



Special Council Meeting

Minutes

7 February 2023

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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

Janelle Sewell

Geoff Stallard

South West Ward

Brooke O'Donnell

Cr Kellie Miskiewicz (by telephone)

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

A/Chief Executive Officer

Peter Varelis

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Chris Lodge - A/Director Development Services

Nicole O'Neill - Director Community Engagement

Management Team

Alida Ferriera - Manager Financial Services

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 3

Members of the Press Nil.

Apologies

Cr John Giardina

Cr Mary Cannon

Cr Andrew Osenton

Leave of Absence Previously Approved Nil

3. 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 will be summarised.

3.1 Nil.

4. Petitions/Deputations

4.1 A deputation was received from Bev Dornan, Wattle Grove, in relation to Item 8.1.1 Ward and Representation Review. Ms Dornan spoke against the recommendation.

5. Announcements by the Member Presiding Without Discussion

5.1 Stirk Park Skate Park

The Presiding Member and Cr Bilich attended the turning of the sod to commence the building of the skate park at Sirk Park. This is a very exciting project which is anticipated with excitement by the community.

6. Matters for Which the Meeting may be Closed

6.1 Item 8.1.1. Ward and Representation Review – Confidential Attachment – 2022/23 Ward Review Submitters

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

7. Disclosure of Interest

7.1. Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 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. Reports to Council

8.1. Chief Executive Officer Reports

8.1.1. Ward and Representation Review

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

Previous Items	OCM 164/2022
Directorate	Office of the CEO
Business Unit	Governance
File Reference	OR-BOU-001
Applicant	N/A
Owner	N/A

Attachments	1. Draft Discussion Paper for Public Release 2022 Amended 22 Nov [8.1.1.1 - 41 pages]
	2. Summary of Submissions 2022-2023 Review [8.1.1.2 - 33 pages]
	3. City of Kalamunda - Proposed Ward Boundaries 2023 [8.1.1.3 - 1 page]
	4. Confidential Attachment - 2022 23 Ward Review Submitters details [8.1.1.4 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
✓ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider public submissions received following advertising of the Ward and Representation Review Discussion Paper (WRRDP) and to adopt a preferred option with respect to the City of Kalamunda's (City) Councillor numbers and ward structure.
2. The WRRDP was advertised on 25 November 2022 with public submissions closing on 20 January 2023. A total of 44 submissions were received.
3. The recommended outcome is that a four ward structure be retained albeit modified from present boundaries to align to a more equitable proportion of Councillors to electors. This was detailed as Proposal 3 Option 2 and presented to the community for consideration.
4. It is also recommended the City, from the 2023 Council Election has eight Councillors with two offices of Councillor in each ward.
5. It is recommended Council-
 1. NOTE the submissions received during the public submission period.
 2. pursuant to clause 9 of Schedule 2.2 of the *Local Government Act 1995*, SUBMIT a report to the Local Government Advisory Board seeking the making of an order under sections 2.2 (1) (c) and 2.18 (3) (c) of the *Local Government Act 1995* to:
 - a) amend ward boundaries as detailed in the Proposal 3 Option 2 of the City of Kalamunda Ward and Representation Discussion paper 2022/23 (Attachment 1) and the map at (Attachment 3).
 - b) declare that the number of offices of Councillor for the City of Kalamunda is reduced to eight with each ward to have two offices of Councillor.

3. NOTE the 2023 local government election will be for election of the Mayor and one (1) Councillor in each of the South-West and South-East Wards.

BACKGROUND

6. The ward and representation review is a required step in meeting the City’s statutory obligation in accepting the voluntary pathway in reducing Councillor numbers to align with proposed amendments to the *Local Government Act 1995* (Act).
7. Schedule 2.2 of the Act provides the statutory framework and requirements for a ward and representation review.
8. At the November 2022 OCM, Council determined (OCM 164/2022) “to issuing the City of Kalamunda Ward Review Discussion Paper 2022 shown as Attachment 1 for community consultation from 25 November 2022 until 20 January 2023 et al.”
9. Council had already determined at the October 2022 OCM (OCM 145/2022) that (in part) - Pursuant to section 2.11 (2) of the *Local Government Act 1995* AGREE to change the method of filling the office of mayor from the Council method to the election by the electors method in 2023.

DETAILS AND ANALYSIS

10. The WRRDP (Attachment 1) approved by Council at the November 2022 Ordinary Council Meeting provided three proposals with a total of five options for a ward boundary/representation structure.

