CITY of SWAN

M I N U T E S

SPECIAL MEETING OF COUNCIL

27 MARCH 2017

MINUTES AVAILABLE ON THE WEBSITE

www.swan.wa.gov.au
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CITY of SWAN

SPECIAL COUNCIL
MEETING

PART A

OPENING PROCEDURES

27 MARCH 2017
PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

   The Mayor welcomed those present and opened the meeting at 5.30pm.

2. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)

   The City of Swan 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 considered 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.

   Conditions of Entry: No electronic, visual or audio recording or transmitting 
   device or instrument is permitted to be used. A person who breaches this 
   provision of the City of Swan Meeting Procedures Local Law 2015 will be required 
   to immediately leave the premises.

   Cr McDonnell entered the Chamber at 5.31pm.

3. ATTENDANCE AND APOLOGIES

   Councillors:  Cr M Wainwright      Mayor, Altone Ward (Presiding Member)  
                 Cr D Lucas          Deputy Mayor, Altone Ward          
                 Cr D Färdig        Altone Ward                          
                 Cr M Haynes        Ballajura Ward                       
                 Cr A Kovalevs      Ballajura Ward                       
                 Cr J McNamara      Ballajura Ward                       
                 Cr C McCullough    Ellenbrook Ward                      
                 Cr D McDonnell     Ellenbrook Ward (from 5.31pm)      
                 Cr P Williams      Ellenbrook Ward                      
                 Cr M Elliott       Midland/Guildford Ward                
                 Cr I Johnson       Midland/Guildford Ward                
                 Cr D Parasiliti    Midland/Guildford Ward                
                 Cr K Bailey        North Ward                          
                 Cr R Henderson     Swan Valley/Gidgegannup Ward          
                 Cr D Trease        Swan Valley/Gidgegannup Ward          

Staff:  
Mr M Foley Chief Executive Officer  
Mr M Bishop Executive Manager Community Wellbeing  
Mr D Bruce A/Executive Manager Operations  
Mr J Coten A/Executive Manager Corporate  
Mrs K Leahy Executive Manager Stakeholder Relations  
Mr L Van der Linde A/Executive Manager Planning and Development  
Mr J Blanchard Manager Governance  
Ms K Phillips Media Relations Officer  
Ms M Dwyer Governance Support Officer (Minute Clerk)  

Leave of Absence: Nil  
Apologies: Nil  
Members of the Public: 15 (approximately)  
Media: Nil  

4. DECLARATIONS OF FINANCIAL AND PROXIMITY INTERESTS AND INTERESTS AFFECTING IMPARTIALITY  
Nil  

5. PUBLIC QUESTION TIME  
Public question time commenced at 5.31pm.  

5.1 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA  

5.2.1 Questions of which due notice has been given  
Nil  

5.2.2 Questions without due notice  
Nil  

Public question time concluded at 5.32pm as there were no further questions.  

6. PUBLIC STATEMENT TIME  
Nil
7. **DEPUTATIONS**

a) Ms Sally Block speaking in support of retaining the name of the current Swan Valley/Gidgegannup Ward.
PART B - REPORTS

1. WARDS AND REPRESENTATION REVIEW

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

KEY ISSUES

- The Local Government Advisory Board advised the City that it was required to conduct a review of its wards and representation. A review has been conducted.

- At the meeting held on 15 March 2017 Council resolved to adopt a wards and representation structure, based on Option 2 of the Discussion Paper.

- The map for Option 2 of the Discussion Paper included The Vines in the combined Ellenbrook/North Ward whereas the data was based on The Vines being included in the Swan Valley/Gidgegannup Ward. The error resulted in the ratio of electors to Councillors being outside the required 10% threshold.

- To address the imbalance in the representation it is recommended that the option adopted by Council on 15 March 2017 be amended to include The Vines in Swan Valley/Gidgegannup Ward and not in the Pearce Ward.

