

CITY OF COCKBURN

SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 24 OCTOBER 2013 AT 7:30 PM

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CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 24 OCTOBER 2013 AT 7:30 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Ms L Wetton	-	Councillor
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 D. Arndt	-	Director, Planning & Development
Mr J. Snobar	-	Media Liaison Officer
Mrs S. Seymour-Eyles	-	Communications Manager
Ms V. Viljoen	-	PA to the Chief Executive Officer

1. DECLARATION OF MEETING

Presiding Member declared the meeting open at 7.31pm.

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 24/10/2013) - APOLOGIES & LEAVE OF ABSENCE

➤ Clr Kevin Allen - Apology

6 (SCM 24/10/2013) - PUBLIC QUESTION TIME

Mr Colin Crook, Spearwood

Stated that he had not had time to read the agenda documents and that he found it difficult to follow the meeting.

The Presiding Member thanked Mr Crook for his comments.

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

Nil

8 (SCM 24/10/2013) - PURPOSE OF MEETING

The purpose of the meeting is to give consideration to submitting a proposal to the Local Government Advisory Board in the context of local government reform and any proposed amalgamation(s) with an adjoining local government(s).

9. COUNCIL MATTERS

9.1 (MINUTE NO 5164) (SCM 24/10/2013) - PROPOSAL TO THE LOCAL GOVERNMENT ADVISORY BOARD TO CHANGE THE BOUNDARIES OF THE CITY OF COCKBURN (089/004) (S CAIN) (ATTACH)

RECOMMENDATION

That

(1) adopt the attached proposal for submission to the Local Government Advisory Board (LGAB);

(2) advises the LGAB that:

“The City of Cockburn, being an affected local government within the meaning of Schedule 2.1 of the Local



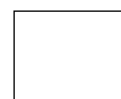
Government Act 1995 (LGA), resolves to submit a proposal to the Local Government Advisory Board, pursuant to clause 2 (1) of Schedule 2.1 of the LGA, that Orders be made by the Governor under Section 2.1 of the LGA which would abolish the district of the City of Kwinana and vary the boundary of the district of the City of Cockburn so as to include within it the area of the former district of the City of Kwinana, in accordance with the attached plan illustrating the proposed changes.”

- (3) advise the Department of Local Government and Communities that it has formed a Local Implementation Committee (LIC) to oversee the transition process;
- (4) appoint the City’s representatives on the LIC to be:
 - a. The Mayor
 - b. Councillor _____ and Councillor _____
 - c. Chief Executive Officer;
- (5) advise the City of Kwinana of these decisions and invite them to nominate up to three representatives to sit on the LIC;
- (6) immediately initiate further community communication to keep residents and ratepayers abreast of information on this project; and
- (7) advise the Premier and the Minister for Local Government of these decisions.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr B Houwen that Council:

- (1) adopt the proposal as attached to the Agenda for submission to the Local Government Advisory Board (LGAB), with the following amendments:
 1. Name of Body – amend this to ‘City of Cockburn-Kwinana’ and adjust the supporting text to reflect the key elements of this name.
 2. Wards and Representation – amend this to include an additional Elected Member for the South Ward for a transitional period of four years, being from 2015 to 2019;
- (2) as recommended;
- (3) as recommended;



(4) as recommended and appoint Clr Portelli and Deputy Mayor Reeve-Fowkes to be the two Councillor representatives on the Local Implementation Committee;

(5) to (7) as recommended.

MOTION LOST 1/8

MOVED Clr L Smith SECONDED Clr B Houwen that Council:

(1) adopts the proposal as attached to the Agenda for submission to the Local Government Advisory Board (LGAB) with the following amendment:

1. Funding for Proposal – amend the text to read ‘It is recommended that the full cost of transition be funded by the State Government’;

(2) as recommended;

(3) as recommended;

(4) as recommended and appoint Cr Smith and Deputy Mayor Reeve-Fowkes to be the two Councillor representatives on the Local Implementation Committee;

(5) as recommended;

(6) replace sub-recommendation (6) as follows:

(6) *immediately initiates further community communication to keep residents and ratepayers abreast of information on this project; (to include mention of all proposals submitted by the Cities of Fremantle, Kwinana and Melville that include parts of the district of Cockburn) and highlight our determination to protect our boundaries in the best interest of ratepayers.;*

(7) insert a new sub-recommendation (7) as follows and renumber accordingly:

(7) *request the Minister to consider holding a poll of Electors if the Advisory Board recommends the proposal be accepted; and*

(8) (7) as recommended.