Proposal 1	Proposal 2 (Option 1)	Proposal 2 (Option 2)	Proposal 3 (Option 1)	Proposal 3 (Option 2)
No Wards	2 Wards	2 Wards	4 Wards Maintain Current Ward Boundaries	4 Wards with minor boundary change within North West Ward and North Ward involving Maida Vale

11. **Community Feedback**

The WRRDP was advertised in the Echo Newspaper on 25 November 2022 with public submissions closing on 20 January 2023. Details of the review were also published on the City’s website, various media platforms and all Public Notice Boards.

A total of 44 submissions were received and summarised in the following table:-

Proposal 1	Proposal 2 (Option 1)	Proposal 2 (Option 2)	Proposal 3 (Option 1)	Proposal 3 (Option 2)
34	2	2	0	5

**One submission suggested splitting the City into 2 separate Local Government areas each with 2 wards – 8 councillors each*

Full details are provided in (Attachment 2).

12. The majority of submissions indicated a preference for Proposal 1 – No Wards and the minimum number of councillors permitted, five (5) plus the Mayor.

13. Whilst the Council can have a minimum of 5 councillors it is viewed that any outcome other than 8 councillors is considered not practicable from a community engagement and workload perspective, including;

- a) Significant commitments to internal and external committees and local government representative organisations;
- b) The impact of potential Councillor absences through illness, work life and family commitments;
- c) The benefit of more point of views and perspectives for significant decisions;
- d) Increased diversity of representations.

14. Additionally, the City’s landscape is diverse and a smaller number of Councillors is not representative of the City’s diverse landscape. It is for these reasons this option is not preferred.

Preferred Ward Boundaries Option

15. The preferred option from this review is Proposal 3, Option 2 – Retain 4 Wards with an amendment to the boundaries of the North and North-West Wards.

16. Based on the current elector to councillor numbers, this would be the option involving the least changes to the current ward boundaries and electors per ward and generally maintain the principles established in the 2008 and 2016 Ward Boundary Reviews when these wards were established.
17. The general principle for establishing wards, used in this and previous reviews, is consistent with 'one vote, one value', and there should not be more than a plus or minus 10% deviation in the average number of electors per councillor across the wards in a local government.
18. The current statistics indicate to improve the ratio of electors to councillors would only involve moving approximately 910 electors in Maida Vale from the North-West Ward to the North Ward. This would place the whole of the suburb of Maida Vale in one ward rather than currently being split between two wards.
19. This would result in the following ward statistics: -

Ward	Suburbs Included	Number of Electors	Number of Councillors	Electors per Councillor	Deviation from Ave
North West	Forrestfield (part) High Wycombe	10,459	2	5,229	-0.76%
South West	Forrestfield, Kewdale (part), Wattle Grove, (part)	10,473	2	5,236	-0.52%
North	Gooseberry Hill, Maida Vale and Kalamunda (part),	10,707	2	5,353	-2.768%
South East	Lesmurdie, Walliston, Carmel, Canning Mills, Pickering Brook, Bickley, Hacketts Gully, Piesse Brook, Pauls Valley, Reservoir, Wattle Grove (part) and Kalamunda (part).	10,036	2	5,018	+3.67%
		41,675	8	5,209	

20. Whilst most of the submissions favoured a no ward proposal, it is viewed that this is not the best outcome. As stated in the WRRDP, the disadvantages of the no ward option that a member of the community may feel that their locale-specific interests are not being represented.

21. This is particularly relevant to the City as it is unique to other metropolitan local governments in that it does have localities with sparse populations and particular rural-oriented interests. These areas are different to those of other more densely populated areas of the City. It is considered that this risk negates the benefits of a no ward outcome and is thus not recommended.

Preferred Election Cycle

22. Under the voluntary reform pathway agreed to by Council and retaining a four-ward structure with eight (8) Councillors, there are two (2) election cycle options available –

23. Option A

- a) Spill all positions and elect eight (8) Councillors at the ordinary Council elections in 2023 (two in each ward).
Declare the candidate elected with the highest vote count, in each ward, have a four-year term and the candidate with the second highest vote count have two-year term.
The election in 2025 would then see one of the two Councillor positions in each ward up for election for a 4 year term and for each normal election cycle thereafter

24. Option B

- b) Retain those Councillors with terms expiring in 2025, abolish four (4) Councillor positions, being one in each ward, and conduct an election for the remaining vacant Councillor position in the South-West and South-East Wards in 2023.
Declare for the 2025 ordinary election the terms for the council offices in North Ward and North-West Ward will be four years for the candidate with the most votes in each Ward and the second highest vote recipient would have two-year term.
This would then return all Councillor positions to four (4) year terms.