It is recommended that the Council resolve to endorse the attached report (to be amended to include the map for Option 2 of the Discussion Paper to reflect the data provided) and propose to the Local Government Advisory Board the making of an order to adopt the ward structure as detailed in the report.

BACKGROUND

The Local Government Advisory Board (the Advisory Board) wrote to the City in August 2016 requesting it undertake a review of its wards and representation.

Council initiated a review at its meeting held on 30 November 2016. Public submissions were invited and a Discussion Paper was made available to assist the community make suggestions and submit responses.
Council considered a report on the wards and representation review at its meeting of 15 March 2017 and resolved to adopt Option 2 of the Discussion Paper with the following amendments:

- The locality of Guildford to be included in Midland/Guildford Ward, and
- The entire locality of Middle Swan to be included in the Swan Valley/Gidgegannup Ward.

DETAILS

Upon reviewing the figures, an error in the numbers provided to accompany the map for Option 2 of the Discussion Paper was identified. Option 2 of the Discussion Paper included The Vines in the combined Ellenbrook/North Ward whereas the data was based on The Vines being included in the Swan Valley/Gidgegannup Ward. The error resulted in the ratio of electors to Councillors being outside the required 10% threshold.

In adopting a structure Council based their decision on Option 2 of the Discussion Paper and therefore the flawed map/data. Council adopted Option 2 with an amendment to include Guildford in Midland/Guildford and all of Middle Swan in Swan Valley/Gidgegannup. The map below shows what was adopted:
The table to match the adopted wards and representation structure is:

<table>
<thead>
<tr>
<th>Ward</th>
<th>No. of Councillors</th>
<th>No. of Electors</th>
<th>No. of Electors per Councillor</th>
<th>Variance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altone</td>
<td>3</td>
<td>16,737</td>
<td>5,579</td>
<td>-1.24</td>
</tr>
<tr>
<td>Ballajura</td>
<td>3</td>
<td>16,148</td>
<td>5,383</td>
<td>+2.32</td>
</tr>
<tr>
<td>Pearce</td>
<td>4</td>
<td>23,923</td>
<td>5,981</td>
<td>-8.53</td>
</tr>
<tr>
<td>Midland/Guildford</td>
<td>3</td>
<td>17,530</td>
<td>5,843</td>
<td>-6.04</td>
</tr>
<tr>
<td>Swan Valley/</td>
<td>2</td>
<td>8,320</td>
<td>4,160</td>
<td>+24.51</td>
</tr>
<tr>
<td>Gidgegannup</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>82,658</strong></td>
<td><strong>5,511</strong></td>
<td></td>
</tr>
</tbody>
</table>

This proposal will not be accepted by the Local Government Advisory Board.

To proceed to adopt a ward and representation structure which meets the requirements, the resolution as adopted by Council needs to be revoked. The decision to revoke the resolution requires the support of at least 1/3 of Councillors (i.e. at least five) prior to the motion being debated and voted upon.
To address the imbalance in the representation it is recommended that the option adopted by Council on 15 March 2017 be amended to include The Vines in Swan Valley/Gidgegannup Ward and not in the Pearce Ward. The map for this option is:

The table to match the recommended structure is:

<table>
<thead>
<tr>
<th>Ward</th>
<th>No. of Councillors</th>
<th>No. of Electors</th>
<th>No. of Electors per Councillor</th>
<th>Variance (%)</th>
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<td>Ballajura</td>
<td>3</td>
<td>16,148</td>
<td>5,383</td>
<td>+2.32</td>
</tr>
<tr>
<td>Pearce</td>
<td>4</td>
<td>20,838</td>
<td>5,210</td>
<td>+5.46</td>
</tr>
<tr>
<td>Midland/Guildford</td>
<td>3</td>
<td>17,530</td>
<td>5,843</td>
<td>-6.04</td>
</tr>
<tr>
<td>Swan Valley/Gidgegannup</td>
<td>2</td>
<td>11,405</td>
<td>5,703</td>
<td>-3.48</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>82,658</strong></td>
<td><strong>5,511</strong></td>
<td></td>
</tr>
</tbody>
</table>
CONSULTATION

A public submission period occurred from 13 December 2016 to 31 January 2017. Information on the review and an invitation to make a submission was advertised in a number of ways including notices in all community newspapers (also included in City advertorial) and in the City's Administration, all Public Libraries and Place Office's, on the City's website, direct mail to City residents and ratepayer groups and notice in the City's Summer 2016 newsletter.