CARRIED 7/2



Reason for Decision

Deputy Mayor Reeve-Fowkes and I are seeking representation on the Local Implementation Committee as we believe we can devote the time required to this important task. This is an opportunity for both of us and we are very committed to following it through.

The communications to our residents should mention the competing proposals that have been submitted to the LGAB, so residents are aware of the risk involved to the City if no proposal to the LGAB were put at this time.

The City should request the Government to fund the cost of the merger so that there is no financial impact of this on our ratepayers.

In terms of the poll provision, at this point in time it is probably a token gesture but in the interest of moving forward it is necessary to acknowledge its importance to the majority of Elected Members.

Background

On 30 July 2013 the Minister for Local Government, Hon Tony Simpson MLA, announced the State Government's response to the Metropolitan Local Government Review. Minister Simpson advised that, after reviewing the Panel's findings, the State Government was proposing to consolidate the number of Local Government Authorities (LGAs) from 30 to 14. The Minister invited LGAs to make a submission or proposal to the Local Government Advisory Board (LGAB) on the Government's recommended model, by 4 October 2013.

The City of Cockburn met to consider this matter at a Special Council Meeting (SCM) on 19 September 2013. That meeting resolved the following:

That Council

- (1) *recommend that the City of Cockburn advise the Premier, the Minister for Local Government and the Department of Local Government that Council has given careful consideration to the proposed amalgamation between the City of Cockburn and the City of Kwinana and after said consideration has decided that it no longer wishes to proceed with the proposed amalgamation between the City of Cockburn, the City of Kwinana and/or any other cities adjoining our boundaries, unless a poll is taken of our ratepayers and the majority of our ratepayers indicate that they wish us to proceed with the proposed amalgamation;*



- (2) *Council's Chief Executive Officer immediately compiles and issues a press release to all media outlets, i.e, The West Australian, the local papers, all radio stations and local TV stations advising them of Council's position and the reasons for its decision; and*
- (3) *a copy of the media release and the letter to the Premier, the Minister for Local Government and the Department of Local Government, be provided to all Elected Members by no later than close of business on Friday 20 September 2013.*

The City has fully complied with these requirements with the Mayor writing to the Premier and Minister confirming Council's decision and the Chief Executive Officer issuing a press release.

The report to Council on this matter had noted that the Government indicated it would act to use the existing provisions of Section 2 of the Local Government Act (the Act), if local governments chose not to make submissions. On 14 October the City received advice from the Minister (Attachment 1) confirming that based on Council's decision, he would now submit a formal proposal to the LGAB for the amalgamation of the Cities of Kwinana and Cockburn.

On 18 October 2013 the City of Kwinana also resolved to submit its own proposal to the LGAB. This proposal seeks to expand the boundaries of the district of Kwinana to include approximately 60% of the district of Cockburn. The Kwinana proposal also recommends that the LGAB consider changes to the boundaries of the districts of Fremantle and Melville to absorb the residual areas of Cockburn, thereby abolishing the district of Cockburn completely.

Submission

N/A

Report

Since the Local Government Reform process was initiated by the Government in February 2009, eight reports have been presented to Council on this topic. As noted, the most recent of these was at a Special Council Meeting on 19 September 2013.

After calling on LGAs to make proposals to the LGAB for voluntary reform, 19 proposals have now been submitted. The State Government can take some comfort that this matter is now entering a definitive end phase, with certainty that Reform is being achieved. While the proposals were not all in strict compliance with the Government's recommended model, these cover more than 95% of the metropolitan area. The Government will only have to submit one substantive proposal to cover the whole of the Western Suburbs, in order to get complete coverage.



Many of these proposals were for combinations of LGAs that were in accordance with the State's model. These include competing proposals from LGAs seeking to adopt the Government's model, such as the Belmont-Kalamunda and Canning-Gosnells proposals, but seeking some form of advantage for their current community, usually in the form of increased Elected Member representation or a different LGA boundary.

