

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 6 MARCH 2014 AT 6:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor (Arrived 6.05pm)
Mr Y Mubarakai	-	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 D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms S. Seymour-Eyles-	-	Manager, Corporate Communications
Ms V. Viljoen	-	PA to Chief Executive Officer

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 6.02pm.

### 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 (SCM 06/03/2014) - APOLOGIES & LEAVE OF ABSENCE**

➤ Clr Lyndsey Wetton - Apology

**6 (SCM 06/03/2014) - PUBLIC QUESTION TIME**

***Mr Geoff Sach, Coogee  
Representing the Cockburn Community Steering Committee***

Q1 Mr Sach requested that he and Mr Tony Romano, also a member of the above Committee, be granted the opportunity to make a short presentation to Council on the Committee's Proposal E1, which was part of the item being considered at the Special Council Meeting.

A1 The Presiding Member advised Mr Sach that he would allow a presentation, bearing in mind the importance of the matter under consideration by Council, and would call Messrs Sach and Romano to make their presentation at the appropriate time.

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

Nil

**8 (SCM 06/03/2014) - PURPOSE OF MEETING**

The purpose of the meeting is to consider the City's submission to the Local Government Review Board on proposals that affect the City of Cockburn.

NOTE: AT THIS POINT, THE TIME BEING 6.05PM, CLR ALLEN JOINED THE MEETING.



AT THIS POINT IN THE MEETING, THE PRESIDING MEMBER INVITED MESSRS SACH AND ROMANO TO MAKE THEIR PRESENTATION TO COUNCIL AND ADVISED THEM OF THE PROCEDURE THAT WOULD BE FOLLOWED.

## 9. COUNCIL MATTERS

### 9.1 **(MINUTE NO 5261) (SCM 06/03/2014) - SUBMISSION TO THE LOCAL GOVERNMENT ADVISORY BOARD ON PROPOSALS THAT IMPACT THE CITY OF COCKBURN (089/004) (S CAIN) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) advise the Local Government Advisory Board (LGAB) that its position on the Proposals that impact the City of Cockburn is as follows:
  1. Does Not Support Proposal 9 – City of Melville Proposal 1 for the reasons outlined in this report;
  2. Does Not Support Proposal 10 – City of Melville Proposals 2 and 3 for the reasons outlined in this report;
  3. Does Not Support Proposal 12 – City of Fremantle Proposal for the reasons outlined in this report;
  4. Does Not Support Proposal 19 – City of Kwinana Proposal for the reasons outlined in this report;
  5. Does Not Support Proposal 08/2013 – Minister for Local Government Proposal for Melville for the reasons outlined in this report;
  6. Does Not Support Proposal 09/2013 – Minister for Local Government Proposal for Fremantle / East Fremantle for the reasons outlined in this report;
  7. Does Not Support Proposal 10/2013 – Minister for Local Government Proposal for Cockburn / Kwinana for the reasons outlined in this report; and
  8. Supports Proposal E1 – Cockburn Community Steering Group, as an alternative to the City’s own Proposal 20, as qualified in this report.



- (2) endorse the City continuing to work on detailed transition planning for the implementation of the City of Cockburn Sound, as outlined in its Proposal 20, so that it can achieve the effective creation of a new Local Government by 1 July 2015.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Clr S Pratt that Council adopt the recommendation with the following amendments:

- (1) and (2) as recommended;
- (3) increases the membership of its Local Implementation Committee (LIC) to include two (2) additional councillors, being Clr Steven Portelli and Clr Stephen Pratt;
- (4) invites the Cockburn Community Steering Committee to:
1. nominate up to two (2) Co- chairpersons of the Committee to participate in the activities of the LIC in an advisory capacity, and
  2. seek expressions of interest from up to two (2) representatives of the Kwinana community, in the absence of formal involvement from the City of Kwinana, to participate in the LIC, in an advisory capacity;
- (5) informs the Chairperson of the Metropolitan Reform Implementation Committee (MetRIC) of Council's decision and requests an opportunity for the LIC to meet with the MetRIC at its next scheduled meeting; and
- (6) advises the Mayor and Chief Executive Officer of the City of Kwinana of Council's decision on this matter.

**CARRIED 9/0**

**Reason for Decision**

At the 13 February 2014 Council Meeting, Council resolved to seek to re-enter negotiations with the City of Kwinana regarding an amalgamation of the Cities of Cockburn and Kwinana. The City of



Kwinana has since declined this offer, in order to pursue the Minister's proposal (Number 10/2013). In addition, the February 2014 Council resolution also committed Council to support the Cockburn Community Proposal (Number E1), if the City of Kwinana did not wish to discuss the amalgamation opportunity.