93 submissions were received.

A schedule of submissions has been prepared and an analysis of submissions received is included in the report to the Advisory Board. Both documents are attached.

ATTACHMENTS

Report to the Local Government Advisory Board and Schedule of Submissions

Please note: Subject to the Council resolution the attached report to the Local Government Advisory Board will be amended to include the map to match the data provided for Option 2 of the Discussion Paper. The letter to accompany the proposal to the Local Government Advisory Board will outline the information provided in this report.
STRATEGIC IMPLICATIONS
Strategic Community Plan 2017-2027
Key Result Area: Governance

STATUTORY IMPLICATIONS
Local Government Act 1995 - sections 2.2, 2.3, 2.18 and Schedules 2.2 and 4.2

FINANCIAL IMPLICATIONS
The costs associated with the review are approximately $7,000 and can be covered by the existing and future 2017/18 budget. Costs include the preparation of technical descriptions and the publication of Governor's Orders in the Government Gazette (subject to the Minister's approval of the Advisory Board's recommendation).

VOTING REQUIREMENTS
Absolute majority

RECOMMENDATION

PART 1
That the Council resolve to:

1) Revoke the decisions made on Item 6.2 - Wards and Representation as resolved at the Ordinary Meeting of Council on 15 March 2017.

The decision to revoke the resolution requires the support of at least 1/3 of Councillors (i.e. at least five) prior to the motion being debated and voted upon.
PART 2

That the Council resolve to:

1) Endorse the attached report with an amendment to the map included for Option 2 of the Discussion Paper to reflect the data provided.

2) In accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995 propose to the Local Government Advisory Board the making of an order under sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 to implement a change to the wards and representation of the City of Swan as follows:
   a) Combine North Ward and Ellenbrook Ward to create a new ward and fix the number of Councillors for the ward at four (4),
   b) Transfer the locality of The Vines from the combined North Ward and Ellenbrook Ward to the Swan Valley/Gidgegannup Ward,
   c) Include the entire locality of Middle Swan in Swan Valley/Gidgegannup Ward.
   d) Transfer those parts of the locality of Henley Brook not located in the Swan Valley Planning Act area from Ellenbrook Ward and Swan Valley/Gidgegannup Ward to Altone Ward,
   e) Transfer that remaining part of the locality of Caversham not in the Swan Valley Planning Act area from Swan Valley/Gidgegannup Ward to Altone Ward,
   f) Transfer the localities of Whiteman and Bennett Springs from Altone Ward to Ballajura Ward,
   g) Transfer the locality of Jane Brook from Swan Valley/Gidgegannup Ward to Midland/Guildford Ward, and

3) Request that these changes be implemented at the 2017 local government elections and to implement the changes:
   a) the one continuing councillor of the Ellenbrook Ward be allocated to the new Ellenbrook/North Ward and an election be held for the three vacancies with two four year terms and one two year term to be filled,

4) Name the new combined North Ward and Ellenbrook Ward, Pearce Ward and all other wards to retain their current name.

5) Submit to the Local Government Advisory Board.

MOTION that the Council resolve to:

1) Revoke the decisions made on Item 6.2 - Wards and Representation as resolved at the Ordinary Meeting of Council on 15 March 2017.

(Cr Färdig – Cr Trease)
RESOLVED UNANIMOUSLY TO:

1) Revoke the decisions made on Item 6.2 - Wards and Representation as resolved at the Ordinary Meeting of Council on 15 March 2017.