25. Both options have advantages and disadvantages. The principal issues are-

- a) Option A would require all Councillors with terms expiring in 2025 to voluntarily resign effective from the 2023 election day.
b) Option A would enable all current Councillors the same opportunity to seek election in 2023.
c) Option A would disadvantage those current Councillors with terms expiring in 2025 by forcing them to an early election.
d) Option A may result in the loss of significant experience and knowledge should the majority of current Councillors not be re-

elected. Such a situation may have significant impact on effective operation of the Council.

- e) Option B does not enable current Councillors in the North and North-West Wards, whose terms expire in 2023, to seek re-election in their current area,
- f) Option B provides the opportunity to retain significant experience and knowledge on Council which would minimise disruption to the effective operation of the Council.
- g) Under Option B the electors would not be given the opportunity to vote for half the members of council (3 out of 9). Nevertheless, it is considered the retention of experience and knowledge on Council far outweighs this one-off election with less than half Councillor positions available.

26. With the requirement to hold a district wide election for the Mayor in 2023, it is considered the election costs for either of the election cycle options would not be significantly different. Costs for election cycle option b) may be less due to there being no printing costs for election packages for election of Councillors.

27. It is therefore considered that election Option B would be the overall preferred option.

28. **Report to the Local Government Advisory Board (LGAB)**

29. The Act requires Council submit a report to the LGAB on the outcome of the ward and representation review.

30. The LGAB is required to assess the report and Council's decisions on the review and make a recommendation to the Minister as to the terms of an order under sections 2.3 (1) (c) and 2.18 (3) (c) of the Act with respect to the ward structure and membership of the Council.

31. The LGAB considers the outcome of the ward and representation review for compliance with the requirements of the legislation and its expectations.

32. The LGAB makes a recommendation to the Minister, who can only accept or reject the recommendation.

APPLICABLE LAW

33. *Local Government Act 1995*

APPLICABLE POLICY

34. N/A

STAKEHOLDER ENGAGEMENT

35. A WRRDP was approved by Council at the Ordinary Council Meeting in November 2022 to enable the statutory public consultation to be undertaken.
36. The WRRDP was advertised in the Echo Newspaper on 25 November 2022 with public submissions closing on 20 January 2023. Details of the review were also published on the City's website, various media platforms and all Public Notice Boards.
37. Details of the submissions received are reported in paragraph 8 and (Attachment 1). The total number of submissions received is a poor outcome considering the City's population.

FINANCIAL CONSIDERATIONS

38. The current annual allowances cost of having 12 Councillors, one of which is Mayor and one is Deputy Mayor is \$414,018 per annum. Reducing to 8 Councillors (one of which is Deputy Mayor) and a Mayor is anticipated to cost approximately \$333,000 per annum.
39. With the requirement to hold a district wide election for the Mayor in 2023, it is considered the election costs for either of the election cycle options would not be significantly different. Costs for Option B maybe less as no printing costs would be incurred for election packages for election of Councillors in the North or Nort-West wards.

SUSTAINABILITY

40. A key matter in making decision about the future council structure is one that needs to be considered in the context of how the decisions may impact on the sustainability of the City and the Community. The City is currently experiencing significant growth and change as it gentrifies and redevelops its infrastructure base, ensuring there is historical knowledge within the council is a critical component to the future success of the City

RISK MANAGEMENT

- 41.
- | | | |
|---|-------------------|---------------|
| Risk: Proposed ward boundaries and representation do not meet community expectations. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure community is informed of Council and legislative requirements to provide appropriate governance and community representations. | | |
- 42.
- | | | |
|--|-------------------|---------------|
| Risk: Reputational impacts due to recommending that the City comprises four wards contrary to the majority view of the feedback received. | | |
| Consequence | Likelihood | Rating |
| Insignificant | Likely | Low |
| Action/Strategy | | |
| Ensure community who have raised concerns are informed of the reasoning for this decision. | | |
- 43.
- | | | |
|--|-------------------|---------------|
| Risk: Proposed ward boundaries and representation do not meet legislative requirements. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure proposed ward boundaries and/or representation are amended to comply. | | |
- 44.
- | | | |
|---|-------------------|---------------|
| Risk: Not completing the voluntary pathway process is inconsistent with previous advice provided to the State. | | |
| Consequence | Likelihood | Rating |
| Moderate | Likely | Medium |
| Action/Strategy | | |
| Timely delivery of the submission to the LGAB. | | |

CONCLUSION

45. The finalisation of the Ward Boundary and Representation Review completes the statutory requirements for the Council to continue the voluntary pathway provided by the State Government to meet the proposed new provisions of the Act with respect to election of the Mayor by the electors and permitted Councillor numbers.

The Presiding Member proposed standing orders be suspended to allow all members speak to aspects of the report.

