LOCAL GOVERNMENT ADVISORY BOARD

Annual Report 2011 - 2012

August 2012

Prepared by:

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Chair’s Report

The Board had an interesting year dealing with an array of proposals for amalgamations, boundary amendments and changes to ward and representation structures.

Local Government was on the brink of establishing two new local authorities during the year, unfortunately this was not to be. The two proposals for amalgamation submitted to the Board were unsuccessful albeit for different reasons. After all the work and effort by the Board, the outcome received mixed comments, however the Board remains confident that positive local government reforms are still very much on the State Government’s agenda.

The amalgamation proposal submitted by the City of Nedlands to amalgamate with the City of Subiaco was particularly challenging with the City of Subiaco contesting the Board’s decision to proceed with a formal inquiry in the Supreme Court. Ultimately the Court ruled in favour of the City of Subiaco and the inquiry did not proceed.

The Board continues to assist and work with local governments to help them with the development of proposals. It also provides advice on the activities of the Board and the legislative framework under which it operates.

The attendances at the public hearings associated with the two formal inquiries conducted by the Board clearly demonstrated that members of the community do have an interest in issues that impact on their local governments.

There is no doubt in my mind that local governments are more receptive to change and there is a greater level of awareness amongst local government employees and elected members of the opportunities that exist for those local governments prepared to embrace change.

I would like to thank the members and deputy members of the Board for their efforts and contributions during the year. The members have established a very effective working relationship while maintaining their independence and this is reflected in the thoroughness and quality of the decisions it has made during the course of the year.

I would also like to acknowledge the work of the staff in particular Ross, Ainslie, Meghan and Emma for providing the research and secretarial support to assist the Board in carrying out its functions under the Local Government Act 1995 (the Act).

In accordance with clause 14 of Schedule 2.5 of the Act, I hereby submit to the Minister for Local Government, the Board’s Annual Report for 2011-2012.

Mel Congerton
CHAIR
LOCAL GOVERNMENT ADVISORY BOARD
31 August 2012
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 structures of local governments. These proposals can be initiated by the Minister, local governments or electors. After the Board has considered a proposal it makes a recommendation to the Minister for Local Government (the Minister) about the proposal. The Minister has the option of either accepting or rejecting the recommendation.

Schedule 2.1 of the Act contains 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 other inquiries that the Minister may direct.

The Board’s Guiding Principles

The Board’s Guiding Principles form the basis for considering any changes to boundaries and takes into account the factors set out in the Act.

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 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, 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 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  
Mayor Terence Kenyon (Deputy)  
Mayor Ron Yuryevich  
Cr Karen Chappell (Deputy)

**LGMA Nominees:**
Dr Shayne Silcox  
Mr Jonathon Throssell (Deputy)

**DLG:**
Mr Mark Glasson  
Mr Tim Fowler (Deputy)

The terms of appointment for the members and deputy members expire on the following dates:

**31 August 2013:**
Cr Helen Dullard  
Mayor Terence Kenyon  
Dr Shayne Silcox  
Mr Jonathon Throssell  
Mr Mark Glasson  
Mr Tim Fowler

**31 August 2015:**
Cr Melvyn Congerton  
Mayor Ron Yuryevich  
Cr Karen Chappell (Deputy)
Board Activities 2011-2012

Creating, Changing and Abolishing District Boundaries

In 2011-2012 the Board resolved to conduct formal inquiries into the following proposals:

1. Amalgamation of the Cities of Nedlands and Subiaco
2. Amalgamation of the Shires of Westonia and Yilgarn
3. District Boundary Amendment between the Shires of Ravensthorpe and Esperance, and
4. District Boundary Amendment between the Shires of Carnamah and Coorow.

Proposal to amalgamate the Shires of Nedlands and Subiaco

The City of Nedlands and the City of Subiaco signed a Regional Transitional Group (RTG) Agreement in August 2010 to explore amalgamation and other structural reform initiatives. The Cities developed a regional business plan to support the case for amalgamation and this formed the basis of the proposal submitted to the Board for consideration.

The City of Subiaco Council ultimately voted against proceeding with the amalgamation proposal. The City of Nedlands Council resolved to forward a proposal in its own right to the Board in accordance with the provisions of Schedule 2.1 of the Act.

The Board considered the proposal and after seeking legal advice from the State Solicitor, it resolved to conduct a formal inquiry into the proposal. The City of Subiaco decided to challenge the Board’s decision to conduct a formal inquiry in the Supreme Court. The matter was heard by the Court in November 2011 with Justice Edelman handing down his decision on 29 November 2011 in which he ruled in favour of the City of Subiaco. As a consequence the inquiry did not proceed.

Proposal to amalgamate the Shires of Westonia and Yilgarn

The Shires of Westonia and Yilgarn submitted an amalgamation proposal to the Minister for Local Government in May 2010. The Minister subsequently referred the proposal to the Board on 18 May 2010. The Board resolved to conduct a formal inquiry into the proposal at its meeting of 14 July 2010.

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

The Board initiated a six week public submission period which commenced on 17 August 2011 and concluded on 28 September 2011. The Notice of Inquiry was advertised in The West Australian and the Merredin Wheatbelt Mercury on 17 August 2011. The Board held meetings with both local governments to allow the councils and senior staff to raise concerns and discuss matters associated with the proposals.
Public hearings were conducted 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.

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

**TABLE 1.**

<table>
<thead>
<tr>
<th>VENUE</th>
<th>DATE</th>
<th>ATTENDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Cross Community Centre</td>
<td>6 September 2011</td>
<td>15</td>
</tr>
<tr>
<td>Old Miners Hall, Westonia</td>
<td>7 September 2011</td>
<td>30</td>
</tr>
</tbody>
</table>

The Board received 11 submissions on this proposal. The majority of respondents were undecided on whether the Shires should amalgamate.

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

**TABLE 2.**

<table>
<thead>
<tr>
<th>Supported</th>
<th>Opposed</th>
<th>Undecided</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

The Board recommended in favour of the amalgamation in its Report to the Minister in December 2011. The Report is available on the Department’s website at: [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au)

Electors of the Shire of Westonia exercised their right to request that the Minister put the Board’s recommendation to a poll. As a result, a poll was conducted in the Shire of Westonia on Saturday 14 April 2012.

The poll was valid and returned a majority “no” vote on the Board’s recommendation to amalgamate the local governments.

Following notification of the results of the poll to the Minister by the WA Electoral Commission, the Minister was required to reject the Board’s recommendation in accordance with clause 10(2) of Schedule 2.1 of the Act and as such the amalgamation of the Shires of Westonia and Yilgarn did not proceed.
District Boundary Amendment between the Shires of Ravensthorpe and Esperance

The Board received a proposal in May 2011 from electors of the locality of Munglinup, within the Shire of Ravensthorpe, to amend the district boundary between the Shire of Ravensthorpe and the Shire of Esperance. The Board resolved to conduct a formal inquiry into the proposal at its meeting of 2 June 2011.

The Board initiated a six week consultation period which commenced on 9 November 2011 and concluded on 22 September 2011. The Notice of Inquiry was advertised in The West Australian and the Esperance Express on 9 November 2011. The Board met with both local governments to allow the councils and senior staff to raise concerns and discuss matters associated with the proposals.

The Board held a public hearing at the Munglinup Community Centre (in the Shire of Ravensthorpe) on 1 December 2011. Thirty five members of the public attended along with councillors and staff from the Shires of Ravensthorpe and Esperance. The table below provides an analysis of the submissions received:

**TABLE 3.**

<table>
<thead>
<tr>
<th></th>
<th>Supported</th>
<th>Opposed</th>
<th>Undecided</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Affected Electors</td>
<td>37</td>
<td>13</td>
<td>3</td>
<td>53</td>
</tr>
<tr>
<td>Others</td>
<td>11</td>
<td>11</td>
<td>3</td>
<td>25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>48</strong></td>
<td><strong>24</strong></td>
<td><strong>6</strong></td>
<td><strong>78</strong></td>
</tr>
</tbody>
</table>

*Affected electors are electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal.

In all, the Board received 78 submissions and the majority of these supported the boundary amendment. The submissions were classified into two categories; affected electors and other interested parties, most of who reside in the wider Ravensthorpe area. Of the 57 affected electors, 65% supported the proposal.

The Board assessed the proposal against the factors outlined in clause 5(2) of Schedule 2.1 of the Act and determined that there was limited justification to support the proposal.

The Board submitted its report on the inquiry to the Minister on 25 June 2012, recommending that he reject the proposal. In these circumstances the Minister was bound to accept the Board's recommendation and as such the boundary amendment did not proceed.
Other District Boundary Amendment Proposals Considered by the Board

The following proposals (all deemed matters of a minor nature) were submitted to the Board in 2011-2012:

- **District Boundary Amendment between the Shires of Beverley and Quairading**

  The Board recommended to the Minister that part of Lot 5 Doodenanning-Mawson Road be transferred from the Shire of Beverley to the Shire of Quairading. The Minister accepted the Board’s recommendation.

  Notice to this effect was published in the *Government Gazette* on 27 March 2012.

- **District Boundary Amendment between the Cities of Swan and Wanneroo**

  The Board recommended to the Minister that the boundary of the Cities of Swan and Wanneroo be amended in accordance with the proposal to realign the current boundary along Alexander and Gnangara Roads. The Minister subsequently accepted the Board’s recommendation.

  Notice to this effect was published in the *Government Gazette* on 27 March 2012.

Names, Wards and Representation

Under the *Local Government Act 1995* local governments with wards are required to conduct ward and representation reviews every eight years.

The Board considered two ward and representation reviews in 2011-2012. The outcomes of the reviews are included in the table below:

**TABLE 4.**

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT</th>
<th>MATTER</th>
<th>GAZETTAL DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of South Perth</td>
<td>Abolish ward structure and create four new wards – Mill Point Ward, Manning Ward, Moresby Ward and Como Ward. Reduction of councillors from 12 to 8. All changes to be implemented at the 2013 local governments.</td>
<td>27 March 2012</td>
</tr>
<tr>
<td>City of Stirling</td>
<td>Amend boundary between Balga and Inglewood Wards for the 2013 local government elections.</td>
<td>12 June 2012</td>
</tr>
</tbody>
</table>
The Town of Cambridge and Shire of Toodyay conducted ward and representation reviews and both resolved to maintain their existing ward boundaries and levels of representation. The Board accepted both requests.

Two local governments submitted proposals to the Board for councillor reductions, with a request that they be treated as matters of a minor nature. In these circumstances, ward and representation reviews are not required.

The outcomes of these proposals are included in the table below:

**TABLE 5.**

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT</th>
<th>MATTER</th>
<th>GAZETTAL DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Cuballing</td>
<td>Reduction of councillors from seven to six to be implemented on the day after the date of gazettal.</td>
<td>12 June 2012</td>
</tr>
<tr>
<td>Shire of Manjimup</td>
<td>Amend boundary between the Coastal and East Ward.</td>
<td>13 April 2012</td>
</tr>
</tbody>
</table>

The following matters were under consideration by the Board in 2010-2011 and were finalised in 2011-2012:

**TABLE 6. MATTERS CONSIDERED BY THE BOARD - CRANBROOK**

<table>
<thead>
<tr>
<th>LOCAL GOVERNMENT</th>
<th>MATTER</th>
<th>GAZETTAL DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Cranbook</td>
<td>Abolish wards at the 2011 local government elections</td>
<td>29 July 2011</td>
</tr>
</tbody>
</table>

**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
- Meghan Dwyer: Senior Policy and Research Officer
- Ainslie Perrigo: Senior Policy and Research Officer
- Emma Dickinson: Policy and Research Officer
If you would like more information please contact us.

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