In accordance with clause 9.3 of the City of Swan Meeting Procedures 2015 the Presiding Member broke down the motion.

MOTION that the Council resolve to:

1) Endorse the attached report with an amendment to the map included for Option 2 of the Discussion Paper to reflect the data provided.

2) In accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995 propose to the Local Government Advisory Board the making of an order under sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 to implement a change to the wards and representation of the City of Swan as follows:

   a) Combine North Ward and Ellenbrook Ward to create a new ward and fix the number of Councillors for the ward at four (4),

   b) Transfer the locality of The Vines from the combined North Ward and Ellenbrook Ward to the Swan Valley/Gidgegannup Ward,

   c) Include the entire locality of Middle Swan in Swan Valley/Gidgegannup Ward.

   d) Transfer those parts of the locality of Henley Brook not located in the Swan Valley Planning Act area from Ellenbrook Ward and Swan Valley/Gidgegannup Ward to Ballajura Ward,

   e) Transfer the localities of Whiteman and Brabham from Altone Ward to Ballajura Ward,

   f) Transfer that remaining part of the locality of Caversham not in the Swan Valley Planning Act area from Swan Valley/Gidgegannup Ward to Altone Ward, and

   g) Transfer the locality of Jane Brook from Swan Valley/Gidgegannup Ward to Midland/Guildford Ward.

3) Request that these changes be implemented at the 2017 local government elections and to implement the changes:

   a) the one continuing councillor of the Ellenbrook Ward be allocated to the new Ellenbrook/North Ward and an election be held for the three vacancies with two four year terms and one two year term to be filled.

   (Cr Bailey - Cr Williams)
AMENDMENT TO THE MOTION

Add to Part 2):

Transfer the locality of Dayton from Altone Ward to Ballajura Ward.

(Cr McNamara – Cr Haynes)

THE AMENDMENT WAS PUT TO THE VOTE AND LOST (4/11)

For: Crs Haynes, Kovalevs, McDonnell and McNamara

Against: Crs Bailey, Elliott, Färdig, Henderson, Johnson, Lucas, McCullough, Parasiliti, Trease, Wainwright and Williams

RESOLVED (12/3) TO:

1) Endorse the attached report with an amendment to the map included for Option 2 of the Discussion Paper to reflect the data provided.

2) In accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995 propose to the Local Government Advisory Board the making of an order under sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 to implement a change to the wards and representation of the City of Swan as follows:

   a) Combine North Ward and Ellenbrook Ward to create a new ward and fix the number of Councillors for the ward at four (4),

   b) Transfer the locality of The Vines from the combined North Ward and Ellenbrook Ward to the Swan Valley/Gidgegannup Ward,

   c) Include the entire locality of Middle Swan in Swan Valley/Gidgegannup Ward.

   d) Transfer those parts of the locality of Henley Brook not located in the Swan Valley Planning Act area from Ellenbrook Ward and Swan Valley/Gidgegannup Ward to Ballajura Ward,

   e) Transfer the localities of Whiteman and Brabham from Altone Ward to Ballajura Ward,

   f) Transfer that remaining part of the locality of Caversham not in the Swan Valley Planning Act area from Swan Valley/Gidgegannup Ward to Altone Ward, and

   g) Transfer the locality of Jane Brook from Swan Valley/Gidgegannup Ward to Midland/Guildford Ward.
3) Request that these changes be implemented at the 2017 local government elections and to implement the changes:
   a) the one continuing councillor of the Ellenbrook Ward be allocated to the new Ellenbrook/North Ward and an election be held for the three vacancies with two four year terms and one two year term to be filled.

For: Crs Bailey, Elliott, Färdig, Henderson, Johnson, Kovalevs, Lucas, McCullough, Parasiliti, Trease, Wainwright, Williams

Against: Crs Haynes, McDonnell and McNamara

**MOTION** that the Council resolve to:

4) Name/Rename the wards as follows:
   a) The new ward (North/Ellenbrook) to be named Pearce Ward.
      
