



Government of **Western Australia**
Department of **Local Government and Communities**



Local Government Advisory Board

Annual Report 2015-2016

August 2016



Local Government Advisory Board

Annual Report 2015-2016

Prepared by:

Department of Local Government and Communities

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Chair's Report

The past year has been a busy one for the Local Government Advisory Board, as we have undertaken five major boundary change inquiries which have taken us to numerous locations around Western Australia.

The Board received these boundary change proposals from a number of local community groups, as well as from local councils themselves. This is evidence of both the democratic process at work and also of the importance of the Board's role as an independent body, as the *Local Government Act 1995* provides the means for submissions from a range of applicants.

The Board has also seen the results of a long-term process come to fruition this year. That is, the merger of the Town and the Shire of Narrogin, which formally became one entity on 1 July 2016 – the new Shire of Narrogin. It is important to recognise and congratulate everyone involved in achieving this outcome, which required significant cooperation and foresight from all parties involved. We wish the new Shire great success in the future.

The governance structure of the Board was carefully considered this year in accordance with Public Sector Commission principles. The Board worked diligently to review and revise its governance direction and associated documentation. Our new Governance Charter, Code of Conduct and Meeting Procedures will deliver a stronger foundation for continued efficient, effective and transparent operations.

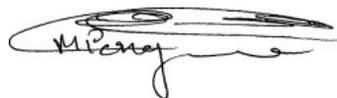
The Ministerial Statement of Expectation also provides a valuable tool to help the Board meet the challenges of the coming years.

Several of our members and deputies terms expire on 31 August 2016. Helen Dullard has been a Board member for eight years, including a short term as Acting Chair. Shayne Silcox has been a member for five years. Deputy Board members Tim Fowler, who has served for eight years and Richard Smith and Mark Chester, who have both served for three years.

I would like to express my sincere appreciation to these Board members. The commitment, dedication and work ethic has been exemplary. Thank you for a job well done.

I would also like to thank all our immediate staff and those who work in the background, as always you have provided excellent support to the Board throughout the year. Your assistance helps us to continue to operate in a professional and effective manner. To Chris Berry and Julie Craig, we appreciate your dedication and enthusiasm for the job. I would also like to acknowledge the work of and thank Ross Earnshaw, former Manager Executive Support.

As we welcome five new members and deputy members this year, I note that these changes will provide an opportunity to continue the excellent work achieved by departing members.



Mel Congerton

Chair

Local Government Advisory Board

31 August 2016

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 for Local Government (the Minister), local governments or electors. After the Board has considered a proposal it makes a recommendation to 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 the consideration of any changes to local government boundaries and take into account the factors set out in the Act.

Community of interests

Community of interests include 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 interests 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 an 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 either 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
- 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 their locality:

- population size
- population trends
- distribution by age
- gender
- occupation.

Current and projected population factors are also relevant, as well as similarities and differences between areas within the local government.

Economic factors

Economic factors can include anything that reflects the range of economic activities and resources in the area including:

- industries within the local area
- distribution of community assets
- 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.

The following factors are important in any assessment of local government boundaries:

- port access
- neighbouring towns
- railways
- 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.
- 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
- customer satisfaction and feedback.

Membership of the Board

There are five members on the Local Government Advisory Board. The Chair is appointed by the Minister. The Minister also appoints two members from nominations by the Western Australian Local Government Association (WALGA), and one member from nominations by the Local Government Managers Australia (LGMA) WA as well as one member who is an officer of the Department of Local Government and Communities (DLGC).

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 AM Cr Richard Smith (Deputy) Cr Karen Chappel Mr Gary Brennan (Deputy)
LGMA Nominees:	Dr Shayne Silcox Mr Mark Chester (Deputy)
DLGC Officers:	Ms Mary Adam Mr Tim Fowler (Deputy)

The terms of appointment for the following members and deputy members expire on 31 August 2016:

Cr Helen Dullard
Cr Richard Smith (Deputy)
Dr Shayne Silcox
Mr Mark Chester (Deputy)
Ms Mary Adam
Mr Tim Fowler (Deputy)

Board Activities 2015-2016

Creating, changing and abolishing district boundaries

Proposal to merge the Town of Narrogin and the Shire of Narrogin

In 2014-2015 the Board resolved to conduct a formal inquiry into a proposal to merge the Town and the Shire of Narrogin by amending the Town of Narrogin's district boundary to include the area comprising the current Shire of Narrogin. This followed a joint submission by the two local governments in December 2014. The Town of Narrogin is the continuing entity, with a change in designation to the 'Shire' of Narrogin.

The formal inquiry commenced in April 2015, in accordance with the provisions of Schedule 2.1 of the Act. The inquiry included meetings with the Town and the Shire of Narrogin, a public hearing and a public submission period.

In July 2015, the Minister accepted all of the Board's recommendations to facilitate the merger of the Town and Shire of Narrogin, with the new Shire of Narrogin subsequently created on 1 July 2016. This included the creation of two new wards, Rural and Urban, with four councillors allocated to each.