South-West Metropolitan Area. Of most interest to the residents and ratepayers of Cockburn are those proposals that impact the current district of Cockburn. Proposals were submitted by the Cities of Fremantle, Kwinana and Melville that include parts of the district of Cockburn, as follows:

- *City of Fremantle.* This proposal seeks to expand the boundary of the City of Fremantle to include Cockburn's north-western suburbs. The proposal recommends an initial expansion to include most of North Coogee (down to Port Coogee) and to all of Hamilton Hill (Attachment 2). The proposal suggests a further expansion to include Spearwood could be contemplated at a later stage.
- *City of Kwinana.* This proposal seeks to expand the boundary of the City of Kwinana to include Cockburn's southern suburbs up to a new Boundary along Beeliar Drive. The proposal recommends that the LGAB consider expanding the amended districts of Fremantle and Melville, modifying their proposals to include any residual areas of Cockburn. The Kwinana proposal suggests their new city take the name 'City of Jervoise Bay' (Attachment 3)
- *City of Melville.* Three options have been proposed to the LGAB. Two are modified versions of the Government's model, the third is an option that would fit with an expanded district of Fremantle. The first two options include Cockburn's north-eastern areas of Leeming and Jandakot City. These also propose a modified boundary with Fremantle, to include all of the developed part of North Coogee into the Fremantle area. The third Melville proposal seeks to include all of the Bibra Lake industrial area into Melville. (Attachment 4)

Once a proposal is submitted to the LGAB it cannot be withdrawn. Each of these proposals, even though they may not be compliant with the Government's blueprint, will be formally considered by the Board.

None of these proposals make claim to be in the best interests of the residents or ratepayers of the district of Cockburn. Naturally their focus is on protecting the best interests of their City's own residents.

As the Local Government Act (the Act) s2.10 (a) of states, the Role of a Councillor is to:



“represent the interests of electors, ratepayers and residents of the district”

It is therefore not in the best interests of Cockburn residents or ratepayers for its Elected Members to leave the status quo (ie Council's September SCM resolution) in place, as this made no submission to the LGAB (of any type) on behalf of the Cockburn community. A proposal of some nature needs to be considered by Council for submission to the LGAB to rectify this situation.

Council's Previous Decision. As noted, the Mayor and Chief Executive have acted to fulfil the resolutions of Council at the SCM. However, in recommending that Council considers a proposal to the LGAB it is worth reviewing the 'Reason for Decision' given for making the previous resolution. Three elements stand-out:

1. Council's decision sought to preserve the right of the City of Kwinana not to be amalgamated. While this position was initially welcomed by Kwinana, their resolution of 18 October and lodgement of an LGAB proposal to take-over 60% of the district of Cockburn and seek for the whole of Cockburn to be abolished does not represent a reciprocal position to protect the rights of Cockburn residents.
2. Council desired to seek *Poll Provisions* retained in the Act. While the Government had flagged its intention to remove these from application in the Metropolitan area it has not proceeded with this change. As at this time, the existing provisions of Schedule 2.1 of the Act, which allow for a poll to be called by either the Minister or a set quorum of Electors, remain extant.
3. Council stated that there was no 'legal authority' for the Minister to require the City to make a submission to the LGAB. However, there is a legal authority (Schedule 2 (1) (a)) for the Minister to lodge his own submission. This intent has been confirmed by the Minister, with no guarantee that such a submission would ultimately be framed so that it is directly in the best interests of Cockburn residents or ratepayers.

The above factors make it imperative that the City consider a new proposal to the LGAB at this time.

City of Cockburn LGAB Proposal. Ultimately the option that would be in the best interests of the residents of Cockburn and coincidentally the residents of Kwinana is a submission that seeks to keep the existing districts of Cockburn and Kwinana intact. Such a submission would preserve the financial capacity of the two current LGAs to support the requirements of a new City. Kwinana and Cockburn will remain 'growth



Council's, with anticipated population growth of between 3 and 5 % respectively, for at least the next decade.

They will also have significant change to their topography with the development of the Latitude 32 precinct along their shared border, as part of the growth of the Western Trade Coast. All of this will require that the new City has significant organisational capacity to manage the growth, as well as fiscal capacity to deliver the requisite infrastructure investment.

The nature of a proposal to the LGAB can be in one of three forms:

1. A 'boundary adjustment' where an existing LGA seeks to extend its boundaries to encompass the whole or part of another LGA. The Fremantle and Kwinana proposals seek this option, using the latter provision.
2. An 'amalgamation' whereby two or more LGAs are abolished and a new LGA is created. This was the position presented to Council at the September SCM.
3. A 'combination' where two or more LGAs can merge, but also seek a boundary adjustment to extend into another LGA. The Melville proposals seek this option.