RESOLVED SCM 01/2023

That Council suspend standing orders.

Moved: Cr Kathy Ritchie

Seconded: Cr Janelle Sewell

Vote: CARRIED UNANIMOUSLY (9/0)

Standing Orders were suspended at 6:48pm.

RESOLVED SCM 02/2023

That Council reinstate standing orders.

Moved: Cr Janelle Sewell

Seconded: Cr Brooke O'Donnell

Vote: CARRIED UNANIMOUSLY (9/0)

Standing Orders were reinstated at 7:17pm.

The A/CEO left the meeting at 6:50pm and returned at 6:56pm.

The Presiding Member invited Cr Bilich to speak to a proposed amendment to the recommendation.

The Presiding Member called for a mover for the substantive recommendation. A mover and seconder were received, the motion was debated before being put to a vote.

Voting Requirements: Absolute Majority

RESOLVED SCM 03/2023

That Council:

1. NOTE the submissions received during the public submission period.
2. pursuant to clause 9 of Schedule 2.2 of the *Local Government Act 1995*, SUBMIT a report to the Local Government Advisory Board seeking the making of an order under sections 2.2 (1) (c) and 2.18 (3) (c) of the *Local Government Act 1995* to:
 - a) amend ward boundaries as detailed in the Proposal 3 Option 2 of the City of Kalamunda Ward and Representation Discussion paper 2022/23 (Attachment 1) and the map at (Attachment 3).
 - b) declare that the number of offices of Councillor for the City of Kalamunda is reduced to eight with each ward to have two offices of Councillor.
3. NOTE the 2023 local government election will be for election of the Mayor and one (1) Councillor in each of the South-West and South-East Wards.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr Janelle Sewell
	Cr Lisa Cooper	Cr Brooke O'Donnell
	Cr Dylan O'Connor	Cr Kellie Miskiewicz
	Cr Kathy Ritchie	Cr Sue Bilich
	Cr Margaret Thomas	

LOST (NO ABSOLUTE MAJORITY) (5/4)

The motion was lost as an absolute majority was not reached.

The Presiding Member accepted Cr Bilich's motion. The motion received a seconder. The motion was put to the vote.

Voting Requirements: Absolute Majority

RESOLVED SCM 04/2023

That Council:

1. NOTE the submissions received during the public submission period.
2. pursuant to clause 9 of Schedule 2.2 of the Local Government Act 1995, SUBMIT a report to the Local Government Advisory Board seeking the making of an order under sections 2.2 (1) (c) and 2.18 (3) (c) of the *Local Government Act 1995* to:
 - a) amend ward boundaries as detailed in the Proposal 3 Option 2 of the City of Kalamunda Ward and Representation Discussion paper 2022/23 (Attachment 1) and the map at (Attachment 3).
 - b) declare that the number of offices of Councillor for the City of Kalamunda is reduced to eight with each ward to have two offices of Councillor.
3. has a PREFERRED position that there be a full spill of all offices of councillor in 2023.

Moved: Cr Sue Bilich

Seconded: Cr Janelle Sewell

Vote:	<u>For</u>	<u>Against</u>
	Cr Janelle Sewell	Cr Geoff Stallard
	Cr Brooke O'Donnell	Cr Lisa Cooper
	Cr Kellie Miskiewicz	Cr Dylan O'Connor
	Cr Sue Bilich	Cr Kathy Ritchie
		Cr Margaret Thomas

LOST (NO ABSOLUTE MAJORITY) (4/5)

The motion was lost as an absolute majority was not reached.

The Presiding Member proposed and moved an amendment to the substantive motion. This received a seconder and was put to a vote.

Voting Requirements: Absolute Majority

RESOLVED SCM 05/2023

That Council:

1. NOTE the submissions received during the public submission period.
2. pursuant to clause 9 of Schedule 2.2 of the Local Government Act 1995, SUBMIT a report to the Local Government Advisory Board seeking the making of an order under sections 2.2 (1) (c) and 2.18 (3) (c) of the *Local Government Act 1995* to:
 - a) amend ward boundaries as detailed in the Proposal 3 Option 2 of the City of Kalamunda Ward and Representation Discussion paper 2022/23 (Attachment 1) and the map at (Attachment 3).
 - b) declare that the number of offices of Councillor for the City of Kalamunda is reduced to eight with each ward to have two offices of Councillor.

Moved: Cr Margaret Thomas

Seconded: Cr Kathy Ritchie

Vote: **CARRIED/ABSOLUTE MAJORITY (9/0)**

9. Meeting Closed to the Public

9.1 Nil.

10. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:20pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2023.