



CITY OF VINCENT

# SPECIAL COUNCIL MEETING

19 FEBRUARY 2015

## 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 **Thursday, 19 February 2015** at 6.00pm.

John Paton  
ACTING CHIEF EXECUTIVE OFFICER

18 February 2015

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

This document is available in other formats and languages.

---

**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

<b>Ward:</b>	All	<b>Date:</b>	18 February 2015
<b>Precinct:</b>		<b>File Ref:</b>	
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Paton, A/Chief Executive Officer		
<b>Responsible Officer:</b>	J Paton, A/Chief Executive Officer		

### OFFICER RECOMMENDATION:

#### That Council:

1. **NOTES** the significant shift in the Local Government Reform process in the past month, with particular regards to:
    - 1.1 The three council amalgamations that were strongly rejected by referendums where the opportunity to vote for residents was permitted;
    - 1.2 The West Australian Local Government Association withdrew its support for the reform process after being long term supporters; and
    - 1.3 The West Australian Government announced any council merger would be voluntary;
  2. **RECOGNISES** and thanks the incredible efforts and participation of the local Vincent ratepayers, who volunteered their own time to organize the campaign to stop the splitting of Vincent and as a result of their work, gave immense political power and credibility to our position.
  3. **CONFIRMS** that the City of Vincent will remain as a stand-alone Council, on the basis of:
    - 3.1 Strong local community support for the City of Vincent to remain as a separate entity, with particular reference to the results of the 2014 plebiscite which demonstrated the community's first preference for the City to stay as is;
    - 3.2 Irreconcilable differences between the City of Perth and City of Vincent regarding a new city authority under the proposed City of Perth Act, in particular the City of Perth's support for vote weighting and a no ward structure;
    - 3.3 Recognition the City of Perth Act would not contain a provision for a referendum of City of Vincent ratepayers to have the final say on the new governance model and structure of a new city authority; and
    - 3.4 Recognition that small local government can be genuinely effective and innovative as leaders and facilitators of positive change in the community;
  4. **AUTHORISES** the Mayor and/or Chief Executive Officer to write to the Minister for Local Government to formally advise of the City of Vincent's position;
  5. **RE-AFFIRMS** a strong commitment to reform of the local government sector, including the need for higher standards of governance, accountability, transparency, training and innovation; and
  6. **RE-AFFIRMS** a strong agenda and focus on improving and reforming the City of Vincent, which began with the appointment of a new CEO to drive this process.
-

### **PURPOSE OF REPORT:**

To consider the adoption of a formal Council position on the State Government's recently announced decision not to proceed with local government reform where it is not supported by the relevant Council.

### **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, 22 July 2014 and 28 October 2014. For the sake of brevity, previous Council resolutions on this matter with the exception of the most recent 28 October 2014 meeting 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 were 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. That represented a substantial and material change in circumstance and justified Council establishing a position that would determine how the City would continue to engage with the State Government on the reform issue.

---

At its Ordinary Council Meeting held 28 October 2014, Council resolved:

***“That Council:***

1. ***NOTES and REAFFIRMS the community’s strong preference for the City of Vincent to remain as is.***
2. ***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 ‘best’ local government boundaries for this area” and recommended this proposal to the Minister for Local Government with certain adjustments;***
3. ***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;***
4. ***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;***
5. ***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) ***AUTHORISES the Mayor to write to the Premier, Hon. Colin Barnett requesting that the Government carry out a referendum of affected electors to ascertain the community’s sentiment on the proposed introduction of a City of Perth Act;***
6. ***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 existing City of Vincent owner’s/occupier’s votes or representation on a new City of Perth Council, compared to Perth CBD owners/occupiers; and***
7. ***AUTHORISES the Mayor to seek 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 fair representation of all electors on the Council of any expanded City of Perth.”***

The Mayor, Deputy Mayor, and Chief Executive Officer were subsequently invited to participate in meetings of the City of Perth Act Advisory Group, together with representatives from the City of Perth, Department of Local Government & Communities and Minister’s Office. The purpose of this group was to make recommendations to the Minister for Local Government on the content of a City of Perth Act.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The State Government’s proposed introduction of a City of Perth Act would have denied 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:** In the absence of a Council position, it would be difficult for the Mayor and CEO to further engage with the State Government on its plan to introduce a City of Perth Act and the participation of the City of Vincent and its community.

