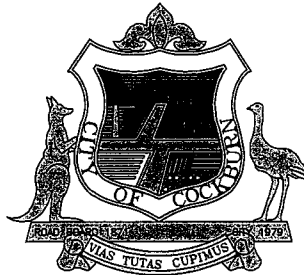


CITY OF COCKBURN



SPECIAL COUNCIL MEETING

MINUTES

FOR

THURSDAY, 29 SEPTEMBER 2016

These Minutes are subject to Confirmation

Presiding Member's Signature

Logan Hewlett

Date: 13/10/2016

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON THURSDAY, 29 SEPTEMBER 2016 AT 6:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER).....	2
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	2
5 (SCM20160929) - APOLOGIES & LEAVE OF ABSENCE.....	2
6. PUBLIC QUESTION TIME	2
7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS	2
8. PURPOSE OF MEETING	2
8.1 (SCM20160929) - PURPOSE OF MEETING	2
9. COUNCIL MATTERS.....	3
9.1 (MINUTE NO 5899) (SCM20160929) - LOCAL GOVERNMENT ADVISORY BOARD SUBMISSION ON HAMILTON HILL AND NORTH COOGEE PROPOSED BOUNDARY CHANGE(089/004) (S CAIN) (ATTACH).....	3
10. RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)	11
10.1. (MINUTE NO 5900) (SCM20160929) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	11
11. CLOSURE OF MEETING.....	12

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON THURSDAY, 29 SEPTEMBER 2016 AT 6:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mrs L Sweetman	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr P Eva	-	Councillor
Mr B Houwen	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr R. Avard	-	A/ Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr A. Lees	-	A/ Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms S Seymour-Eyles	-	Manager Corporate Communications
Ms D. Koellen	-	Executive Assistant

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 6.02pm and welcomed all those in attendance and acknowledged the traditional owners of the land.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5 (SCM20160929) - APOLOGIES & LEAVE OF ABSENCE

Councillor Dr C. Terblanche	-	Apology
Councillor K. Allen	-	Apology

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8. PURPOSE OF MEETING

8.1 (SCM20160929) - PURPOSE OF MEETING

The purpose of the meeting is to consider:

Submission to Local Government Advisory Board (LGAB) on the Proposal to Transfer the Suburb of Hamilton Hill and a Portion of the suburb of North Coogee from the City of Cockburn to the City of Fremantle.

9. COUNCIL MATTERS

9.1 **(MINUTE NO 5899) (SCM20160929) - LOCAL GOVERNMENT ADVISORY BOARD SUBMISSION ON HAMILTON HILL AND NORTH COOGEE PROPOSED BOUNDARY CHANGE(089/004) (S CAIN) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopts the attached submission and forwards it to the Local Government Advisory Board (LGAB);
- (2) makes copies of the submission available in the City's libraries, Seniors and Administration centres; and
- (3) acknowledges the support received from groups that have provided a submission to the LGAB seeking the retention of the suburbs of Hamilton Hill and North Coogee within the district of Cockburn.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr P Eva that Council

- (1) – (2) as recommended;
- (3) acknowledges and thanks the support received from individuals, community and residents groups, sporting clubs, cultural and service organisations, advisory groups, businesses and our strong volunteer base who have provided a submission to the LGAB seeking the retention of the suburbs of Hamilton Hill and North Coogee within the district of Cockburn;
- (4) acknowledges and thanks the CEO and his staff for the preparation and presentation of a very high quality, easily understood, extremely comprehensive, submission/report;
- (5) has the CEO submit copies of the council resolution and the attached report to the President of WALGA, the CEO of WALGA, the chairs of all WALGA zones, the Minister for Local Government and Communities, the Director General of the Department of Local Government and Communities (DLGC) and all upper and lower house members of the WA State Parliament, whose constituencies take in part, or all of

Cockburn; and

- (6) has the CEO endeavour to arrange face to face meetings, with all of the people mentioned in point 5 above, and attended by the Mayor, the Deputy Mayor and West Ward Councillors, to discuss the issue of boundary reform and the huge costs incurred by Local Governments defending, spurious or vexatious attempts of ill thought out boundary reform.

CARRIED 7/1

Reason for Decision

A very large amount of staff time has had to go into the production of the above Council submission and its attached report, and sadly all of this work has to be paid for by Cockburn ratepayers and this substantial cost impost has become necessary from a petition of about 250 residents/ratepayers, some of whom could not be confirmed as residents/ratepayers.

