



Government of **Western Australia**
Local Government Advisory Board

LOCAL GOVERNMENT ADVISORY BOARD

Annual Report 2010 - 2011

LOCAL GOVERNMENT ADVISORY BOARD ANNUAL REPORT 2010-2011

August 2011

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CHAIR'S REPORT

The Board had a busy and interesting year dealing with proposals for amalgamations, boundary amendments and changes to ward boundaries and representation levels. It was encouraging to see local governments respond in such a positive manner to the State Government's structural reform program and I am confident there will be further progress on this front in the future.

During the year the Board received two proposals for amalgamation and boundary amendments involving the City of Geraldton-Greenough, the Shire of Mullewa and the Shire of Chapman Valley. The Board decided to deal with both proposals concurrently and the associated inquiry provided an interesting challenge to all those involved. The level of community interest in the outcome of the inquiry was particularly high and the associated public hearings were all well attended.

At the conclusion of the inquiry, the Board submitted its Report to the Minister wherein it recommended the amalgamation of the Shire of Mullewa and the City of Geraldton-Greenough. Although a poll of electors was conducted in both local governments, they failed to attract the requisite number of electors and as such were both invalid polls. The Minister accepted the recommendation of the Board and the City of Greater Geraldton was subsequently established on 1 July 2011.

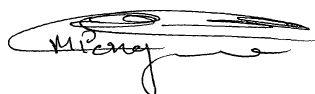
The Board also conducted a formal inquiry into a proposal to amalgamate the Shires of Mingenew, Morawa, Perenjori and Three Springs. The Board recommended in favour of a recommendation, however a poll conducted in the Shire of Perenjori resulted in a majority vote opposing the Board's recommendation and the amalgamation did not proceed.

The Board received a steady stream of proposals throughout the year from local governments in response to the State Government's structural reform program. In all, the Board considered 25 proposals for amendments to elected member numbers and ward boundaries which resulted in an overall reduction of 45 elected member positions during 2010-11.

I would like to acknowledge the time and effort the Members, their Deputies and the officers of the Department of Local Government. Ross Earnshaw, Meghan Dwyer, Ainslie Perrigo and Emma Dickinson have provided valuable administrative and research support to the Board throughout the busy year.

In addition, I would also like to pass on my best wishes to Joanne Trezona, Paddi Creevey, Moria Girando and James Trail who will complete their terms of appointment on 31 August 2011.

In accordance with clause 14 of Schedule 2.5 of the *Local Government Act 1995*, I submit to the Minister for Local Government the 2011 Annual Report of the Local Government Advisory Board.



Mel Congerton
CHAIR
LOCAL GOVERNMENT ADVISORY BOARD
31 August 2011

ROLE AND FUNCTION OF THE BOARD

The Local Government Advisory Board (the Board) is a statutory body established under section 2.44 of the Local Government Act 1995 (the Act).

The role of the Board is to consider proposals for changes to district boundaries and wards and representation of local governments. These proposals can come from the Minister, local governments or electors. After the Board has considered a proposal, a recommendation is made to the Minister for Local Government who makes a decision about any proposed changes.

Schedule 2.1 of the Act details the provisions about creating, changing the boundaries of, and abolishing districts.

Schedule 2.2 of the Act details the provisions about names, wards and representation.

The Board can also carry out any other inquiries that the Minister for Local Government may direct.

THE BOARD'S GUIDING PRINCIPLES

The Board's Guiding Principles form the basis for considering any changes and takes into account the factors set out in the *Local Government Act 1995*.

COMMUNITY OF INTERESTS

Community of Interests includes parts of a district that share common interests, values, characteristics and issues giving rise to a separate sense of identity or community. Factors contributing to a sense of identity or community include shared interest and shared use of community facilities. For example, sporting, leisure and library facilities create a focus for the community.

The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indication about the direction that people travel to access services and facilities. The external boundaries of a local government need to reflect distinct communities of interest wherever possible.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. The Board believes that wherever possible, it is inappropriate to divide the units between local governments.

PHYSICAL AND TOPOGRAPHIC FEATURES

Physical and topographic features may be natural or man-made and will vary from area to area. They may include:

- Water features (such as rivers)
- Catchment boundaries
- Coastal plains and foothills

- Parks and reserves, and
- Man made features (such as railway lines or freeways).

These features can form identifiable boundaries and can also act as barriers to movement between adjoining areas. In many cases physical and topographic features are appropriate district and ward boundaries. The Board supports local government structures and boundaries that facilitate the integration of human activity and land use.

