

Special Council Meeting

Minutes for Thursday 12 February 2015

UNCONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	4
4.0	PETITIONS/DEPUTATION	4
5.0	ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....	4
6.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	4
7.0	DISCLOSURE OF INTERESTS.....	4
8.0	REPORTS TO COUNCIL	5
	SCM 01. METROPOLITAN LOCAL GOVERNMENT REFORM – WITHDRAWAL OF THE SHIRE OF KALAMUNDA.....	6
9.0	MEETING CLOSED TO THE PUBLIC.....	11
10.0	CLOSURE	11

MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 5.35pm, welcoming Councillors, Staff, Members of the Public Gallery and Press.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) (Presiding Member)	North Ward
Margaret Thomas JP		North Ward
Simon Di Rosso		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Andrew Waddell JP		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Darren Jones	Manager Community Development
David Tomlinson	Coordinator Statutory Planning
Laurie Brennan	Media Advisor
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 98

Members of the Press 2

2.2 Apologies

Councillors

Bob Emery	North West Ward
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2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nigel Dickinson – Gooseberry Hill

Q. Do you see this as an opportunity for the Shire of Kalamunda, as it moves forward, to improve its services and the way it communicates with the community?

A. The Shire President thanked Mr Dickinson for his question and the Chief Executive Officer responded that the Shire could now return to 'business as usual', however the exercise of meeting with the City of Belmont has shown we have much that can be learned from each other both in looking at the services provided and the structures. The Chief Executive Officer indicated she would be 'all ears' to listen for suggested improvements from the Shire of Kalamunda's community.

4.0 PETITIONS/DEPUTATION

4.1 The Save Kalamunda Shire Action Group had been granted permission by the Presiding Member to present a Petition containing 344 signatures. The Petition stated:

We, the undersigned, all being electors of the Shire of Kalamunda do respectfully request that the Council receive this Petition, which expresses the wishes of the electors and residents of the Shire of Kalamunda to formally request the Barnett Government immediately rescind the Governor's Orders 208, gazetted on 24 December 2014 and therefore NOT TO AMALGAMATE IN ANY FORM with the City of Belmont or any other local government.

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

5.1 Nil.

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

6.1 Nil.

7.0 DISCLOSURE OF INTERESTS

7.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

7.2 **Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

8.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

SCM 01. Metropolitan Local Government Reform – Withdrawal of the Shire of Kalamunda

Previous Items

Responsible Officer Chief Executive Officer

Service Area Chief Executive's Office

File Reference

Applicant Nil

Owner Nil

Attachment 1 Governor's Orders – City of Belmont/Shire of Kalamunda

PURPOSE

1. For Council to consider and endorse the Shire of Kalamunda's position with respect to the proposed changes to its district boundary and incorporation within the City of Belmont as a consequence of the reported change in the State Government's position on local government reform within the Perth Metropolitan Area.

BACKGROUND

2. Following consideration of recommendations made by the Local Government Advisory Board, the Minister for Local Government and Communities accepted a recommendation that the Shire of Kalamunda be abolished and incorporated into the existing City of Belmont.
3. The Local Government (Kalamunda and Belmont – Abolition and Change of Boundaries) Order 2014 enacting that recommendation was published on 24 December 2014 (Attachment 1).

DETAILS

4. The boundary adjustment process to completely abolish a local government did not provide the community with a vote on whether to accept the proposed abolition of the Shire of Kalamunda and its incorporation into the City of Belmont. A number of other local government boundary changes were to be achieved through an amalgamation process with the affected communities being offered a vote on the proposal through a poll.
5. The communities from the Cities of Kwinana and South Perth and the Town of East Fremantle demanded and were granted a poll on their respective amalgamation proposals.
6. These polls were conducted on 7 February with all returning a valid "NO" vote against the proposed amalgamations.

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7. As a consequence of the outcomes of these polls and the withdrawal of support for the local government reform process by the WA Local Government Association, it has been reported by many media outlets that the State Government has changed its position on local government reform.
 8. The most significant statement reported has been one by the Premier indicating that if a local government is opposed to the proposed change, then the proposal will not proceed.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 9.65 (2) of the *Local Government Act 1995* gives power to the Governor or the Minister to revoke or cancel Orders wholly or in part with or without substituting another Order.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

11. Whilst there has been no community consultation with respect to this particular decision, there will be consultation undertaken following the decision of Council.