The recommended proposal for Cockburn is to use the 'boundary adjustment' option, but to include the whole of Kwinana within the boundary of the district of Cockburn. This option would also achieve the objectives outlined in each City's Strategic and Long-Term Financial Plans.

The key elements of the new proposal are:

1. **Consistent.** The draft proposal is a 'fully compliant' submission consistent with the Government's proposal for the Cockburn-Kwinana area. It is premised on a boundary adjustment of the current district of Cockburn to include the current district of Kwinana within Cockburn, as this keeps the whole of both communities intact.
2. **Rationale.** There is sound logic to the proposal as it would be underpinned by extant State strategy and Government Policy. It is premised on the State Government's *Directions 2031* strategy, which recognises that Cockburn and Kwinana form part of the south-west sub-region of the metropolitan area. It also notes that Cockburn's northern border is the boundary of the central sub-region, so this forms a logical boundary with the Government's proposed amalgamation of the Fremantle, East Fremantle and Melville LGAs into one new LGA. The City's proposal identifies a range of synergies across many parts of the current Cockburn-Kwinana areas that would underpin the strength of the new LGA.



3. **Name.** The proposed name for the new City is 'City of Cockburn Sound'. This recognises the unique geographical feature that connects Cockburn and Kwinana and is also a name that ties in both ecological and industrial references to precincts (eg Western Trade Coast) that will shape the City's future. It is a name that readily identifies with the region and its history, when named by Governor Stirling.
4. **Representation.** The proposed representative model is based on a geographically based four ward model, with west, central, east and south wards and each ward having three Councillors. The 'one-vote, one-value' principle has been applied with the proposed four wards having no more than the +/- 10% variation in electors recommended by the LGAB. The community will directly elect the Mayor (ie a popularly elected mayor) as per Cockburn's current system.
5. **Boundaries.** The proposal seeks to retain the existing boundaries of Cockburn- Kwinana. However, recognising there is a requirement to look at any minor anomalies, the following areas have been identified in this category:
 - a. *North-West.* The current alignment between Cockburn and Fremantle around North Coogee is not a direct route. The development of this estate, the majority of it in Cockburn, included a pocket of some 50 homes in Fremantle. An alternative alignment would be to square this off, with a boundary around the old Fremantle Landfill site.
 - b. *North-East.* The current alignment has part of Leeming within Cockburn. As there are 741 properties in this section, there is no proposal to seek a boundary change. Previous reports to Council have highlighted the use these residents make of services provided by the City, so an alternative would be to place the boundary along Farrington Road, between Kwinana Freeway and Karel Avenue
 - c. *South-West.* While the boundary is straight, there are a number of lots in the Rockingham Industrial Zone that are split between Kwinana and Rockingham. An alternative would be to run the boundary around 'whole' lots, with several different permutations possible. There are also a number of minor changes around Mandurah and Millar Roads and the railway line that could lead to a better defined border. A commitment has been received from the City of Rockingham to address these matters (Attachment 5).
 - d. *South-East.* There are around 25 rural living lots in Oakford that are sandwiched by the Modong Nature Reserve. It may be easier to service these from Kwinana rather than Serpentine-Jarrahdale. There is also a fire easement in the Wandj area that would be more effectively managed if it were in Serpentine-Jarrahdale.



6. **Funding.** The City has estimated the cost of amalgamation at around \$6.5M, which is less than the previous draft LGAB proposal due to this being a boundary adjustment. This is still a significant sum and while efficiencies should come from an amalgamation, the cost of the transition should not be borne by the community. The proposal seeks funding support from the Government over the next two financial years.

Managing Transition. As the nature of Cockburn's proposal is a boundary adjustment, the City of Cockburn would take the lead in managing the transition. The City's current administration and governance practices would be retained and expanded to incorporate the needs of the Kwinana residents and ratepayers. The relative staff ratio of Cockburn to Kwinana is more than 2:1 and the Operating Income ratio is 60:40. This reinforces the point that given Cockburn's size, its proposal is the least cost transition option compared to other forms of amalgamation.

The Government has recommended that the existing Elected Members of each merging LGA manage the preparation for amalgamations. The Minister's letter of 14 October reinforced this request, seeking the City to proactively manage a transition with the City of Kwinana. It is recommended that Cockburn forms a Local Implementation Committee (LIC) in accordance with the Government's Transition Planning Governance Framework.