DEMOGRAPHIC TRENDS

Local governments should consider the following characteristics when determining the demographics within its locality:

- Population size
- Population trends
- Distribution by age
- Gender, and
- Occupation.

Current and projected population factors will be relevant as well as similarities and differences between areas within the local government.

ECONOMIC FACTORS

Economic factors can include any factor that reflects the character of economic activities and resources in the area including:

- Industries within the local area
- Distribution of community assets, and
- Infrastructure.

HISTORY OF THE AREA

The history of an area can be a relevant consideration, although the Board believes that in the majority of cases this will not be a primary justification for changing or retaining local governments and local government boundaries. The nature of historical ties between communities is important to understand, irrespective of where the local government boundaries lie.

A community within a local government may have a strong historical identity; alternatively there may be strong historical links between two or more communities in adjacent local governments. It is important to note that historical identity is not lessened if an area does not have its own local government.

TRANSPORT AND COMMUNICATION

The transport and communication linkages between towns and other areas may be a significant barrier to movement and therefore an appropriate boundary between local governments.

Consideration of the following factors is important in any assessment of local government boundaries:

- Port access
- Neighbouring towns
- Railways, and
- Major roads.

MATTERS AFFECTING THE VIABILITY OF LOCAL GOVERNMENTS

Local governments should have a significant resource base:

- To be able to efficiently and effectively exercise its proper functions and delegated powers and operate facilities and services
- To be flexible and responsive in the exercise of its functions and powers and operation of its facilities and services
- To employ appropriate professional expertise and skills, and
- To be capable of embracing micro-economic reform.

Each local government should have a diverse and sufficient rate base to ensure that general purpose grants do not represent the major revenue source.

EFFECTIVE DELIVERY OF LOCAL GOVERNMENT SERVICES

A broad range of factors can be relevant to the effective delivery of local government services and these are often directly relevant to those that also affect the viability of local governments. They include:

- The size and geographical spread of the population
- Management effectiveness and efficiency
- The availability of staff expertise
- Appropriate infrastructure and equipment, and
- Customer satisfaction and feedback.

MEMBERSHIP OF THE BOARD

The Board has a membership of five. The Chair is appointed by the Minister for Local Government, two members are nominated by the Western Australian Local Government Association (WALGA), one member is nominated by the Local Government Managers Australia (LGMA) and one member is an officer of the Department of Local Government. Four Deputy Members are also appointed to officiate in the absence of Members.

All appointments must be approved by Cabinet on the recommendation of the Minister for Local Government and then by the Governor in Executive Council.

The current membership of the Board is as follows:

Chair	Cr Melvyn Congerton
WALGA Nominees	Cr Helen Dullard OAM Mayor Paddi Creevey OAM (Deputy) Mayor Ron Yuryevich AM RFD Cr Moira Girando (Deputy)
LGMA Nominees	Ms Joanne Trezona Mr James Trail (Deputy)
Department of Local Government	Ms Wendy Murray Mr Tim Fowler (Deputy)

The terms of appointment for the above members expires on 31 August 2011.

Board Activities 2010-2011

CREATING, CHANGING AND ABOLISHING DISTRICT BOUNDARIES

In 2010-11 the Board conducted two formal inquiries into proposals arising out of the local government reform process. The two proposals were:

1. Amalgamation of the City of Geraldton-Greenough and the Shires of Mullewa and Chapman Valley (two proposals).
2. Amalgamation of the Shires of Mingenew, Morawa, Perenjori and Three Springs.

Proposal for amalgamation and a boundary amendment involving the City of Geraldton-Greenough, the Shire of Mullewa and the Shire of Chapman Valley

In 2010, the Board received the following two proposals:

Proposal A: A proposal for amalgamation of the City of Geraldton-Greenough and the Shires of Chapman Valley and Mullewa. This proposal was submitted to the Minister as part of the local government reform process and was referred to the Board on 21 January 2010.

Proposal B: A proposal for amalgamation of the City of Geraldton-Greenough, Shire of Mullewa and part of the Shire of Chapman Valley (Oakajee Port Area). This proposal was submitted to the Board by the City of Geraldton-Greenough and the Shire of Mullewa on 26 March 2010.

The Board held a six week public submission period which commenced on 23 June 2010 and concluded on 5 August 2010. The Notice of Inquiry was

advertised in *The West Australian* and *Geraldton Guardian* on 23 June 2010 and *The Mid West Times* on 24 June 2010. This Notice detailed information on how to make a submission to the Board on the proposals.