FINANCIAL CONSIDERATIONS

12. There may be some cost involved in undertaking the proposed community consultation, although the exact figure is unknown at this stage. Any expenditure will be accommodated within current budget allocations.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.3 To lead, motivate and advance the Shire of Kalamunda.

SUSTAINABILITY

Social Implications

14. The social costs associated with the reform process are unquantified and hence pose a risk to the Shire of Kalamunda.

Economic Implications

15. No economic impact study has been undertaken for the reform process and hence pose a risk to the Shire of Kalamunda.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.

Risk	Likelihood	Consequence	Rating	Action/Strategy
That Council will not support the recommendations to withdraw from the local government reform process.	Unlikely	Extreme	High	Advise Council of the implications for the Shire of Kalamunda and its community by proceeding with a merger with the City of Belmont.

OFFICER COMMENT

18. The Shire of Kalamunda has taken a consistent position over the past six years that it has growth potential and can continue to be a sustainable local government without being merged into any other district.
19. Without proper cost benefit analysis being undertaken for any proposed merger the Shire of Kalamunda cannot support an ideological reform process.
20. The recent announcement from the Premier to abandon the current process will resonate with the majority of the Kalamunda Shire community as being a very good decision made by the Government.

The Officer's Recommendation was put and a mover and seconder found. Before a vote was taken the Presiding Member indicated she would put a motion to suspend standing orders to give all Councillors the opportunity to make comment.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (SMC 01/2015)

That Council:

1. Notes the Premier's recent comments regarding Local Government Reform no longer being pursued by the Government.
2. Requests the Premier direct the Department of Local Government and Communities and the Minister for Local Government to stop boundary amendments affecting the Shire of Kalamunda and formally revoke Governor's Orders with immediate effect.
3. Formally withdraws from the Local Government Reform Process.

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4. Puts on hold any further discussions regarding LG Reform with City of Belmont
 5. Advises City of Belmont of the above resolutions

Moved: **Cr Sue Bilich**

Seconded: **Cr Frank Lindsey**

Vote:

Suspension of Standing Orders

Voting Requirements: Simple Majority

RESOLVED SCM 01/2015

1. That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be suspended in order to receive legal advice.

Moved: **Cr Sue Bilich**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Presiding Member provided an opportunity for all Councillors to make comment.

Resumption of Standing Orders

Voting Requirements: Simple Majority

RESOLVED SCM 02/2015

1. That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be resumed

Moved: **Cr Geoff Stallard**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

A Councillor foreshadowed an amendment to the substantive motion, this was accepted by the mover and seconder and became part of the substantive motion voted on

Voting Requirements: Simple Majority

RESOLVED SCM 03/2015

That Council:

1. Notes the Premier's recent comments regarding Local Government Reform no longer being pursued by the Government.
2. Requests the Premier direct the Department of Local Government and Communities and the Minister for Local Government to stop boundary amendments affecting the Shire of Kalamunda and formally revoke Governor's Orders with immediate effect.
3. Formally withdraws from the Local Government Reform Process.
4. Puts on hold any further discussions regarding LG Reform with City of Belmont.
5. Advises City of Belmont of the above resolutions.
6. **Express its sincere thanks to all the Community Action Groups for their commitment and dedication to the fight to save the Shire of Kalamunda.**
7. **Authorise the holding of an appropriate recognition event to acknowledge the many hours of work put into the No Vote and the fight against the State Government's proposed abolition of the Shire of Kalamunda as an independent local government and its inclusion within another local government.**

Moved: **Cr Sue Bilich**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

A Councillor suggested that Council give the community a standing ovation for the support shown and the Presiding Member agreed.

The Shire President reminded the Gallery that the Shire of Kalamunda would still need to wait until new Governor's Orders are received.

9.0 MEETING CLOSED TO THE PUBLIC

9.1 Nil.

10.0 CLOSURE

10.1 There being no further business, the Presiding Member declared the meeting closed at 6.05pm

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2015