



# **Special Council Meeting Minutes**

**Friday, 13 February 2015  
5.00pm**

**TABLE OF CONTENTS**

<b>1. Attendances and apologies (including leave of absence): .....</b>	<b>3</b>
<b>3. Public Statement Time: .....</b>	<b>4</b>
<b>4. Presidents Report:.....</b>	<b>5</b>
<b>5. Petitions and Deputations:.....</b>	<b>6</b>
<b>6. Declaration of Councillors and Officers Interest: .....</b>	<b>6</b>
<b>7. Receipts of Minutes or Reports and Consideration for Recommendations: .....</b>	<b>6</b>
<b>8. Motions of Which Notice has been Given: .....</b>	<b>7</b>
<b>SCM001/02/15.... Local Government Reform (SJ1734) .....</b>	<b>7</b>
<b>9. Urgent Business: .....</b>	<b>10</b>
<b>10. Closure: ....</b>	<b>10</b>

**NOTE:**      a)      Declaration of Councillors and Officers Interest is made at the time the item is discussed.

Minutes of the Special Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Friday 13 February 2015. The Shire President declared the meeting open at 5.00pm and welcomed Councillors, staff and members of the gallery.

## 1. Attendances and apologies (including leave of absence):

### In Attendance:

**Councillors:** K Ellis ..... Presiding Member  
S Piipponen  
S Hawkins  
J Erren  
B Moore  
B Urban  
J Kirkpatrick  
J Rossiter

**Officers:** Mr A Hart ..... Acting Chief Executive Officer  
Mrs K Bartley ..... Acting Director Corporate and Community  
Mr B Gleeson ..... Director Planning  
Mr G Allan ..... Director Engineering  
Ms K Peddie ..... Executive Assistant to the CEO

**Apologies:** G Wilson

**Observers:** Nil

Members of the Public – 26

Members of the Press – 1

**Leave of Absence:** R Gorbunow

## 2. Public Question Time:

### **Ms Margaret Cala, 49 Phillips Road, Karrakup, WA, 6122**

Question1

What steps will Council take to ensure that Governors Orders are rescinded?

*Response:*

*The Presiding Member advised that after a conversation with Minister Simpson he has been informed that all Local Government Reform is off the table. Presidents and Mayors will be in attendance at a meeting of Cabinet on Monday, it is anticipated that the orders will be rescinded.*

### **Ms Michelle Rich, 155 Firms Road, Serpentine, WA, 6125**

Question 1

What guarantees and feedback is the community going to received going forward? The community has not been well informed.

*Response:*

*The Presiding Member advised that the Council will be following up with a roadshow of all areas with the Shire to receive feedback and consult with the community. The Presiding Member also advised that the Council keeps the community and ratepayers updated by providing information to Ms Margaret Cala from the Save SJ Community Group.*

**Mr Steve Marsden, 11 Mader Road, Mundijong, WA, 6123**

Question 1

What are the guarantees we will now see from the Council now through to the future?

*Response:*

*The presiding member advised that the Council will be consulting with the community. He further added that there has been much pressure on Council and staff and from here on the Council will be fighting back.*

**Jackie Dines, 34 Jarrahglen Rise, Jarrahdale, WA, 6124**

Question 1

Does the resolution for this meeting need to mention the Governors Orders number?

*Response:*

*The Acting Chief Executive Officer advised that it does not.*

### **3. Public Statement Time:**

**Ms Margaret Cala, 49 Phillips Road, Karrakup, WA, 6122**

Firstly, as a member of the Save SJ Group, I would like to congratulate all the people who have worked so hard to prevent the dissolution of this Shire, and the wider scheme to amalgamate metropolitan Councils. Serpentine Jarrahdale owes its survival to those members of the community, elected representatives and officers who gave their time, expertise and passion.

The Premier's white flag is proof of just what Councils and communities working together can achieve when they share the same vision.

By its very nature, Local Government is exactly what the name suggests, local. Local Government is the tier of government closest to us all in our day to day lives. It shapes our communities, our streets and our homes and how we use and enjoy them. In some respects it is under greater scrutiny than any other level of government, for it polices, by-laws and the way these are executed should reflect the expectations of ratepayers. Conversely, and if they are responsive, Local Governments should reflect the quality of their communities. Apathy or self-interest will not produce strong communities or strong Local Government.

This is a ground breaking time for Local Government and I believe it is an opportunity to re-evaluate the relationship between Councils and communities. I realise there will always be legislative restrictions on what form these relationship may take, but having come this far it would be a huge loss to step away from what has been achieved.

No local government can function effectively without the trust of its community and trust cannot be achieved through legislations. It requires accountability, transparency, fair play and a certain generosity of spirit – from all parties. It will not happen in half measures. Likewise, no community will truly live up to the expectations of its residents

without passion, willingness to be involved, willingness to be responsible and consideration for the wellbeing of our neighbours.