The LIC would comprise equal representation from each of the merging LGAs, with a representative of the Department of Local Government and Communities (DLG&C) joining as an observer. However, as this is a boundary adjustment proposal the Chair of the LIC is recommended to be the Mayor of Cockburn, who would also be the LIC representative on the Metropolitan Implementation Committee (MetRIC). The Mayor of Kwinana would be the Deputy Chair on the LIC.

Previous discussions with the City of Kwinana had recommended that the LIC comprise the following representatives from each City:

- Mayor
- Two Councillors
- Chief Executive Officer

It is recommended that the City's LIC representatives be formally appointed by a Council resolution, thereby ensuring these representatives have the support of Council for this important task.

The LIC will meet monthly; or more frequently if required, at the City of Cockburn from November 2013. This date fits with the finalisation of the 'Toolkit' being prepared by WALGA, the Local Government Managers Association and the DLG&C, due out in early December



2013. The initial meetings of the LIC will be focussed on understanding the scope of the tasks involved in transition and developing a communications plan.

Community Engagement. The last report to Council also noted that the City has provided a stream of media to the community on this topic over many months, with articles in the *Cockburn Soundings*, the City's website, in media releases and in the local newspapers. However, depending on the resolution of Council on this new LGAB proposal, it will be important that any new position be communicated widely and quickly.

The LGAB review process ensures that there will be public consultation on all submissions and proposals. The LGAB will initiate public hearings and invite submissions on each of the proposals/submissions put to it. It has been previously recommended to Council that this would be the best time to hold any community forum(s) as these would be widely promoted and focussed on the issues.

A comprehensive Communications Plan is also required to make residents more aware of the LGAB process, the nature of our proposal and how the City is managing this matter. The City is preparing a draft document with this to be addressed by the LIC.

Conclusion. The submission of a proposal to the LGAB will commence the process that potentially leads to an amalgamation of the Cities of Cockburn and Kwinana. As previously advised, once submitted a proposal cannot be withdrawn.

The draft LGAB proposal being recommended to Council is in accordance with the Government's strategic objectives for the Reform of Local Government, as well as the State's planning framework recommended for the south west sub-region.

The recommended option of a boundary adjustment is the simplest, most cost effective and least disruptive option of the amalgamation options available. The proposal mirrors much of what had been previously proposed to the City of Kwinana. It is believed that this proposal would also have the greatest benefit to all residents of both current Cities, compared to other options that have been put to the LGAB that include both districts.

Strategic Plan/Policy Implications

Growing City

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

Leading & Listening

- Effective and constructive dialogue with all City stakeholders.



- Effective advocacy that builds and manages relationships with all stakeholders.
- Manage our financial and infrastructure assets to provide a sustainable future.

A Prosperous City

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

Budget/Financial Implications

The City is not eligible for any interim funding from the Government, as it did not submit a conforming proposal to the LGAB by 4 October 2013. However, provision was made in the FY13/14 budget of \$180,000 for expenditure on Local Government Reform. Should additional funding be required this would need to be dealt with at the mid-year budget review (Feb 14).

The City has estimated the cost of an amalgamation at around \$6.5M, with its LGAB proposal seeking for the Government to fully fund this expenditure.

Legal Implications

Sec 2.1 and Schedule 2.1 of the Local Government Act refer.

Community Consultation

The City should issue appropriate media on this matter to clarify the intent and purpose of making a proposal to the LGAB at this time. As the LGAB will initiate public consultation as part of its deliberations, the City should widely promote this at the appropriate time. The Local Government Act's *Poll Provisions* still apply and can be initiated by the community if the LGAB recommends that an amalgamation proceed.

Attachment(s)

1. Correspondence from Minister for Local Government; Community Services; Seniors and Volunteering; Youth 14 October 2013
2. Map showing City of Fremantle's LGAB proposal
3. Map showing City of Kwinana's LGAB proposal
4. Map showing City of Melville's three LGAB proposals
5. Letter from the City of Rockingham dated 12 September 2013
6. City of Cockburn proposal to the Local Government Advisory Board



Advice to Proponent(s)/Submissioners

The City of Kwinana has been advised that an LGAB proposal is being considered by the City of Cockburn on the 24 October 2013 at a Special Council Meeting.

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

N/A

10. (MINUTE NO 5165) (SCM 24/10/2013) - 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 C/r Y Mubarakai that the recommendation be adopted.

CARRIED 9/0

11 (SCM 24/10/2013) - CLOSURE OF MEETING

MEETING CLOSED AT 7.45PM

CONFIRMATION OF MINUTES

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

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