Reading the report, it appears to have taken at least 5 months to gather a little over 250 signatures, this number of signatures on a petition could normally be gathered in just a couple of hours on a Saturday morning at a local shopping centre, I mention this only because it was obviously a struggle, to gather the prerequisite number of signatures on the petition, and thus proves lackluster support for it, as further proven by our Reachtel polling, yet, it has still been able to impose a huge financial and stressful cost on the City and its residents/employees.

Given all of the above, it is obvious that in a city of over 100,000 residents, 250 names on a petition is an extremely small amount, to launch such an arduous, time consuming and expensive process, so I strongly believe we must lobby WALGA, the DLGC and our Members of Parliament, with a view to having the legislation reviewed and amended so that a petition for boundary reform must contain an amount, at the very least equal to 10% of affected residents.

I am recommending that the Mayor, Deputy Mayor and West Ward Councillors be involved in this lobbying process, for I believe it is something we should approach for the good of our Community and given that many of us have different stresses on our diaries, I am endeavouring to make it easier for the CEO to set up these meetings and if at least 3 of the 5 of us can make any of these meetings, then they should go ahead, before any more of these weak petitions come

in and yet more vexatious costs are imposed on City of Cockburn ratepayers.

Background

The submission attached to this report deals with a community proposal for a boundary change that was lodged with the Local Government Advisory Board in June 2016. The submission reflects the strong objections the City has received to this proposal and outlines why residents would be disadvantaged if it proceeded.

Submission

N/A

Report

Council has been dealing with the issue of Local Government Reform since 2009, however, with the end of the Metropolitan Local Government Inquiry process in February 2015 it had been expected by most that this would have concluded this issue.

At the time that process was coming to an end, residents at the Annual Cockburn Electors meeting, held on Tuesday 3 February 2015, moved the following motion:

“That in the event the Town of East Fremantle poll votes against the amalgamation, the Hamilton Hill Community Group and the Coogee Beach Progress Association request that the City of Cockburn take the necessary steps for the suburbs of Hamilton Hill and part of North Coogee to remain under the City of Cockburn.”

Council acted on this request and eventually Governors Order’s for boundary changes were rescinded; however, the clear view of Hamilton Hill and North Coogee residents at that time was there was no support for a boundary change with the City of Fremantle.

In December 2015 and January 2016, articles appeared in local newspapers advising that a resident (Mr Adin Lang) was seeking support to modify the City’s boundaries. Following publication of these articles the matter was raised at the 2016 Annual Electors meeting held on Tuesday 2 February 2016. The Coogee Beach Progress Association requested:

“That the City of Cockburn takes the necessary action to oppose the petition prepared by Mr Adin Lang and to take action to retain the suburbs of Hamilton Hill, North Coogee and Coogee within the boundaries of the City of Cockburn, should a petition be lodged with the Local Government Advisory Board (LGAB).”

Subsequently at its Ordinary Council meeting in March 2016, City of Cockburn Council resolved:

“That Council upon notification from the Local Government Advisory Board (LGAB) of any community initiated or other proposal to transfer all or any part of the localities of Hamilton Hill, North Coogee or Coogee from the City of Cockburn to the City of Fremantle:

- (1) formally resolves to strongly oppose the proposal and prepares a submission which contains information extracted and updated from the Cockburn Community Steering Group’s (CCSG) submission made to the LGAB during the 2014 Metropolitan Local Government Reform process as it relates to the areas affected by any proposal; and*
- (2) ensures an immediate community engagement program is commenced to include all residents, businesses and community based organisations within the areas directly affected by any proposal, seeking widespread community rejection of any proposal.”*

With further advice in the media that Mr Lang was continuing to seek support for his proposal; in a late agenda item to the May 2016 Ordinary Council Meeting Council made a further resolution:

“That Council approves the allocation of up to \$50,000 from Account No OP 9710 towards any direct costs associated with the City of Cockburn response to the community initiated proposal seeking to transfer the suburbs of Hamilton Hill and North Coogee to the City of Fremantle, as reported in the “Cockburn Gazette” on 3 May 2016 and the “Fremantle Herald” on 7 May 2016.”