The Board sought submissions from the following stakeholders as a part of its inquiry process:

- Oakajee Port and Rail*
- Public Transport Authority
- Department of Transport
- Department of State Development
- Mid West Chamber of Commerce and Industry
- Mid West Development Commission
- Landcorp, and
- Geraldton Port Authority*.

**The Board also met with Oakajee Port and Rail and Geraldton Port Authority to discuss issues relevant to the inquiry.*

The Board held meetings with each of the affected local governments to allow the councils and senior staff to raise concerns and discuss matters associated with the proposals.

Public hearings were conducted by the Board in each of the three local governments to allow interested parties to make written and/or verbal submissions on the proposals under consideration. The venues and times for these public hearings were organised to ensure that affected residents were able to attend a hearing within close proximity to their place of residence. They were also held in the evening to ensure maximum participation and minimal conflict with elector's other commitments.

The venues, dates and attendance numbers for the hearings are outlined in the following table:

PUBLIC HEARINGS – VENUES, DATES AND ATTENDANCE		
VENUE	Date	Estimated Attendance
Mullewa – Recreation Centre Dining Room	6 July 2010	20
Chapman Valley – Nabawa Community Centre	7 July 2010	200
Geraldton-Greenough – Greenough Council Chambers	8 July 2010	50

The Board received 150 submissions on Proposal A, 152 submissions on Proposal B and 42 submissions which addressed both proposals.

The table below indicates the number of submissions which supported and opposed Proposal A:

SUBMISSIONS – PROPOSAL A		
	Support	Oppose
TOTAL	7	178

The table below indicates the number of submissions which supported and opposed Proposal B:

Submissions – Proposal B		
	Support	Oppose
TOTAL	0	184

At the conclusion of the inquiry, the Board resolved that:

In accordance with clauses 6 and 10A of Schedule 2.1 of the *Local Government Act 1995*, the Local Government Advisory Board recommends to the Minister for Local Government that orders be made to:

- (a) Abolish the City of Geraldton-Greenough and the Shire of Mullewa on 30 June 2011 and establish a new local government by amalgamating the former City and Shire from 1 July 2011;
- (b) Name the new local government the City of Greater Geraldton;
- (c) Implement a ward structure comprising the existing ward structure and ward names of the City of Geraldton-Greenough and create a new ward to be named the Mullewa Ward, the boundary of which will be the district boundary of the Shire of Mullewa; and
- (d) Specify that each ward will have two councillors, fourteen (14) in total, with the
- (e) Mayor to be elected by electors of the new local government.

As the recommendation was significantly different to the two proposals under consideration, the Board was required, under clause 6(2) of Schedule 2.1 of the Act, to give notice to affected electors that they could make a submission to the Board on the recommendation.

The notice was advertised in *The West Australian*, the *Geraldton Guardian* and *The Mid West Times* in December 2010 advising electors that submissions would be received up until 10 January 2011.

The Board considered the submissions it received and decided that the recommendation for the amalgamation of the two local governments would stand.

The Board submitted its report to the Minister on 13 January 2011. The Report is available on the Department's website at www.dlg.wa.gov.au.

Electors of the City of Geraldton-Greenough and the Shire of Mullewa had the right to request the Minister for a poll on the Board's recommendation for the amalgamation of the City and the Shire. The Minister received valid poll

requests from electors of the City and Shire and a poll was conducted in each local government on Saturday 16 April 2011.

Both polls were invalid as less than 50% of electors from both local governments voted.

Following notification of the results of the poll, the Minister accepted the Board's recommendation in accordance with clause 10(1) of Schedule 2.1 of the *Local Government Act 1995*.

The notice establishing the City of Greater Geraldton from 1 July 2011 was published in the *Government Gazette* on 20 May 2011.

Proposal to amalgamate the Shires of Mingenew, Morawa, Perenjori and Three Springs

The Shires of Mingenew, Morawa, Perenjori and Three Springs submitted a proposal to the Minister for Local Government to amalgamate and form one local government.

The proposal was considered by the Board at its meeting of 8 April 2010 and it resolved to conduct a formal inquiry.

The Board's public submission period commenced in July 2010 and concluded in September 2010. Public hearings were held in the affected local governments from 23-26 August 2010.