Having survived this recent threat to our future, my hope for Serpentine Jarrahdale is that we do not just pick up the threads and carry on as we were. But, that we use the experience we have gained to find a new way, a way that forges a Council and community that is stronger and better than what we have now.

**Mr Athol Wigg, 36 Old Brickworks Road, Byford, WA, 6122**

As a long standing community member I want to congratulate the Council on this and we should retain the identity of Serpentine Jarrahdale. I Especially acknowledge number three of the new motion which reform should be fully funded considered and with a consultation approval.

#### **4. Presidents Report:**

Councillors, staff and residents will now be aware that the Premier of Western Australia has recently flown the white flag and conceded defeat over Local Government Reform. Overwhelming community support to leave Councils as they are, and the recent leadership shown by the President of WALGA, Mayor Cr Troy Pickard withdrawing WALGA's support from the process has seen a Government backflip on Reform, including boundary adjustments across the State, the subject of Governor's Orders, which are yet to be revoked. At this meeting we will consider calling for those Governor's Orders to be revoked, and to indicate the Shire's withdrawal from the Local Government Reform process.

On behalf of Council, I would like to take this opportunity to publicly acknowledge the work of so many staff members who contributed to the Reform process, whilst responsible for undertaking their normal day to day tasks of operating this Shire.

To members of the Save SJ Shire Group, you know who you are. You did a stellar job! Resourced by volunteer hours, the Save SJ Shire Group generated a sense of community unity in a very short period of time, and significantly contributed to our submission lodged with the Local Government Advisory Board during the consultation phase last year. Whilst recommendations within the submission were not agreed with, and our legal challenge futile, I believe people power across the State has seen a win for us in the end.

May I also recognise the work of our counterparts the City of Armadale and the Shire of Murray during this process. Whilst they required our seat at the LIC table, they remained supportive of our decision to proceed with the legal challenge. Now we have opened up dialogue with these important parties, we are keen to keep the door open, and form an alliance, to create regional harmony.

It is when a foundation is under threat that real learning begins. We are keen to work with our community and the Local Member, Tony Simpson to discover how we can do things better as an organisation and as a better Council. Our focus will shift to ongoing enhancement, improving on our service delivery, and securing a place on the Local Government map, to better prepare ourselves for any future threat of Reform the Government may have planned over the coming years.

There has never been any doubt; we are the best Council to govern this community. We know this community, we respect this community, and we have their best interests

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in mind. We will recommit to our Strategic Community Plan, to ensure the Shire of Serpentine Jarrahdale remains sustainable, connected and thriving!

## **5. Petitions and Deputations:**

Nil

## **6. Declaration of Councillors and Officers Interest:**

Nil

## **7. Receipts of Minutes or Reports and Consideration for Recommendations:**

Nil

## 8. Motions of Which Notice has been Given:

SCM001/02/15 Local Government Reform (SJ1734)	
Author:	Alan Hart – Acting Chief Executive Officer
Date of Report:	10 February 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is for Council to consider requesting the State Government reverse the current Governors Orders issued on 24 December 2014, abolishing the Shire of Serpentine Jarrahdale and increasing the boundaries of the City of Armadale and the Shire of Murray to include the Shire of Serpentine Jarrahdale.

### Background:

The Shire is currently under Governors Orders that will see the Shire Abolished by way of boundary adjustment on 1 July 2015 and the District will be managed by an expanded City of Armadale and the Shire of Murray. On 7 February 2015, Referendums were held for those Local Authorities that the State Government planned on amalgamating and the communities of Kwinana, East Fremantle and South Perth succeeded in obtaining the numbers for a poll to be successful and the result of each referendum was clearly opposed to Amalgamation.

On Monday 9 February 2015, Western Australia Local Government Association officially withdrew its support for Local Government Reform and called on the State Government to reverse the current Governors Orders for Local Authorities subject to Boundary Adjustments.

### Relevant Previous Decisions of Council:

SCM004/01/14 – Proposal to the Local Government Advisory Board to Change the Boundaries of the Shire of Serpentine Jarrahdale.

### Community / Stakeholder Consultation:

The Community of Serpentine Jarrahdale were involved in the preparation of Submission 21 to the Local Government Advisory Board (LGAB) which recommended that the Shire remain intact with some minor amendment to the Western and Northern Boundaries.

### Comment:

The Shire has from the beginning of the State Governments announcement to reform Local Government in Western Australia been opposed to any major changes to the district. The Council prepared an assessment on the viability of the Shire and achieved a category 1 rating from the State Government as being a viable Local Authority and since then all of the Shires forward planning has indicated a sustainable entity into the future.

In March 2013, a community group prepared a petition for the State Government opposing Local Government reform in Serpentine Jarrahdale and that Serpentine Jarrahdale should remain in the Shire. This petition collected 3,100 signatures, clearly indicating community opposition to Local Government Reform.

