

MINUTES

Special Council Meeting

22 December 2014

Notice of Meeting

To: The Mayor and Councillors

Here within are the Minutes of the Special Council Meeting of the City of South Perth Council held Monday 22 December 2014 in the City of South Perth Council Chamber, Corner Sandgate Street and South Terrace, South Perth at 5.30 pm.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00 pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

www.southperth.wa.gov.au/Our-Council/

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Special Council Meeting Minutes

Minutes of the Special Council Meeting of the City of South Perth Council held in the Council Chamber, Corner Sandgate Street and South Terrace, South Perth Monday 22 December 2014.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 5.33 pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 PUBLIC QUESTION TIME FORMS

The Presiding Member advised that Public Question Time forms are available in the Civic Centre foyer and on Council's website for members of the public wanting to submit a written question. In accordance with Clause 6.7 of the Standing Orders Local Law, 'Procedures for Question Time', the Presiding Member requested that questions be received in advance of the Council Meetings in order for the Administration to have the opportunity to prepare responses.

2.2 AUDIO RECORDING OF COUNCIL MEETING

The Presiding Member requested that all mobile phones be switched off or on to silent. Advised. She then advised that the meeting is audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member".

3. ATTENDANCE

Mayor Doherty (Presiding Member)

Councillors

Cr C Cala	Manning Ward
Cr S Hawkins-Zeeb	Manning Ward (arrived at 5.35 pm)
Cr G Cridland	Como Ward
Cr M Huston	Mill Point Ward (arrived at 5.45 pm)
Cr F Reid	Moresby Ward
Cr K Trent, OAM, RFD	Moresby Ward

Officers

Mr C Frewing	Chief Executive Officer
Ms V Lummer	Director Development and Community Services
Mr M Taylor	Acting Director Infrastructure Services (arrived at 5.35 pm)
Mr P McQue	Manager Governance and Administration
Ms D Gray	Manager Financial Services
Ms A Albrecht	Executive Officer
Ms Z Cornish	Marketing Officer
Ms S Kent	Governance Officer

Gallery

There were 15 members of the public and 0 members of the press present.

3.1 APOLOGIES

Cr C Irons	Mill Point Ward
Mr M Kent	Director Financial and Information Services

3.2 APPROVED LEAVE OF ABSENCE

Cr V Lawrance, JP	Como Ward
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4. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations* as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

The Presiding Member noted that no Declarations of Interest had been received.

5. PUBLIC QUESTION TIME

The Presiding Member stated that public question time is operated in accordance with the Local Government Act Regulations and the City's Standing Orders Local Law.

The Presiding Member then opened Public Question Time at 5.36 pm.

Written questions were received at the meeting from Dr Sarah Schladow. The questions and responses given can be found in Appendix One.

There being no further questions the Presiding Member closed Public Question Time at 5.42 pm.

6. DEPUTATIONS

Deputations AGAINST the Officer Recommendation were received from the following:

- Mr Robin Mulder of 162 Lansdowne Road, Kensington;
- Dr Peter Howat of 2 Boongala Close, Karawara **on behalf of** Ms C. Brooke of 8/20 Garden Street, South Perth (*note: Ms C. Brooke was in attendance but unable to present*);
- Dr Sarah Schladow of 3/20 Garden Street, South Perth jointly with Jenny Nevard of 195 Mill Point Road, South Perth.

At 6.02 pm a member of the public requested she be allowed to raise a question. The Presiding Member put that Public Question Time be re-opened to accommodate questions from the Gallery.

Motion to Re-open Public Question Time

Moved: Cr S Hawkins-Zeeb

Seconded: Cr M Huston

That Public Question Time be re-opened to allow questions from the Gallery.

CARRIED (7/0)

A table of public questions and the responses given can be found in Appendix One. There was a question taken on notice. A copy of the responses provided to this question will be included in the February 2015 Ordinary Council Meeting Agenda.

There being no further questions from the Gallery, the Presiding Member closed Public Question Time at 6.19 pm.

7. REPORTS

7.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

7.6.1 Annual Electors' Meeting - 15 December 2014 - Electors' Motion

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth Electors
File Ref:	D-14-76362
Date:	22 December 2014
Author	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

This report considers the electors' motion passed at the 15 December 2014 Annual Electors Meeting seeking Council agreement to provide funding of up to \$10,000 each for community groups within the City of South Perth towards campaigning on the City of South Perth / Town of Victoria Park 2015 amalgamation referendum.

Officer Recommendation

Moved: Cr K Trent
Seconded: Cr M Huston

That the Council:

- (a) Notes the electors' motion passed at the 15 December 2014 Annual Electors Meeting in relation to financial funding of up to \$10,000 each for community groups within the City of South Perth towards campaigning on the City of South Perth / Town of Victoria Park 2015 amalgamation referendum;
- (b) Resolves not to provide any financial funding to community groups for the reasons outlined in the officer report.