**STRATEGIC IMPLICATIONS:**

The City of Vincent is at a cross-roads strategically. A decision to continue to participate with 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, with the Cities of Vincent and Perth needing to work to harmonise our respective plans and strategies.

Alternatively, a decision not to participate in the merger will see the City of Vincent retaining responsibility for delivery of the vision and commitments within the Strategic Plan.

**SUSTAINABILITY IMPLICATIONS:**

It may 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.

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 the uncertainty regarding the final proposed structure or governance of a new city authority.

The City of Vincent has however demonstrated that it has a sound underlying level of sustainability and the removal of the uncertainties created by the protracted reform process will enable the Council to develop further plans and strategies to enhance the organisations overall and long term sustainability factors.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial/budget implications of the government's most recent decision, subject to Council's resolution is to remove the current uncertainties created by the ongoing reform process and to commit resources to the ongoing operation and activities of the City of Vincent and its community.

**COMMENTS:**

The City of Vincent has always sought to be a constructive and reasoned advocate in the Local Government reform debate, and has ensured our ratepayers were strongly represented in this very lengthy reform process. However there have been key issues that have remained in contention:

- Calling on the Premier to hold a referendum of affected electors to ascertain the community's sentiment on the proposed introduction of a City of Perth Act;
- Ensuring fair representation of all electors on the Council of any expanded City of Perth.

The City of Vincent and the City of Perth have found it difficult to agree on the key principles of any new city authority, including the issue of vote weighting and ward structure, if the City of Perth Act were to proceed under a forced merger.

Concurrently, over the last few weeks, a dramatic shift has occurred in the reform debate. Three council amalgamations were strongly rejected by referendums (where the opportunity for residents/ratepayers to vote was permitted) and the WA Local Government Association withdrew its support for the reform process.

---

Importantly, the Premier and Minister released the following media statement on Tuesday 17 February 2015:

*The State Government has put its local government reform agenda on hold, with Governor's orders for boundary adjustments that are not supported by the councils involved to be revoked.*

*Premier Colin Barnett said boundary adjustments for 15 metropolitan councils would only proceed if affected councils provided a council resolution in support of it.*

*"The onus of achieving the many benefits of a modern, streamlined and efficient system of local government now rests with the councils themselves," Mr Barnett said.*

*"We will work with each council on a case-by-case basis. This is about achieving value for money for ratepayers.*

*"We will work with those councils that wish to continue on the reform path, or who have proposals for alternative mergers they wish to consider.*

*"Any financial contribution to this process will only be considered in the case of a merger."*

*The Premier said he appreciated the work undertaken by the City of Vincent and the City of Perth on the proposed City of Perth Act and this legislation remained a Government priority and was due to be introduced in this session of State Parliament.*

*"We will proceed with the City of Perth Act, whether Vincent is included or not," he said.*

*Local Government Minister Tony Simpson said the State Government started down the path of local government reform at the request of the local government sector after successive reports questioned the financial sustainability of many small councils.*

*"They asked us to show leadership on this issue; we've done that but accept that some councils refuse to move forward. The ball is now in their court," Mr Simpson said.*

*The Minister will invite mayors from adjoining local governments to discuss with him the proposed mergers and signify their council's intent.*

*"Governor's orders will be revoked for mergers that aren't supported by the councils," he said.*

The key point to be taken from this statement relevant to the future of the City of Vincent is that it will not be forced into the merger with the City of Perth (or any other amalgamation or boundary amendment) that is not supported by the Council.

The City of Vincent has sound fundamentals, demonstrated sustainability and a strong identity. It is now recommended that Council express a strong commitment to continue to operate under the current arrangements, based on:

1. it is unlikely that the Cities of Vincent and Perth will agree on the key principles of vote weighting and ward structure;
  2. the communities strong preference for the City of Vincent to remain as is; and
  3. the changed reform environment in which this community is now actually being provided a real choice on whether to be amalgamated or remain stand-alone.
-