In early June the City received formal advice from the LGAB that a boundary proposal had been lodged with it in late May 2016, with the LGAB subsequently resolving to conduct a formal Inquiry in accordance with the Local Government Act (the Act). The LGAB advised that the proposal had been signed by just over 250 electors, the minimum number required for the proposal to be valid.

Given the proposal would impact over 11,000 residents, the City undertook a ReachTEL poll on 7 July 2016. The poll of 711 residents, covering the affected areas found 64.2% of residents supported remaining part of the Cockburn District. Indeed, only 17.5% of residents supported a move to Fremantle.

With limited community support for a change, the City’s Mayor and Chief Executive Officer (CEO) met with their Fremantle counterparts to discuss the issue. A recommendation to reject the community proposal was subsequently put to the Fremantle City Council by its CEO. While

noting that there was some support for a boundary change within their Council, they resolved (in part):

“That it does not see value in proceeding with the Greater Fremantle proposal at this time.”

Submission.

The City’s submission addresses the key elements required under Schedule 2.1 of the Act, being:

- Community on interest;
- Physical and topographic features;
- Demographic trends;
- Economic factors;
- History of the area;
- Transport and communication
- Matters affecting the viability of local governments; and
- Effective delivery of local government services.

While there are observations made under each of these points, the key elements of the submission are:

Community. No community group has come out in support of the proposal. While individuals had signed it, they only represented 0.025% of the affected population. However, independent polling showed strong opposition to the proposal, which mirrored the result of a previous referendum. Community groups that had advised the City they were making a submission; were doing so because of the solid support (financial, facilities and development) that the City had given them over a long period of time. These groups have received a significant amount of funding from the *Cockburn Community Fund* and would no longer be eligible for this.

Landscape. The proposal would split critical infrastructure (eg Port Coogee groundwater interception drain), as well as strategies for management of the ecosystem (water, bushfires, conservation reserves) and for urban planning (Phoenix revitalisation).

Demographic. The profile of the area does not match that of Fremantle. North Coogee does not resemble any part of Fremantle and, through Cockburn’s revitalisation planning and investment; Hamilton Hill is continuing to be improved. Of concern, service provision to Aboriginal residents located across the City’s northern suburbs would be detrimentally impacted. With no equivalent services provided by the City of Fremantle, this demographic group would be disadvantaged.

Economic. Through 2015-18 the City has committed \$7.5M in projects for Hamilton Hill and North Coogee, with many of these unfavourably impacted if there was a boundary change. The City's Developer Contribution framework would suffer multi-million dollar shortfalls, leaving the cities of Fremantle and Cockburn to pick this up. Differences in waste services (3 bin service in Cockburn) and security patrols (not offered in Fremantle) would see residents get a lower level of service.

History. Following the split of Cockburn from the original district of Fremantle, the City has developed its own identity. Groups with long association to the City, such as the RSL (93 years), Coogee Beach Residents Association (63 years) and Cockburn Cultural Council (43 years) have advised the City they did not support the boundary change.

Transport. Dealing with transport related issues is the number one priority of our residents. The City's \$118M road network improvement plan includes projects in Hamilton Hill and North Coogee. It is uncertain if the City of Fremantle could deliver this infrastructure. This places road and other investment by the City of Cockburn plans for community infrastructure in the area, at risk.

Viability. As the net income derived from Hamilton Hill and North Coogee is less than the expenditure required to service this area, the City of Fremantle would either have to increase rates or reduce service levels. Fremantle would also inherit more than \$4M in outstanding debt obligations. (More commentary on this issue is contained in the Budget/Financial Implications section of this report).

Service Delivery. A key argument of the community proposal had been that local residents made substantial use of services in Fremantle. The submission shows this not to be the case; however, it also shows services Fremantle resident's use that is provided by Cockburn. Of significance is the impact the proposal would have on the City's Aged Care service. This service, located in Hamilton Hill, could not be transferred to the City of Fremantle; leaving Cockburn the only short-term option of continuing to run this in another local government's district. The community proposal also took no account of the need for civic infrastructure, which would impact the capacity of Fremantle to continue delivering services to residents.

Conclusion.