Amendment to Officer Recommendation

Moved: Cr K Trent

Seconded: Cr M Huston

The (a) be amended to include acknowledgement of the rate payers in attendance at the meeting for their efforts in raising community interest on the issue of amalgamation, as follows:

That the Council:

- (a) Notes the electors' motion passed at the 15 December 2014 Annual Electors Meeting in relation to financial funding of up to \$10,000 each for community groups within the City of South Perth towards campaigning on the City of South Perth / Town of Victoria Park 2015 amalgamation referendum **and thanks the rate payers at the meeting for raising community interest on the issue of amalgamation;**
- (b) Resolves not to provide any financial funding to community groups for the reasons outlined in the officer report.

With the consent of Cr M Huston as Seconder, the Amendment then became the Substantive.

COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr M Huston

That the Council:

- (a) Notes the electors' motion passed at the 15 December 2014 Annual Electors Meeting in relation to financial funding of up to \$10,000 each for community groups within the City of South Perth towards campaigning on the City of South Perth / Town of Victoria Park 2015 amalgamation referendum and thanks the rate payers at the meeting for raising community interest on the issue of amalgamation;
- (b) Resolves not to provide any financial funding to community groups for the reasons outlined in the officer report.

CARRIED (4/3)

Background

At the Annual Electors Meeting held 15 December 2014, the following electors' motion was passed:

That the CEO convenes a Special Meeting of Council within the next four weeks to consider a motion setting aside City monies to cover a commitment to fund the costs of:

- a) up to \$10,000 for any South Perth residents' community group which has more than 250 members or arranged or facilitated a petition for a poll signed by more than 250 residents of South Perth supporting a NO vote for the Amalgamation of the City of South Perth and the Town of Victoria Park;*
- b) any South Perth residents' community group with more than 250 members supporting a YES vote; and*
- c) any incorporated residents association within the City of South Perth be given the opportunity for funding.*

7.6.1 Annual Electors' Meeting - 15 December 2014 - Electors' Motion

Under the *Local Government Act 1995*, the Council is required to consider any electors' motions at the next Ordinary Council meeting, or a Special Council meeting called for that purpose - whichever occurs first. However, electors' motions are not binding on the City.

A Special Council Meeting has been convened for 22 December 2014 to consider this motion as requested by the electors'.

Comment

The City does not support the electors' motions requesting funding for the following reasons:

- The Council has prepared information for residents on the advantages and disadvantages of an amalgamation for distribution to approximately 25,000 households the week commencing 12 January 2015. The City believes that this brochure provides sufficient information for its community in relation to why the referendum is being held, the implications of the referendum and a summary of the advantages and disadvantages of amalgamation for South Perth and the Town of Victoria Park.
- The City will also be disseminating considerable information through its existing communication channels such as its website, Peninsula Snapshot (Southern Gazette), South Perth InFocus (e-newsletter), Facebook and Mayoral Blog.
- There is a risk that the community groups could produce misleading or incorrect information, as has already occurred in recent weeks by a prominent community group. The City does not have the resources to monitor and review information prepared for circulation by an unknown number of community groups in relation to their activities, which under this proposal would be funded by the City.
- There is a risk providing untied public funds to community groups, given the City has no control or influence over their activities.
- It is not good governance or accountability of public funds to provide financial funding without the establishment of guidelines, protocols and processes to ensure those funds are being used appropriately. When providing financial assistance, it is usual practice for the City to advertise and seek expressions of interest, with groups required to submit a business case and detailed budget for consideration by the City, prior to any funds being allocated.
- It would be inappropriate for a local government to contribute public funds towards an external campaign that has the potential to be political in nature.
- It is not considered prudent, nor representative of community interests, to provide considerable funds to small community groups representing approximately 250 people (0.5% of the population), considering the City has a population in excess of 46,000.
- The City has not budgeted for expenditure to fund community group campaigns.
- It would be inconsistent for the Council to contribute public funds towards anti-amalgamation campaigns given the Council has previously submitted two joint submissions to the Local Government Advisory Board supporting an amalgamation with the Town of Victoria Park.
- The Council has also previously resolved not to support either a 'yes' or 'no' campaign, but simply to encourage the residents of South Perth to exercise their voting rights.
- All electors will be receiving their ballot papers and a Yes/No Summary prepared by the Local Government Advisory Board – it is up to the individual to consider their own response.
- It is felt that additional material, especially if more than one community group is involved, has the capacity to confuse electors', rather than inform electors'.

Consultation

As mentioned previously, the Council is providing the residents of South Perth with information on the pending referendum via a brochure on the advantages and disadvantages of an amalgamation and through existing communication channels.

The Town of Victoria Park has determined at this stage not to provide any additional information in relation to the amalgamation referendum to its community.