The venues, dates and attendance numbers for the hearings are outlined in the following table:

Public Hearings – Venues, Dates and Attendance		
VENUE	Date	Estimated Attendance
Mingenew – Recreation Centre	24 August 2010	30
Morawa – Lesser Hall	25 August 2010	25
Perenjori – Pavilion	26 August 2010	85
Three Springs – Community Hall	23 August 2010	20

The Board received 75 submissions on this proposal. 76% of these submissions did not support the proposed amalgamation. The majority of the respondents (70%) were residents of the Shire of Perenjori.

The table below indicates the number of submissions which supported and opposed the proposal:

SUBMISSIONS			
	Support	Oppose	Undecided
TOTAL	2	57	16

At the conclusion of the inquiry, the Board resolved that:

In accordance with clauses 6 and 10A of Schedule 2.1 of the *Local Government Act 1995*, the Local Government Advisory Board recommends to the Minister for Local Government that orders be made to:

- (a) Abolish the Shire of Mingenew, Shire of Morawa, Shire of Perenjori and Shire of Three Springs on 30 June 2011 and create a new local government from the amalgamation of the former Shires on 1 July 2011;
- (b) Name the district Billeranga;
- (c) Designate the district as a Shire;
- (d) Create four (4) wards based on the current district boundaries;
- (e) Name the wards Mingenew, Morawa, Perenjori and Three Springs; and
- (f) Specify that each ward will have two (2) councillors, eight (8) in total, with the Shire President to be elected by the Council.

The Board submitted its report to the Minister for Local Government on 13 January 2011. The Report is available on the Department's website at www.dlg.wa.gov.au.

Electors of all four Shires had the right to request the Minister for a poll on the Board's recommendation. The Minister received a valid poll request from the electors of the Shire of Perenjori and as a result, a poll was held in the Shire of Perenjori on Saturday 16 April 2011.

The poll was valid as more than 50% of the electors of the Shire of Perenjori voted. The poll returned a majority vote opposing the Board's recommendation to amalgamate the four local governments.

Following notification of the results of the poll, the Minister was required to reject the Board's recommendation in accordance with clauses 10(2) of Schedule 2.1 of the *Local Government Act 1995*. Accordingly, the amalgamation of the Shires of Mingenew, Morawa, Perenjori and Three Springs did not proceed.

Proposal to Amalgamate the Shire of Westonia and the Shire of Yilgarn

The Shires of Westonia and Yilgarn submitted an amalgamation proposal to the Minister for Local Government to amalgamate and form one local government as part of the structural reform program. The Minister referred the proposal to the Board on 18 May 2010 and the Board resolved to conduct a formal inquiry into the proposal at its meeting of 14 July 2011.

The Shires requested that the Board defer its inquiry process until July 2011 to allow it to complete a business plan to facilitate the proposed amalgamation.

The Board agreed to this request and scheduled to commence its inquiry in September 2011.

Elector Proposal to Amend the District Boundary between the Shire of Serpentine-Jarrahdale and the Shire of Murray

The Board received an elector proposal to amend the boundary between the Shire of Murray and the Shire of Serpentine-Jarrahdale. The submission proposed that the boundary between the Shire be amended such that twenty properties in the locality of Keysbrook would transfer from the Shire of Serpentine-Jarrahdale to the Shire of Murray.

The Board resolved on 20 January 2010 to consider this matter as one of a minor nature.

The Board met on 7 September 2010 and resolved to recommend to the Minister for Local Government that the proposal be rejected on the basis that there was insufficient justification to support the boundary amendment.

The Minister accepted the Board's recommendation.

Other District Boundary Amendment Proposals Considered by the Board

The following proposals (all a minor nature) were submitted to the Board by the affected local governments.

1. City of Armadale and Shire of Serpentine Jarrahdale

The Board recommended to the Minister that that part of Lot 5072 Tonkin Highway and the adjacent Crown Land in the Shire of Serpentine Jarrahdale be transferred to the City of Armadale. The Minister accepted the Board's recommendations.

Notice to this effect was published in the *Government Gazette* on 10 December 2010.

2. City of Armadale and City of Gosnells

The Board recommended to the Minister that that part of Lot 22 Ranford Road and the adjoining portion of Ranford Road (to the east side of the Ranford Road reserve) in the City of Gosnells be transferred to the City of Armadale and that portion of Lot 9001 Seaforth Avenue and an adjoining portion of a road reserve in the City of Armadale be transferred to the City of Gosnells.

The Minister accepted the Board's recommendations.

Notice to this effect was published in the *Government Gazette* on 15 February 2011.