Given these circumstances, it is in the City of Cockburn's interest to progress the intent of the Community Proposal, which is to merge the Cities of Cockburn and Kwinana, with minor boundary modifications, as contained in its Proposal. This involves the activation of a LIC, in accordance with procedures outlined in the Department of Local Government and Communities' publication "Local Government Reform Toolkit". In the absence of formal participation by the identified partner Council (ie City of Kwinana), it is suggested that the Community Committee be invited to participate in the activities of the LIC. The Committee could also seek to identify community representatives from the affected partner District (Kwinana), based on their communications and discussions with their counterpart organisations. Given the potential for an outcome which could result in an imbalance of Council / community representation, it is considered appropriate to increase the representation from the City of Cockburn Council. It is also recommended that the role of the community representatives be contained to an advisory capacity, similar to that which applies to any community representation on a Council-sanctioned committee or group.

Finally, once assembled, the LIC should seek a formal meeting with the Metropolitan Reform Committee (MetRIC), as the body appointed to oversee the Government's reform process.

## **Background**

In February 2009 the State Government initiated a process for reform of Local Government in Western Australia. The initial culmination of this process was a report by the Metropolitan Local Government Review Panel in October 2012, colloquially known as the 'Robson Report'. That report recommended the retention of the City of Cockburn as a stand-alone Local Government, with 12 Local Governments in the metropolitan area.

The State Government subsequently resolved to not release its own position on Local Government Reform until after the March 2013 State Election. In July 2013 the Government released an alternate blueprint for change that proposed 14 Local Governments in the metropolitan area, with a simple amalgamation of the Cities of Cockburn and Kwinana as part of this mix.

Following a lengthy series of negotiations between the Cities of Cockburn and Kwinana, each Council met in September 2013 to



resolve a position on an amalgamation. Cockburn Council resolved not to proceed with an amalgamation; a position subsequently also resolved by the Kwinana Council. The State Government had requested that all Local Governments lodge Proposals with the Local Government Advisory Board (LGAB) by 4 October 2013 so that it could implement its proposed blueprint.

However, on 17 October 2013 the Kwinana Council met to consider another Proposal to the LGAB. This Proposal was for a boundary adjustment that expanded Kwinana's boundaries up to Beeliar Drive, to include around half of the District of Cockburn within the City of Kwinana. The Proposal was prepared without any reference to residents, ratepayers or other stakeholders in the City of Cockburn.

Following Local Government elections on 19 October 2013, the new Cockburn Council met on 24 October 2013 to consider its own new Proposal on a merger with Kwinana. Council resolved to lodge a Proposal for a boundary adjustment that would include all of Cockburn and Kwinana within a new Local Government, to be called the City of Cockburn Sound. This Proposal was consistent with the July 2013 boundaries endorsed by the State Government.

However, in November 2013 the State Government announced that in light of the submissions received it was now proposing another model with 15 Local Governments. New Local Governments would be created that included expanded Cities of Fremantle, Kwinana and Melville. The Government advised that it would make formal Proposals to the LGAB to this effect.

### **Submission**

N/A

### **Report**

The Local Government Reform process is a protracted affair that has now run for five years. Following the request for Local Governments to make submissions to the LGAB, the LGAB had received 20 Proposals as at the end of October 2014. The Government's change of tack in November 2013 on its own preferred model, saw the Minister for Local Government lodge a further 12 Proposals in late November 2013. A single Proposal was also lodged by electors in December 2013, known as the Cockburn Community Group Steering Committee. One further Proposal was also lodged by Shire of Serpentine-Jarrahdale, bringing to 34 the number of Proposals that the LGAB would need to consider.

As required under the Local Government Act, the LGAB initiated a public submission period at the end of January 2014, which extends until 13 March 2014. The LGAB has invited submissions to be lodged on any of the 34 Proposals.





Proposals Impacting the City of Cockburn. Nine of the Proposals before the LGAB directly impact the City of Cockburn and a further two impact a full merged Cockburn –Kwinana. These Proposals are:

1. Proposal 9 - City of Melville 1
2. Proposal 10 - City of Melville 2 & 3
3. Proposal 12 - City of Fremantle
4. Proposal 19 - City of Kwinana
5. Proposal 20 – City of Cockburn
6. Proposal 08/2013 - Minister for Local Government (Melville)
7. Proposal 09/2013 - Minister for Local Government (Fremantle/East Fremantle)
8. Proposal 10/2013 – Minister for Local Government (Cockburn / Kwinana)
9. Proposal E1 – Cockburn Community Steering Group.

Of the nine that directly impact the City of Cockburn only two; Proposals 20 and E1 support the retention of the current district of Cockburn.

The majority of the other seven Proposals contain little reference to the Cockburn community. None of them include comment from community residents, ratepayers or stakeholders.