In 2014, with the assistance of the Serpentine Jarrahdale community, the Shire prepared a submission for the Local Government Advisory Board recommending that the Shire remain intact with some minor adjustments to the Boundaries. This submission again reinforced the sustainability of the Shire by analysing the financial sustainability ratio's and benchmarking

them against published figures from the City of Armadale and the Shire of Murray. It also referenced the sense of community that Serpentine Jarrahdale has and the desire of the community to remain intact.

This current Council have been part of the “Councils for Democracy” group of Local Authorities and have been a financial contributor towards the legal action to challenge the validity of the Local Government reform process.

It is therefore recommended that that Shire resolve to request the Government instigate a reversal of the Governors Orders dated 24 December 2014, in relation to the Shire of Serpentine Jarrahdale and that the State Government provide a clear vision for the City of Perth for community discussion.

**Attachments:**

- [SCM001.1/02/15](#) – Petition Against Amalgamation (IN13/15191)
- [SCM001.2/02/15](#) – Submission to the Local government Advisory Board (OC14/3816)

**Alignment with our Strategic Community Plan:**

Governance and Leadership 1.2.6

The Shire’s Strategic Community Plan has placed an emphasis on strong and visionary leadership for society, community and environmental responsibility.

The Shire’s Strategic Community Plan is all about our community having self-determination by defining who we are as a community and how we want our community to develop and grow. The Strategic Community Plan encourages community input into all major decisions that affect the Shire’s development and growth. This affects all aspects of the Shire including policy development, growth in population and commercial development.

**Statutory Environment:**

Division I of the Local Government Act 1995 as amended – District and Wards

Schedule 2.1 of the Local Government Act 1995 contains provisions relating to the creation and abolition of district boundaries and the changing of boundaries. The Schedule 2.1 also outlines the circumstances and procedures for holding a poll of electors of districts directly affected by a recommendation from the LGAB regarding an amalgamation. The Local Government Act also talks about the good governance and leadership.

Part 9 Division 6 gives the Governor the power to make an order from time to time. There are also provisions to revoke or cancel the order wholly or in part.

**Financial Implications:**

The total transitional cost of the amalgamation process is not known. The Shire has invested a significant amount and staff resources towards the process to date and should this continue, over the next five months resource levels will increase as time get closer to the 1 July deadline.

There are some Local Government Authorities claiming transitional cost would be in the order of \$5 – 7 million. If these costs are correct then the shortfall is enormous and that means the ratepayers of Serpentine Jarrahdale will have to pick up the gap.

If amalgamation costs were \$5 million then it would be an extra 8.27% on our rates, if they were \$7 million then it would be an extra 11.58% on our rates.

**Voting Requirements:** Simple Majority



**Officer Recommendation:****That Council:**

1. Request the State Government to Reverse the Governors Orders dated the 24<sup>th</sup> December 2014 in relation to Local Government (Serpentine Jarrahdale, Armadale and Murray - Abolition and Change of Boundaries) Order 2014.
2. Support Western Australian Local Government Association's request for the State Government to provide a clear vision for Local Government reform in the Perth Metropolitan area, that is fully funded and carried out with a consistent and consultative approach.

**COUNCIL DECISION**

Moved Cr Urban, seconded Cr Kirkpatrick

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 5.18pm in order to further discuss item SCM001/02/15.

**CARRIED 8/0**

**COUNCIL DECISION**

Moved Cr Erren, Seconded Cr Piipponen

That Standing Orders be reinstated at 5.35pm

**CARRIED 8/0**

**SCM001/02/15 New Motion:**

Moved Cr Urban, seconded Cr Erren

**That Council:**

1. Acknowledge the Premiers comments that the Local Government Reform amalgamations and boundary changes will not proceed.
2. Request the Premier direct the Department of Local Government and Communities on the Minister for Local Government to stop boundary amendments affecting Shire of Serpentine Jarrahdale by reversing the Governors Orders dated 24 December 2014, Local Government (Serpentine Jarrahdale, Armadale and Murray – Abolition and Change of Boundaries) Orders 2014.
3. Express its sincere thanks to the Save SJ Community Group for their commitment and dedication to the fight to save the Shire of Serpentine Jarrahdale
4. Formally withdraws from the Local Government Reform process.
5. Cease further discussions regarding Local Government reform with the City of Armadale and Shire of Murray.
6. Advise the City of Armadale and Shire of Murray of these resolutions.

**CARRIED 8/0**

**Council Note:** Council changed the officers recommendation to clarify Council position on Local Government Reform.

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**9. Urgent Business:**

Nil

**10. Closure:**

There being no further business the Presiding Member declared the meeting closed at 5.36pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 9 March 2015

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Presiding Member

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Date