3. Town of Kwinana

The Board recommended to the Minister that the Town of Kwinana's district boundary be amended to incorporate a new industrial zone (extending into

the sea), known as James Point Private Port. As at 31 August, the Board's recommendation is under consideration by the Minister.

4. City of Wanneroo

The Board recommended to the Minister that the City of Wanneroo's district boundary be amended to incorporate the proposed Eglinton Marina within its boundary. The Minister accepted the Board's recommendation and as at 31 August, further statutory processing is still required.

NAMES, WARDS AND REPRESENTATION

Local Governments with wards are required to conduct ward and representation reviews every eight years. Local governments without wards may also conduct a review to consider any changes.

The Board considered 25 ward and representation reviews during 2010-2011. The outcome of those deliberations is included in the table below:

Local Government	Matter	Gazettal Date
Town of Bassendean	Abolish wards Reduce offices of councillor from nine to six	21 June 2011
City of Belmont	Amend ward boundaries Reduce offices of councillor from eleven to ten	3 June 2011
Shire of Bridgetown-Greenbushes	Abolish current wards and create two new wards Reduce offices of councillor from eleven to nine	3 May 2011
Shire of Broomehill-Tambellup	Abolish wards Reduce offices of councillor from nine to seven	1 March 2011
Shire of Corrigin	Reduce offices of councillor from nine to seven	1 March 2011
Town of Cottesloe	Amend ward boundaries Reduce offices of councillor from ten to eight	3 May 2011
Shire of Cranbrook	Abolish wards	To be gazetted
Shire of Cuballing	Abolish wards	12 October 2010
Shire of Dalwallinu	Abolish wards Reduce offices of councillor from ten to nine	1 March 2011
City of Fremantle	Amend ward boundaries	3 May 2011
Shire of Laverton	Reduce offices of councillor from nine to seven	1 March 2011

Local Government	Matter	Gazettal Date
Shire of Murray	Abolish wards Reduce offices of councillor from twelve to nine	3 May 2011
Shire of Narembeen	Abolish wards	21 June 2011
Shire of Serpentine Jarrahdale	Abolish current wards and create three new wards Reduce offices of councillor from ten to nine	To be gazetted
Town of Victoria Park	Amend ward boundaries Rename wards	11 January 2011
Shire of Wongan Ballidu	Reduce offices of councillor from eleven to nine	9 November 2010

The following local governments conducted ward and representation reviews and resolved to maintain their existing ward boundaries and levels of representation:

- Shire of Beverley
- Shire of Dowerin
- Shire of Harvey
- Shire of Katanning
- Shire of Kulin
- Shire of Mukinbudin
- Shire of Mundaring
- Shire of Nungarin

Nine local governments submitted proposals for a reduction in councillor numbers to the Board for consideration as minor matters. In these circumstances ward and representation reviews are not required.

The outcome of those deliberations is included in the table below:

Local Government	Matter	Gazettal
Shire of Bruce Rock	Reduce councillor numbers from eleven to ten (2011 local government elections) Reduce councillor numbers from ten to nine (2013 local government elections)	21 June 2011
Shire of Busselton	Reduce offices of councillor from twelve to eleven	9 November 2010
Shire of Dundas	Reduce offices of councillor from seven to six	11 January 2011
Shire of Esperance	Reduce offices of councillor from eleven to nine	1 March 2011
Shire of Exmouth	Reduce offices of councillor from seven to six	11 January 2011
Shire of Halls Creek	Reduce offices of councillor from eight to seven	23 November 2010
Shire of Murchison	Reduce offices of councillor from seven to six	21 June 2011
Shire of Northampton	Reduce offices of councillor from ten to nine	11 January 2011
Shire of Quairading	Reduce offices of councillor from nine to eight	1 March 2011

The following matters were under consideration by the Board in 2009/2010 and were finalised in 2010-2011:

Local Government	Matter	Gazettal
Shire of Busselton	Reduce offices of councillor from thirteen to twelve	3 August 2010
Shire of Wickiepin	Reduce offices of councillor from nine to eight	28 September 2010

OTHER INFORMATION

Information required to be reported under Section 175ZE of the *Electoral Act 1907* is included in the Annual Report of the Department of Local Government.

The following officers of the Department of Local Government provided executive, research and administrative support to the Board:

Officers:	Ross Earnshaw	Manager, Reform Implementation
	Ainslie Perrigo	Senior Policy and Research Officer
	Meghan Dwyer	Senior Policy and Research Officer
	Emma Dickinson	Policy and Research Officer

- NOTES -

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