      (Cr Bailey - Cr Williams)

**FORESHADOWED MOTION**

In the event of the motion being defeated Cr McDonnell foreshadowed that he would move that the new ward (North/Ellenbrook) be named Ellenbrook Ward.

**RESOLVED (11/4) TO:**

4) Name/Rename the wards as follows:
   a) The new ward (North/Ellenbrook) to be named Pearce Ward.

For: Crs Bailey, Elliott, Färdig, Henderson, Johnson, Lucas, McCullough, Parasiliti, Trease, Wainwright and Williams

Against: Crs Haynes, Kovalevs, McDonnell and McNamara

**MOTION** that the Council resolve to:

4) Name/Rename the wards as follows:
   b) Altone Ward to remain as Altone Ward.

   (Cr Bailey - Cr Williams)
RESOLVED UNANIMOUSLY TO:

4) Name/Rename the wards as follows:
   b) Altone Ward to remain as Altone Ward.

MOTION that the Council resolve to:

4) Name/Rename the wards as follows:
   c) Swan Valley/Gidgegannup Ward to be named Swan Valley Ward.

(Cr Bailey - Cr Williams)

FORESHADOWED MOTION

In the event of the motion being defeated Cr Trease foreshadowed that he would move to retain the name Swan Valley/Gidgegannup Ward.

MOTION WAS PUT TO THE VOTE AND LOST (3/12)

For: Crs Bailey, Färdig and McDonnell

Against: Crs Elliott, Haynes, Henderson, Johnson, Kovalevs, Lucas, McCullough, McNamara, Parasili, Trease, Wainwright and Williams

MOTION that the Council resolve to:

4) Name/Rename the wards as follows:
   c) Swan Valley/Gidgegannup Ward to remain as Swan Valley/Gidgegannup Ward.

(Cr Trease – Cr Henderson)

RESOLVED (13/2) TO:

4) Name/Rename the wards as follows:
   c) Swan Valley/Gidgegannup Ward to remain as Swan Valley/Gidgegannup Ward.

For: Crs Bailey, Elliott, Haynes, Henderson, Johnson, Kovalevs, Lucas, McCullough, McNamara, Parasili, Trease, Wainwright and Williams

Against: Crs McDonnell and Färdig
MOTION that the Council resolve to:

4) Name/Rename the wards as follows:
   d) Ballajura Ward to be renamed Whiteman Ward.

(Cr Bailey - Cr Williams)

FORESHADOWED MOTION

In the event of the motion being defeated Cr Haynes foreshadowed that she would move to retain the name Ballajura Ward.

RESOLVED (8/7) TO:

4) Name/Rename the wards as follows:
   d) Ballajura Ward to be renamed Whiteman Ward.

For: Crs Bailey, Färdig, Henderson, Kovalevs, Johnson, Lucas, McCullough and Williams
Against: Crs Elliott, Haynes, McDonnell, McNamara, Parasiliti, Trease and Wainwright

MOTION that the Council resolve to:

That the Council resolve to:

4) Name/Rename the wards as follows:
   e) Midland/Guildford Ward to be named Midland Ward.

(Cr Bailey - Cr Williams)

FORESHADOWED MOTION

In the event of the motion being defeated Cr Elliott foreshadowed that he would move the name be retained as Midland/Guildford.

MOTION WAS PUT TO THE VOTE AND LOST (5/10)

For: Crs Bailey, Färdig, Haynes, Kovalevs and McDonnell
Against: Crs Elliott, Henderson, Johnson, Lucas, McCullough, McNamara, Parasiliti, Trease, Wainwright and Lucas
MOTION that the Council resolve to:

4) Name/Rename the wards as follows:
   e) Midland/Guildford Ward to remain as Midland/Guildford Ward.

(Cr Elliott – Cr Johnson)

RESOLVED 10/5 TO:

4) Name/Rename the wards as follows:
   e) Midland/Guildford Ward to remain as Midland/Guildford Ward.

