



MINUTES OF SPECIAL COUNCIL MEETING

HELD ON

TUESDAY 29 OCTOBER 2019

AT 5.30PM

IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH

PRESENT:

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	D LEE	EAST WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	D PEMBER	EAST WARD
COUNCILLOR	M DARCY	COASTAL WARD
COUNCILLOR	J GREEN	COASTAL WARD
COUNCILLOR	C DI PRINZIO	COASTAL WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	A CLAYDON	DIRECTOR WORKS AND SERVICES
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MRS	C MIHOVILOVICH	DIRECTOR CORPORATE SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS [AGENDA ITEM 1]

The Mayor declared the meeting open at 5.30pm.

ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and pr

APOLOGIES [AGENDA ITEM 3]

Leave of Absence – Councillor Schumacher
Apology – Councillor Peter Rogers

DISCLAIMER [AGENDA ITEM 4]

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Consolidated Local Laws (Section 4.86) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

DEPUTATIONS [AGENDA ITEM 6]

Nil.

DECLARATION OF INTERESTS [AGENDA ITEM 7]

Nil.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 8]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

Nil.

REPORTS [AGENDA ITEM 9]**SP.2/10/19 MEMBERSHIP, POWERS AND DUTIES OF COUNCIL'S COMMITTEES AND COUNCIL MEETING SCHEDULE 2019 (TJ) (REPORT 1)**

Following the Local Government Election on Saturday, 19 October 2019, Council's committees expired.

In accordance with section 5.8 of the *Local Government Act 1995* (the Act) and *City of Mandurah Standing Orders Local Law 2016*, the Council has the ability to form committees to assist with the delivery of local government functions.

Traditionally the membership, powers and duties of Council's committees have been set for a two-year period, expiring on the next Local Government Election date. To enable existing and newly Elected Members the opportunity to review the committee structures, membership and powers and duties, Council is requested to consider approving the Committee meetings where there is a legislative requirement to establish a Committee or an operational need.

Council is requested to consider and adopt the powers and duties of the Audit and Risk Committee and Executive Committee, appoint members to these committees for two-years, expiring on 15 October 2021 and set the meeting dates for the remainder of 2019. Council is also requested to appoint an external representative to the Audit and Risk Committee in accordance with the Audit and Risk Terms of Reference (refer **Attachment 1**) for an appointment of two-years, expiring on 15 October 2021.

In accordance with Section 5.25(1)(g) of the Act and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, Council is required to resolve to advertise each year the days and times when Ordinary Council and Committee meetings will be held. Council is requested to endorse the Ordinary Council and Committee meeting dates for November and December 2019 and advertise via local public notice and the City's noticeboards and website.

To improve transparency, the Audit and Risk Committee and Executive Committee Terms of References have been modified to be open to the public. Where a matter that is being dealt with is required to be closed to the members of the public in accordance with section 5.23 of the Act, the Committee can go behind closed doors to discuss the matter and then return from behind closed doors once the matter has been dealt with.

A further review of Council's Committees will be carried out to provide Elected Members the opportunity to determine whether other Committees will be established and if so, each Committee's appointments and terms of reference, for the 2020 calendar year.

MOTION: D Lee / C Knight

That Council:

1. **Approve the powers and duties of Council's Audit and Risk Committee as detailed in Attachment 1 of the report, and appoints the following Elected Members until 15 October 2021:**

**Mayor Rhys Williams
Councillor Peter Jackson
Councillor Peter Rogers
Councillor Jenny Green
Councillor Ahmed Zilani**

Deputy Committee Members:
Councillor Darren Lee
Councillor Don Pember

2. **Appoints Wayne Ticehurst (Applicant) to the Audit and Risk Committee as the external committee member and approves the payment of \$3,000 per annum until 15 October 2021.**
- 3.1 **Appoints the following Elected Members to the Executive Committee until 15 October 2021:**

Mayor Rhys Williams
Councillor Caroline Knight, Deputy Mayor
Councillor Peter Rogers
Councillor Don Pember
Councillor Matt Rogers
Councillor Darren Lee

Deputy Committee Members:
Councillor Lynn Rodgers
Councillor Ahmed Zilani

- 3.2 **Approves the powers and duties of Council's Executive Committee as detailed in Executive Committee Terms of Reference (TOR) Attachment 2 of the report with the amendment that the Executive Committee will remain as a closed meeting to the public and members of the public can attend meetings by invitation only. In all other circumstances the meetings are closed to the public.**

Note: Recommendation three has been separated into two parts. The first is the appointment of Elected Members to the Executive Committee and the second is to adopt the Terms of Reference with a proposed amendment regarding public attendance at the meeting.

Under Section 5.23 of the Local Government Act 1995, the Council may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with a matter affecting an employee or employees. Due to the nature of matters considered by Council's Executive Committee it is recommended at this time, that the Executive Committee continue to be a closed meeting.

4. **Approve the following meeting dates and advertise via local public notice:**

Meeting	Date and Time
Audit and Risk Committee	11 November 2019 at 5:30pm
Audit and Risk Committee	9 December 2019 at 5:30pm
Executive Committee	11 November 2019 at 4pm
Ordinary Council Meeting	26 November 2019 at 5:30pm
Ordinary Council Meeting	17 December at 2019 5:30pm

****ABSOLUTE MAJORITY REQUIRED****

CARRIED WITH ABSOLUTE MAJORITY: 11/0

**SP.3/10/19 APPOINTMENT OF ELECTED MEMBERS TO ADVISORY GROUPS,
EXTERNAL AGENCIES, WORKING GROUPS AND PANELS (TJ)
(REPORT 2)**

Appointments to advisory groups established by Council, external agencies, working groups and panels where Council has representation, expired on the Local Government Election Day, Saturday 19 October 2019.

Council is requested to consider the following:

- Appointment of Elected Members to advisory groups established by Council, working groups and panels where representation by Council is required for a term of two months, expiring 31 December 2019;
- Appointment of Elected Members to advisory groups where there is a statutory requirement, for a term of two-years, expiring 15 October 2021;
- Endorse the Mandurah Bush Fire Advisory Committee Terms of Reference;
- Appointment of Elected Members to external organisations where nominations have been requested or representation by Council is required for a term of two-years, expiring 15 October 2021;
- Endorse the Advisory Groups and Committees Terms of Reference; and
- Appointment of Community Members to Advisory Groups and Committees for a term of two- years, expiring 15 October 2021.

Council discussions surrounding Elected Members appointments to advisory groups established by Council, external agencies, working groups and panels where Council has representation are proposed to be completed by November 2019 to enable existing and newly Elected Members an opportunity to review and consider these various groups and the potential establishment of new groups.

A subsequent report will be presented to Council in December 2019 to appoint Elected Members to the remaining groups up until 15 October 2021, where applicable.

MOTION: D Lee / L Rodgers

That Council:

1. **Approve the Elected Member appointments to the following Council advisory groups, external agencies, working groups and panels for a term of two months, expiring 31 December 2019, unless otherwise stated:**
 - 1.1. **Mandurah Matters Steering Group**
Councillor Caroline Knight, Deputy Mayor
Councillor Don Pember
Councillor Jenny Green
Councillor Candice Di Prinzio
Councillor Ahmed Zilani
Councillor Matt Rogers
Councillor Peter Rogers
Mayor Rhys Williams
 - 1.2. **Mandurah Environmental Advisory Group with a term of two years expiring on 15 October 2021**
Councillor Caroline Knight, Deputy Mayor
Councillor Lynn Rodgers

- 1.3. Australia Day Awards Selection Panel**
Councillor Lynn Rodgers
Councillor Candice Di Prinzio
Councillor Peter Jackson
Councillor Caroline Knight, Deputy Mayor
Councillor Darren Lee
- 1.4. Reconciliation Action Plan Steering Group**
Councillor Lynn Rodgers
Councillor Peter Rogers
Councillor Don Pember
Mayor Rhys Williams
- 1.5. Mandurah Liquor Accord**
Councillor Peter Jackson
Councillor Jenny Green
- 1.6. Access and Inclusion Advisory Group for a term of two year expiring on 15 October 2021**
Councillor Jenny Green
Councillor Ahmed Zilani

Deputy Member
Councillor Matt Rogers
- 2. Approve the Elected Member appointments to Advisory Committees established under legislation for a term of two-years, expiring 15 October 2021:**
 - 2.1 Mandurah Local Emergency Management Advisory Committee**
Councillor Merv Darcy
Deputy: Councillor Don Pember
 - 2.2 Mandurah Bush Fire Advisory Committee**
Councillor Merv Darcy
Deputy: Councillor Jenny Green
- 3. Adoption of Mandurah Bush Fire Advisory Committee Terms of Reference as detailed in Attachment 2 of the report.**
- 4. Nominate Elected Members for consideration and appointment for a term as specified by the relevant Minister:**
 - 4.1. Nominate the Elected Members for consideration by the Minister for Planning for the appointment on the Metro South West Joint Development Assessment Panel:**
Local Government Member 1 commencing 27 January 2020 Councillor Caroline Knight, Deputy Mayor
Local Government Member 2 commencing 27 January 2020 Councillor Darren Lee
Alternate Local Government Member 1 Councillor Matt Rogers
Alternate Local Government Member 2 Councillor Merv Darcy

Note: Cr Caroline Knight and Cr Darren Lee are Metro South-West Joint Development Assessment - Local Government Members one and two until 26 January 2020

- 4.2 Nominate the Elected Members for consideration by the Minister for Regional Development; Agriculture and Food; Ports for the appointment on the Peel Development Commission Board:**
Councillor Peter Rogers
- 5. Approve the Elected Member appointments to the following Council external agencies for a term expiring 15 October 2021:**
- 5.1 Rivers Regional Council**
Councillor Jenny Green
Councillor Merv Darcy
Deputy: Councillor Darren Lee
Deputy: Councillor Peter Rogers
- 5.2 Peron Naturaliste Partnership**
Councillor Caroline Knight, Deputy Mayor
Deputy: Councillor Jenny Green
- 5.3 WALGA: Peel Country Zone**
Mayor Rhys Williams
Councillor Caroline Knight, Deputy Mayor
Deputy: Chief Executive Officer, Mark Newman
Deputy: Vacant
- 5.4 Waste Management Alliance Board**
Mayor Rhys Williams
- 5.5 Mandurah Performing Arts Centre Board**
Councillor Peter Rogers
- 6. Approve the Elected Member nominations for consideration by external agencies for a period of two-years, expiring on 15 October 2021:**
- 6.1 Peel-Harvey Catchment Council (local government coastal representatives)**
Councillor Matt Rogers
- 6.2 Australian Coastal Council Association**
Councillor Caroline Knight, Deputy Mayor
- 7. Approve that where there are Council advisory groups, external agencies, working groups and panels that hold a meeting during November and December 2019 and an Elected Member has not been appointed to that group, the Mayor will attend. Where the Mayor is unavailable, the invitation will be circulated to Elected Members to ensure, where possible, representation of Council is present.**

8. **Notify all Council advisory groups, external agencies, working groups and panels of the temporary appointments expiring on 31 December 2019. Where there has been no appointment, the City will notify the Council advisory groups, external agencies, working groups and panels in December 2019 following Council's decision in relation to Elected Member appointments for the period expiring 15 October 2021.**
9. **Approve the Advisory Group and Committee Terms of Reference as detailed in Attachment 4 of the report.**
10. **Approve the community representations appointments to the following Council advisory groups, working groups and panels for a term expiring 15 October 2021:**
 - 10.1 **Access and Inclusion Advisory Group:**

Deborah Wiseman	Joseph Harrall
Vicki Pollard	Maryanne Baker
Aaron Hilbrick	Andrew Mathewson
Heath Flanagan	Malcolm Anderson
Gary Russell-Brown	Julyanne Campbell
 - 10.2 **Mandurah Community Museum Advisory Group**

Jill Burgess	Dr Robert Pearce
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 - 10.3 **Mandurah Road Wise Advisory group**

Joy Cooper	
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 - 10.4 **Mandurah Environmental Advisory Group**

Leonie Stubbs	Murray Love
Sarah way	Amanda Willmott
Mel Horton	Kirsten Field

CARRIED WITH ABSOLUTE MAJORITY: 11/0

SP.4/10/19 APPOINTMENT OF ELECTED MEMBERS TO SOUTH WEST REGIONAL ROAD GROUP

Mayor Williams advised the meeting of a late appointment required to be made to the South West Regional Road Group. The Chief Executive Officer and Director Works and Services outlined requirements of the group and the rationale to appoint Elected Members immediately.

MOTION: R Williams / C Knight

Approves the appointment of Mayor Williams to the South West Regional Road Group for a term of two years expiring 15 October 2021.

CARRIED WITH ABSOLUTE MAJORITY: 11/0

CLOSE OF MEETING [AGENDA ITEM 24]

There being no further business, the Mayor declared the meeting closed at 6.06pm.

CONFIRMED  (MAYOR)

CONFIRMED