There is also some cynicism surrounding the objectives behind the community proposal. When confronted with opinion polling showing little support for the proposal, its instigator approached the City's Mayor offering to amend the submission as long as Cockburn agreed to his property being included in a boundary transfer. This demonstrated a

fundamental lack of understanding about the process and purpose of making a proposal to the LGAB

The City has taken a strong stand to object to the boundary change. This is based on the proposal failing to outline the detrimental impact it would have on residents, community, sporting and other representative groups.

To remove the ongoing uncertainty for residents, the City has asked that the LGAB consider this matter with some urgency.

Strategic Plan/Policy Implications

Leading and Listening

- Listen to and engage with our residents, business community and ratepayers with greater use of social media
- Ensure sound long term financial management and deliver value for money
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management
- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

The submission identifies that there would be a considerable financial impact on residents and ratepayers associated with any boundary change, which will run into millions of dollars.

While revenue of around \$10.6M, of which \$8.9m is from rates, would transfer to Fremantle; so too would expenditure of \$10.8M required to service the affected areas. The net shortfall would have to be made up from rate increases or service level reductions.

The City invests substantial sums in capital expenditure on these areas, which for FY16/17 totals several million dollars. For 2017/18, the City is committed to spending \$5m on the Wally Hagan Stadium and \$800,000 on the North Coogee foreshore, which are unlikely to occur if the suburbs are transferred to Fremantle. Both of these projects rely on Developer Contribution financing, but this would have a substantial shortfall in collections if DCA13 were to be split.

In addition, the City of Fremantle will inherit a \$4m debt from Cockburn for its share of existing commenced capital works and the SMRC. There is no municipal reserve funding to offset this, placing a bigger burden on the ratepayers of Fremantle. However, this pales into insignificance for the DCA 13 development contributions schemes. For Fremantle the shortfall is estimated at \$26.4M. However, Cockburn ratepayers would also suffer, with its projects inheriting a shortfall of

\$21.6M. By retaining the current boundaries none of these liabilities will be created.

Under rate harmonisation principles, Cockburn's average residential rates is \$1,481 (for Hamilton Hill and North Coogee which includes waste collection and community surveillance), whereas Fremantle's is \$1,710 (which includes waste but not community surveillance).

North Coogee properties currently pay an average rate of \$1,965, but would be charged \$2,044 under Fremantle's current rating structure, an increase of \$78 or 4%. Ratepayers in Hamilton Hill would have a small saving, of around \$22 pa; however, ratepayers in both suburbs would have a reduction in service levels through the loss of: weekly recycling collections, tip passes, fortnightly green waste collections, a reduction in verge junk collections (2 in Cockburn 1 in Fremantle) and loss of the community security service (CoSafe) patrols.

The asset management burden on the City of Fremantle; already faced with some of the oldest community and road infrastructure in metropolitan Perth, will be increased as they inherit older infrastructure in Hamilton Hill. Fremantle would receive \$89m of assets with accumulated depreciation of \$26m, but with no offsetting cash reserves to maintain these ageing assets.

Finally, ratepayers in both local governments would have to fund the cost of the transition arrangements. Transition planning for the State Governments Metro Reform agenda cost ratepayers \$1M on external consultants and suppliers, and over \$2M in staff time. None of this cost could be recouped from the State Government. Similarly all costs associated with changes under the Greater Fremantle proposal would be borne by ratepayers.

A comprehensive financial analysis was required to be prepared for the LGAB review, but as this contained many complex spreadsheets it has not been reproduced in this submission.

Legal Implications

The provisions of Schedule 2.1 of the Local Government Act (the Act) apply.

Community Consultation

The City has undertaken considerable consultation on this matter; meetings with groups that would be affected by the proposal, letters being sent to all residents in the impacted area, presentations to staff and a variety of other media releases being issued. The City has also promoted the public consultation meeting, scheduled for 5 October.

Risk Management Implications

If Council does not endorse the submission the City will not be able to state its formal position on the issue to the LGAB. The material also forms part of the presentation that the City intends to make to the LGAB on 5 October. The submission outlines the detriment it would have on residents and ratepayers in Cockburn and Fremantle.

Attachment(s)

Submission to the LGAB

Advice to Proponent(s)/Submissioners

The City has publicly advertised the Special Council Meeting being held on 29 September 2016.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

10. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

10.1. (MINUTE NO 5900) (SCM20160929) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr P Eva that the recommendation be adopted.

CARRIED 8/0

11. CLOSURE OF MEETING

Meeting closed at 6.13pm.