional Council until 17 October 2015 and _____ as the Deputy Member until 17 October 2015, noting that the appointment of the Deputy needs to be by Council resolution for the specific period that the appointed (primary) member is not available;**
3. **Appoints the Director Renew Life or his nominee to represent the Town on the Mindarie Regional Council Technical Committee until 17 October 2015;**
4. **Appoints _____ to represent the Town on the Swan River Trust until 17 October 2015;**
5. **Appoints _____ and _____ to represent the Town on the Western Australian Local Government Association (WALGA) South-East Zone and _____ as the first alternate Deputy and _____ as the second alternate Deputy until 17 October 2015 and appoints the CEO as a non-voting Deputy Member until 17 October 2015;**

6. Appoints _____ and _____ to represent the Town on the Harold Hawthorne Senior Citizens Centre Board of Management until 17 October 2017;
7. Appoints _____ to represent the Town on the Metropolitan Regional Road Sub-Group until 17 October 2015;
8. Appoints _____ to represent the Town on the Two Rivers Catchment Group until 17 October 2015;
9. Appoints _____ to represent the Town on the Gurney VC RSL & Community Centre Management Committee until 17 October 2015;
10. Appoints the Environmental Officer to represent the Town on the South East Regional Centre for Urban Land Care (SERCUL) until 17 October 2015.

8 CLOSURE



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

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

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”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.