

minutes

Special Meeting of Council



Please be advised that the Special Meeting of Council commenced at **6:37pm** 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

28 October 2013

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(To be confirmed on 12 November, 2013)

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

Mayor Vaughan congratulated and welcomed the new Councillors and said he was looking forward to a good working relationship.

Mayor Vaughan thanked Rowena Skinner, who was present in the gallery, and acknowledged her great work for the Town over the past 18 years.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr J (John) Bissett Cr K (Keith) Hayes Cr M (Mark) Windram
Jarraah Ward:	Cr V (Vicki) Potter Cr B (Brian) Oliver Cr V (Vince) Maxwell
Chief Executive Officer:	Mr A (Arthur) Kyron
Directors:	Mr N (Nathan) Cain Ms R (Rochelle) Lavery Ms T (Tina) Ackerman
Secretary:	Mrs A (Alison) Podmore
Public:	14

3.1 Apologies

Jarraah Ward
Director Renew Life

Cr D V (Vin) Nairn
Mr A (Anthony) Vuleta

3.2 Approved Leave of Absence

Nil

4 ELECTION OF DEPUTY MAYOR

The Mayor is to conduct an election for Deputy Mayor in accordance with the *Local Government Act 1995* and Regulations. ***(Nominations to be submitted in writing to the Chief Executive Officer no later than 6.15pm on 22 October 2013 – refer to nomination form attached. The nominator is to complete his or her details and the nomination must be accepted by the Elected Member being nominated.)***

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that office.

How the Deputy Mayor is elected:

- 1 The Council is to elect a Councillor (other than the Mayor) to fill the office;
- 2 The election is to be conducted in accordance with the procedure prescribed by the Mayor, or if he or she is not present, by the CEO;
- 3 Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- 3(a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with;
- 4 If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office;
- 5 The Council members are to vote on the matter by secret ballot as if they were electors voting at an election;
- 6 Subject to Clause 9(1) of Schedule 2.3 of the *Local Government Act 1995*, the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the *Local Government Act 1995*, as if those votes were votes cast at an election;
- 7 As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

(To be confirmed on 12 November, 2013)

There were two nominees for Deputy Mayor, Cr Claire Anderson and Cr Vince Maxwell.

A secret ballot was then conducted by the CEO to appoint the new Deputy Mayor.

The final vote was 7-1 in favour of Cr Anderson being appointed Deputy Mayor.

Deputy Mayor Claire Anderson read aloud and signed the Declaration of Office.

5 DECLARATIONS OF INTEREST

Declaration of Financial Interests

None received.

Declaration of Interest affecting impartiality

None received.

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

Nil

(To be confirmed on 12 November, 2013)

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.

(To be confirmed on 12 November, 2013)

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.

(To be confirmed on 12 November, 2013)

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.

(To be confirmed on 12 November, 2013)

RESOLVED:

Moved: Councillor Hayes

Seconded: Councillor Bissett

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 Hayes;
Cr Oliver;
Cr Maxwell; and
Cr Windram;
as Members of the Elected Members Briefing Session Committee.**

The motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Potter; Cr Bissett; Cr Hayes; Cr Oliver; Cr Maxwell; and Cr Windram

(To be confirmed on 12 November, 2013)

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 or ganisations immediately following the elections.

(To be confirmed on 12 November, 2013)

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

(To be confirmed on 12 November, 2013)

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

(To be confirmed on 12 November, 2013)

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)

(To be confirmed on 12 November, 2013)

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

(To be confirmed on 12 November, 2013)

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.

RESOLVED:

Moved: Councillor Potter

Seconded: Councillor Bissett

That the Council:

- 1. Appoints Cr Bissett to represent the Town on the Mindarie Regional Council until 17 October 2015 and Cr Hayes 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;**
- 2. Appoints Mayor Vaughan to represent the Town on the Tamala Park Regional Council until 17 October 2015 and Cr Hayes 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;**

The motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Potter; Cr Bissett; Cr Hayes; Cr Oliver; Cr Maxwell; and Cr Windram

(To be confirmed on 12 November, 2013)

8. **Appoints Cr Potter to represent the Town on the Two Rivers Catchment Group until 17 October 2015;**
9. **Appoints Cr Nairn to represent the Town on the Gurney VC RSL & Community Centre Management Committee until 17 October 2015;**

The motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Potter; Cr Bissett; Cr Hayes; Cr Oliver; Cr Maxwell; and Cr Windram

Moved: Councillor Potter

Seconded: Councillor Oliver

That the Council:

10. **Appoints the Environmental Officer to represent the Town on the South East Regional Centre for Urban Land Care (SERCUL) until 17 October 2015.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Potter; Cr Bissett; Cr Hayes; Cr Oliver; Cr Maxwell; and Cr Windram

(To be confirmed on 12 November, 2013)

8 CLOSURE

There being no further business, Mayor Vaughan declared the meeting closed at 6:54 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed:

Mayor

Dated thisDay of

2013