Of these Proposals the least detailed are those submitted by the Minister for Local Government. His Proposals are very superficial and do not attempt to address in any detail the criteria contained within Schedule 2.1 of the Local Government Act (1995). Schedule 2.1, which details the provisions for creating, changing the boundaries of and abolishing districts, has also been used by the Minister to recommend the abolition of the City of Cockburn as part of Proposal 10/2013.

Response to Proposals. A detailed review has been conducted of each of the Proposals impacting the City, with the exception of the City's own Proposal 20. It is self-evident that the City continues to endorse its own Proposal.

The review looks at the competing Proposals using the criteria of s5 (2) of Schedule 2.1, which requires the LGAB to have regard to:

- a) Community of interests,
- b) Physical and topographical features,
- c) Demographic trends,
- d) Economic factors
- e) The history of the area
- f) Transport and communication
- g) Matters affecting the viability of local governments, and
- h) The effective delivery of services.



The overlapping nature of many of the Proposals before the Board makes it a complex task to look at each of the Proposals, against each criterion, in isolation. Accordingly, Attachment 1 has taken a combined approach, while also including supporting material, such as maps, graphs and charts, which highlight the points articulated. Attachments 2 to 9 then summarise the points for each separate Proposal against the criteria.

Transition Planning. The City recently presented on its own Proposal to a number of LGAB panel members. The City included details of a comprehensive operating plan for the creation of the City of Cockburn Sound. The details of these plans will be presented to the City's Local Implementation Committee (LIC) in the near term. While the City had written to the City of Kwinana inviting its representatives to participate in the LIC, there has only been a negative response to this offer to date. Should no agreement be received by 13 March 2014, the Council could look at the possibility of including alternative Kwinana representatives on the LIC.

To have an effective transition in place for the new Local Government by 1 July 2015, the first stages of transition need to occur later this year. The City has taken the necessary steps to achieve this and is accordingly working through its critical path for this project.

Conclusion. The LGAB has a complex task to achieve review of the 34 Proposals it has received. The City maintains that for Local Government Reform to be effective it needs to follow the example of similar successful models adopted in other States. The essence of these is that reform models:

- were not complex,
- predominantly joined whole Local Governments together;
- were not expensive,
- built fiscally sustainable Local Governments that had income according to their lifecycle needs and;
- minimised the impact on customers, residents, ratepayers and staff.

The only Proposals that achieve this for Cockburn and Kwinana residents, ratepayers, employees and other stakeholders are Proposals 20 and E1.

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- *Effective and constructive dialogue with all City stakeholders.*
- *Effective advocacy that builds and manages relationships with all stakeholders.*



## **Budget/Financial Implications**

The creation of the City of Cockburn Sound has been costed at \$7.5M. Provision for some expenditure associated with transition planning will be made in the City's FY14/15 budget. However, until the issue of the Governor's Orders for creation of the new Local Government it will remain unclear what, if any, financial assistance the State Government is going to offer to assist with the amalgamation.

With the exception of Proposals 20 and E1, all of the competing Proposals have a deleterious impact on the financial sustainability of a future Cockburn-Kwinana Local Government. Details of this are contained in a report prepared by the AEC Group that is available on the City's website.

## **Legal Implications**

N/A

## **Community Consultation**

The City has widely promoted the LGAB's public consultation phase and thousands of our residents, ratepayers and other stakeholders have provided submissions to the LGAB.

## **Attachment(s)**

1. Covering Submission on Proposals 9, 10, 12, 19, 08/2013, 09/2013, 10/2013 and E1.
2. Submission on Proposal 9 City of Melville 1.
3. Submission on Proposal 10 City of Melville 2 & 3.
4. Submission on Proposal 12 City of Fremantle.
5. Submission on Proposal 19 City of Kwinana.
6. Submission on Proposal 08/2013 Minister for Local Government – Melville.
7. Submission on Proposal 09/2013 Minister for Local Government – Fremantle / East Fremantle.
8. Submission on Proposal 10/2013 Minister for Local Government - Cockburn / Kwinana.
9. Submission on Proposal E1 – Cockburn Community Steering Group.

## **Advice to Proponent(s)/Submissioners**

There is no requirement for the City to advise other affected Local Governments of the details of its Submissions to the LGAB.



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

Schedule 2.1 outlines the provisions required for Local Governments to initiate a proposal to create, change boundaries or abolish a district.

**10. (MINUTE NO 5262) (SCM 06/03/2014) - 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 Clr B Houwen SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 9/0**

**11 (SCM 06/03/2014) - CLOSURE OF MEETING**

MEETING CLOSED AT 6.23PM

**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: ..... Date: ...../...../.....