For: Crs Elliott, Henderson, Johnson, Lucas, McCullough, McNamara, Parasiliti, Trease, Wainwright and Lucas

Against: Crs Bailey, Färdig, Haynes, Kovalevs and McDonnell

MOTION that the Council resolve to:

5) Submit to the Local Government Advisory Board.

6) Record the reason for changing the officer's recommendation is that the proposed ward boundaries best meet the required Councillor/elector ratio variances.

AMENDMENT TO THE MOTION

That prior to submitting the names of wards to the Local Government Advisory Board, the City conduct substantial and extensive community consultation.

(Cr McNamara- )

The Presiding Member ruled that the amendment to the motion out of order as:

1. A report needs to be submitted by 31 March and the amendment would result in the requirement not being met.

2. It is contrary to the decision that has been made by Council.
AMENDMENT TO THE MOTION

That the CEO write to Minister for Local Government requesting that he request the Local Government Advisory Board not implement the changes until after the 2017 local government elections.

(Cr McNamara- )

The Presiding Member ruled that the amendment to the motion out of order as it was contrary to the decision that has been made by Council.

RESOLVED (13/2) TO:

5) Submit to the Local Government Advisory Board.

6) Record the reason for changing the officer's recommendation is that the proposed ward boundaries best meet the required Councillor/elector ratio variances.

For: Crs Bailey, Elliott, Färdig, Henderson, Johnson, Kovalevs, Lucas, McCullough, McDonnell, Parasiliti, Trease, Wainwright and Williams

Against: Crs Haynes and McNamara

FULL DECISION

1) Endorse the attached report with an amendment to the map included for Option 2 of the Discussion Paper to reflect the data provided.

2) In accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995 propose to the Local Government Advisory Board the making of an order under sections 2.2, 2.3 and 2.18 of the Local Government Act 1995 to implement a change to the wards and representation of the City of Swan as follows:

a) Combine North Ward and Ellenbrook Ward to create a new ward and fix the number of Councillors for the ward at four (4),

b) Transfer the locality of The Vines from the combined North Ward and Ellenbrook Ward to the Swan Valley/Gidgegannup Ward,

c) Include the entire locality of Middle Swan in Swan Valley/Gidgegannup Ward.

d) Transfer those parts of the locality of Henley Brook not located in the Swan Valley Planning Act area from Ellenbrook Ward and Swan Valley/Gidgegannup Ward to Ballajura Ward,

e) Transfer the localities of Whiteman and Brabham from Altone Ward to Ballajura Ward,
f) Transfer that remaining part of the locality of Caversham not in the Swan Valley Planning Act area from Swan Valley/Gidgegannup Ward to Altone Ward, and

g) Transfer the locality of Jane Brook from Swan Valley/Gidgegannup Ward to Midland/Guildford Ward.

3) Request that these changes be implemented at the 2017 local government elections and to implement the changes:

a) the one continuing councillor of the Ellenbrook Ward be allocated to the new Ellenbrook/North Ward and an election be held for the three vacancies with two four year terms and one two year term to be filled.

4) Name/Rename the wards as follows:

a) The new ward (North/Ellenbrook) to be named Pearce Ward,

b) Altone Ward to remain as Altone Ward,

c) Swan Valley/Gidgegannup Ward to remain as Swan Valley/Gidgegannup Ward,

d) Ballajura Ward to be renamed Whiteman Ward, and

e) Midland/Guildford Ward to remain as Midland/Guildford Ward.

5) Submit to the Local Government Advisory Board.

6) Record the reason for changing the officer’s recommendation is that the proposed ward boundaries best meet the required Councillor/elector ratio variances.
CITY of SWAN

SPECIAL COUNCIL MEETING

PART C

OTHER BUSINESS AND CLOSING PROCEDURES

27 MARCH 2017
PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. CLOSURE

There being no further business, the Presiding Member, Cr Wainwright, thanked those present for their attendance and declared the meeting closed at 7.33pm.