Policy and Legislative Implications

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Financial Implications

The Council has already expended approximately \$15,000 in preparing a brochure on the advantages and disadvantages of amalgamation for distribution by Australia Post to approximately 25,000 households within the City of South Perth the week commencing 12 January 2015.

The \$15,000 expenditure was provided for within the City's communication budget, given it relates to Council communications.

Should the Council resolve to provide financial funding to community groups, this is unbudgeted expenditure and would require an absolute majority vote by the Council.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#)

Attachments

Nil

8. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.04 pm.

VOTING RECORD

22/12/2014 6:02:36 PM

Re-open Public Question Time

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

22/12/2014 7:03:37 PM

Item 7.6.1 Annual Electors' Meeting – 15 December 2014 – Electors' Motion

Motion Passed 4/3

Yes: Mayor Sue Doherty, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

APPENDIX ONE

5.2 PUBLIC QUESTION TIME: 22 DECEMBER 2014 (SPECIAL COUNCIL MEETING)

1. Dr Sarah Schladow, 3/20 Garden Street, South Perth Received at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>1. Why is it inconsistent to provide public funds when Council's fundamental requirements of full government funding and absolute retention of Burswood have not been met because Council has consistently claimed it made those submissions only to engineer a better amalgamation process under those conditions or was Council using this as some sort of subterfuge?</p>	<p>In our view it would be inconsistent for the Council to contribute public funds towards an anti-amalgamation campaign given the Council has previously submitted two joint submissions to the Local Government Advisory Board (LGAB) supporting a joint amalgamation with the Town of Victoria Park.</p> <p>Certainly, the Council has not been involved in any subterfuge activity – the submissions that were made to the LGAB sought the best possible outcome for the City of South Perth and its residents and all of the requests bar one have been achieved as a result of that submission process.</p>
<p>2. Why is it inconsistent if your submissions have not been fulfilled on the fundamentals?</p>	<p>We are talking about two different things here: certainly it was the City's desire that the amalgamation process be fully funded.</p>
2. Mrs R. Jennings, 19 Todd Avenue, Como Raised at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>1. <i>[In response to Cr Trent's reference to the successful amalgamation of Broomehill and Tambellup]</i> Can you define what makes an amalgamation successful?</p>	<p>I cannot advise at this time [at the meeting].</p>
3. Mr Peter Best, 5 Angelo Street, South Perth Raised at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>1. If we go ahead with Amalgamations how are we going to guarantee good governance?</p>	<p>The question duplicates some of the concerns which have been raised in the Officers Report. There would need to be some stringent conditions, checks and balances imposed as is on any grant application – we do know from our own experience that is not very easy to come up with a balanced, informed and acceptable position on this topic.</p>

4. Mr Harry Anstey, 21 Riverview Street, South Perth Raised at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>1. Has Council considered the option of taking on its original responsibility to invite those with a no vote to provide the material to counter the yes vote? If not, why not.</p>	<p>Council Moved a Resolution at its November 2014 Ordinary Council meeting to issue an 'advantages and disadvantages' document to residents. It is now ready and with the printers. In addition the West Australian Electoral Commission has also listed the advantages and disadvantages which will be sent to residents with the voting packages. Council's point of view was that we wanted to have input into what was the possible advantages and disadvantages. So there will be two sets of documents informing residents.</p>
<p>2. Will the document to residents show who is going to keep the process honest and deliver the efficiencies and goods that are the basis of this whole amalgamation process?</p>	<p>Council resolved to remain impartial on this matter and has agreed to put out a document that is neutral to the argument so it has spent a lot of time identifying advantages and disadvantages in relation to this issue to send to residents. As mentioned the document that has finally been prepared following a workshop of this Council was acceptable to the Council as representing a balanced but neutral view and presented both arguments reasonably well. I doubt if it satisfied any of us individually but collectively it was satisfactory.</p>
<p>3. Can we expect to see somewhere in this document somebody putting their hand up saying that they will deliver the efficiencies that the state government has said we can expect?</p>	<p>No you cannot expect to see that because that is neither an advantage nor a disadvantage. What you can see in the disadvantages is that the Minister has failed to highlight the benefits and business case.</p>
5. Dr Sarah Schladow, 3/20 Garden Street, South Perth Received at the meeting	Response provided by: Cliff Frewing, Chief Executive Officer
<p>1. Why hasn't administration done a landscape structure with advantages and disadvantages are lined up (rather than one on the back and one on the front)? Why was the format chosen?</p>	<p>It had to fit on A4 paper to minimise cost.</p>
6. Mr Jennings, 9 Todd Avenue, Como Received at the meeting	Response provided by: Mayor S Doherty
<p>1. Why did CoSP jump so early into negotiations with the town of Victoria Park</p>	<p>I am in the process of replying to your email and do not intend to respond in this meeting. I will be happy to send my response to you and a copy to the Councillors.</p>

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on Tuesday 24 February 2015.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed