



CITY OF VINCENT

SPECIAL COUNCIL MEETING

28 OCTOBER 2014

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 28 October 2014** at 5.30 pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

“Enhancing and celebrating our diverse community”

PURPOSE - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the City’s vision is:

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES (*Describes what values are important to us*)

- **Excellence and Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

- **Honesty and Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

- **Innovation and Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

- **Caring and Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

- **Teamwork and Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. The City advises that anyone who has any application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

The City wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC SPEAKING TIME

The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

SPECIAL COUNCIL MEETING

ORDER OF BUSINESS

1. (a) Declaration of Opening

(b) Acknowledgement of Country Statement

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.

2. Apologies/Members on Approved Leave of Absence

Nil.

3. Public Question Time and Receiving of Public Statements

Under Section 7(4)(b) of the Local Government (Administration) Regulations 1996, Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting.

4. Applications for Leave of Absence

Nil.

5. Announcements by the Presiding Member (Without Discussion)

6. Declaration of Interests

6.1 Financial - Local Government Act 1995, s5.60A

6.2 Proximity - Local Government Act 1995, s5.60B

6.3 Impartiality - Local Government (Administration) Regulations 34

7. Reports

7.1 Local Government Reform

8. Closure

7.1 Local Government Reform

Ward:	All	Date:	12 August 2014
Precinct:		File Ref:	
Attachments:	001 – LGAB Review and Recommendations		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that in its *Metropolitan Local Government District Inquiries Report (September 2014)* the Local Government Advisory Board supported the City of Vincent's "Proposal 16" as being the "*the 'best' local government boundaries for this area*" and recommended this proposal to the Minister for Local Government with certain adjustments;
2. **NOTES** that the State Government has rejected the Local Government Advisory Board's recommendation relating to the City of Vincent and City of Perth, and has instead proposed to expand the City of Perth to include the whole of the City of Vincent by creating a City of Perth Act, with the western boundary of the expanded City of Perth being subject to further refinement;
3. **NOTES** the State Government's decision to combine the Town of Bassendean and the City of Bayswater via a boundary adjustment also affects the City of Vincent and will result in land bounded by Ellesmere Street, Mitchell Street, Stanley Street and Guildford Road being transferred from the City of Bayswater to the City of Vincent;
4. **In relation to the proposed City of Perth Act:**
 - a) **NOTES** that the State Government's proposed introduction of a City of Perth Act would deny City of Vincent electors access to the (*'Dadour'*) poll provisions that might otherwise be available to them under clause 8 of Schedule 2.1 of the *Local Government Act 1995*; and
 - b) **REQUESTS** the Premier, Hon. Colin Barnett to carry out a referendum of affected electors to ascertain the community's sentiment on the proposed introduction of a City of Perth Act, prior to drafting of the legislation;
5. **OPPOSES** any weighting or preferential treatment of votes or representation under a proposed City of Perth Act, if it proceeds, which would have the effect of diminishing City of Vincent owner's/occupier's votes or representation on a new City of Perth Council, compared to Perth CBD owners/occupiers; and
6. **SEEKS** a written commitment from the Premier, Hon. Colin Barnett that the state government's proposed City of Perth Act will, if it proceeds, provide for equal representation of both City of Vincent and City of Perth owners/occupiers on the Council of any expanded City of Perth.

PURPOSE OF REPORT:

To consider adopt a formal Council position on the State Government's recently announced decision on local government reform, as it relates to the City of Vincent.

BACKGROUND:

The current local government reform process commenced in February 2009 and reached a long-awaited conclusion on Wednesday 22 October 2014 when the Premier, Hon. Colin Barnett and Minister for Local Government, Hon. Tony Simpson announced the State Government's decision on the Local Government Advisory Board's (LGAB's) *Metropolitan Local Government District Inquiries Report (September 2014)*, released on the same day.

In the past few years, Council has considered numerous reports on the issue of metropolitan local government reform. Council has considered this issue most recently at its meetings of 11 February 2014, 11 March 2014, 10 June 2014, 24 June 2014 and 22 July 2014. For the sake of brevity, previous Council resolutions on this matter are not reproduced in this report; suffice to say that Council's position has evolved over time in response to changing State Government positions on reform. These relevant positions can be summarised as follows:

- In October 2013, the City of Vincent lodged its formal submission on local government structural reform, which proposed that the entirety of the City of Vincent be amalgamated with the City of Perth. This proposal was supported by a campaign of 'Vincent to Perth: One in all in' and was motivated by a previously mooted government proposal to split Vincent between the City of Perth and the City of Stirling;
- In early February 2014, the State Government indicated that the proposal to combine the City of Vincent and City of Perth would occur by a boundary adjustment, such that the City of Vincent would be abolished and would be taken over by the current City of Perth. This prompted the City to commence its campaign 'Vincent to Perth – An equal merger, not a takeover'.
- In response to ongoing State Government commentary on local government reform, Council recognised the community's preference for the City of Vincent to remain as it currently is – but this was not an option canvassed by the reform process. Council also reiterated its position that the City's residents and ratepayers should be afforded procedural fairness and access to their entitlement to have the final say on any proposal to merge or split the City of Vincent.

DETAILS:

The City of Vincent's formal submission on the reform process, lodged in October 2013, was treated as "Proposal 16" by the LGAB. In its final report on the reform process, the LGAB concluded, on pages 155 and 156 of its report (refer Attachment 001) that –

"... after considering all of the relevant criteria the Board has assessed the City of Vincent proposal 16 as the preferred proposal for this area.

The Board considered that the City of Vincent proposal 16 as presented was closest to the 'best' local government boundaries for this area. The Board noted the extensive community support for a complete merger of Perth and Vincent. Proposal 16 stood out as being the best in terms of the strong community of interest links within the inner Perth area; the capacity to effectively service the needs of the growing and changing community, including a significant service population; the potential for greater integration of transport planning; the strong financial sustainability scores and financial strength with the potential to address sustainability issues; the focus that could be provided on the capital city centre of Perth, and secondary centre of Leederville..."

Council's previous positions on the reform process have now been reset and overtaken by the State Government's decision to reject the LGAB's recommendation and instead proceed with the introduction of a City of Perth Act. This represents a substantial and material change in circumstance and justifies Council establishing a position that will determine how the City engages with the State Government on the reform issue from this point onwards.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The State Government's proposed introduction of a City of Perth Act would deny City of Vincent electors access to the ('*Dadour*') poll provisions, which might otherwise be available to them under clause 8 of Schedule 2.1 of the *Local Government Act 1995*.

RISK MANAGEMENT IMPLICATIONS:

MEDIUM/HIGH: There is a risk that if Council does not establish a formal position on the government's latest reform direction, then the community may not feel sufficiently represented or empowered to have their voice heard. In the absence of a Council position, it would also be difficult for the Mayor and CEO to further engage with the State Government on its plan to introduce a City of Perth Act.

There is also a risk that the City's involvement or influence in future discussion and debate arising from the government's decision, could be hampered if Council simply adopts a position to object to any change to the status quo.

STRATEGIC IMPLICATIONS:

The government's plan to introduce a City of Perth Act will have a material bearing impact on the City of Vincent's Strategic Plan. If that legislation is ultimately introduced, the Cities of Vincent and Perth will need to work to harmonise our respective plans and strategies.

SUSTAINABILITY IMPLICATIONS:

It could be argued that the State Government's plan to merge the Cities of Vincent and Perth via a City of Perth Act would generally achieve the same result as the City of Vincent's "Proposal 16" which was recommended by the LGAB. The merits of that merge have been addressed in detail in the LGAB's evaluation of proposals, included as Attachment 001. As such, they will not be repeated here.

It is, however, difficult to predict how a new City of Perth Act would affect the City of Vincent's (both as an organisation and as a community) sustainability, viability or wellbeing, given that no details have been released as to the likely form and content of such legislation or a specific timeframe for its drafting, including consultation with affected stakeholders. What is clear, though, is that the government's recent decision, in the absence of any other details or facts, has done nothing to remove the uncertainty that has impacted the City of Vincent, along with other metropolitan local governments, throughout this reform process.

FINANCIAL/BUDGET IMPLICATIONS:

The financial/budget implications of the government's recent decision are not known and cannot be determined until or unless the government releases information, facts and details outlining its plans.

COMMENTS:

Metropolitan local government Mayors, Presidents and CEOs were invited to a briefing by the Premier and Minister for Local Government on the morning of Wednesday 22 October 2014. At that briefing, the Premier and Minister outlined the government's decisions in response to the LGAB's recommendations, but no opportunity was provided for attendees to ask questions.

The Minister has subsequently invited local government Mayors, Presidents and CEOs to attend a follow-up briefing on Wednesday 29 October 2014, which will hopefully provide an opportunity for affected local governments to ask questions and be provided with answers. A further report will be submitted to Council if that follow-up briefing warrants a review of any position established by Council in response to this particular report.

It is recommended that, among other things, the Premier be requested to call a referendum on whether to pursue a City of Perth Act in the manner proposed, recognising that there will likely be a divergence of views in the community. Taking that approach will ensure the community is legitimately provided with the opportunity to have a say on whether special legislation should be introduced relating to the governance of the area; thereby setting a clear mandate for the government to either proceed with or abandon the notion.