City of Swan and City of Bayswater (suburb of Noranda)

In September 2015, the Board received a proposal from the Noranda Action Group (a group of local electors) to amend the City of Bayswater's district boundary to include that portion of the suburb of Noranda currently located in the City of Swan.

A petition signed by 549 local residents accompanied the proposal and 35 per cent of those signatures were verified (or 19 per cent of the total number of electors), thereby exceeding the 10 per cent minimum requirement as specified by the Act. (Electoral Commission data indicates there were 1,061 electors in the affected area at 9 March 2015.)

The formal inquiry commenced in November 2015, in accordance with the provisions of Schedule 2.1 of the Act. The inquiry included meetings with the City of Swan and the City of Bayswater, a public hearing and a public submission period.

The Board received 416 submissions in total. Of these, 408 (98.2 per cent) supported the proposal and seven (1.75 per cent) opposed the proposal. One submission was neutral.

There was strong support for the proposal from the affected electors who lived in the area, and also from both the affected local governments and the Board recommended that the Minister accept the proposal. The Minister subsequently accepted the Board's recommendation on 16 March 2016, with the district boundary change being gazetted on 17 June 2016.

City of Fremantle and Town of Mosman Park (suburb of North Fremantle)

In September 2015, the Board received a proposal from a group of North Fremantle electors to amend the district boundary between the City of Fremantle and the Town of Mosman Park, so that the portion of North Fremantle located east of Stirling Highway and north of Craig Street would be transferred from the City of Fremantle to the Town of Mosman Park.

A petition signed by 165 affected electors accompanied the proposal and 36 per cent of those signatures (59) were verified by the Board, representing 29 per cent of the total number of affected electors, thereby exceeding the 10 per cent minimum requirement as specified by the Act. (Electoral Commission data indicates there were 207 electors in the affected area at 9 March 2015).

The formal inquiry commenced in November 2015, in accordance with the provisions of Schedule 2.1 of the Act. The inquiry included meetings with the City of Fremantle and the Town of Mosman Park, a public hearing and a public submission period.

The Board received 83 submissions in total. Of these, 62 (75.5 per cent) supported the proposal and 20 (24.5 per cent) opposed the proposal. One submission was neutral.

During the public submission period, the Board received a further proposal for a boundary change from the City of Fremantle to:

- extend the City of Fremantle's boundary into the Town of Mosman Park to include the industrial land along the northern side of McCabe Street to Edwards Parade
- transfer residential land (the balance of the Minim Cove development) from the City of Fremantle to the Town of Mosman Park.

In the context of the existing North Fremantle Inquiry, the Board deemed that this subsequent City of Fremantle proposal was one of a minor nature and not one about which public submissions need be invited.

Following a detailed analysis of both the proposals and other significant factors, including proposed developments relating to the area in question, the Board recommended that the Minister:

- a) reject the proposal submitted by the electors of North Fremantle
- b) accept the proposal submitted by the City Fremantle.

On 24 March 2016, the Minister accepted recommendation (a) above, but rejected recommendation (b). As a consequence, no boundary changes occurred in the area of North Fremantle subject to the two proposals.

Shire of Dalwallinu and Shire of Yalgoo (district of Paynes Find)

In September 2015, the Board received a proposal from the Shire of Dalwallinu to amend its district boundary with the Shire of Yalgoo. The total area of the proposed amendment was approximately 7,614 square kilometres and largely comprised the townsite of Paynes Find and the pastoral leases of Maranalgo, Mt Gibson, Ninghan and Pullagaroo (south block) which were currently wholly or partly located in the existing Shire of Yalgoo.

Under the proposal, the Shire of Dalwallinu would more than double in land area, while the Shire of Yalgoo would lose 22.9 per cent of its territory. There would be a relatively marginal increase (three per cent) in the population and number of electors in Dalwallinu. The Shire of Yalgoo would lose up to 20 per cent of its electors and more than eight per cent of its population.

The formal inquiry commenced in January 2016, in accordance with the provisions of Schedule 2.1 of the Act. The inquiry included meetings with the Shire of Dalwallinu, and the Shire of Yalgoo, public hearings in Dalwallinu, Paynes Find and Yalgoo, and a public submission period.

The Board received eight submissions in total. Of these, one supported the proposal and seven opposed the proposal.

In assessing the proposal, the Board's main concern was the impact of the transfer of the Paynes Find area on the financial position of the Shire of Yalgoo. The loss of about 50 per cent of the Shire's rate base would have a significant negative impact on the capacity of the Shire to provide services to the community of Yalgoo. The Shire of Yalgoo is a relatively small local government, and it would be made significantly smaller and less viable if the proposed change was implemented.

Apart from the Shire of Dalwallinu as proponent, the Board found there was very little community support for the proposal.

The Board recommended that the Minister reject the proposal. The Minister accepted the Board's recommendation on 18 April 2016, and no boundary changes occurred between the Shires of Dalwallinu and Yalgoo.

Shire of Kalamunda and City of Gosnells (suburb of Wattle Grove)

In November 2015, the Board received a proposal from a group of Wattle Grove electors to amend the district boundary of the Shire of Kalamunda by transferring part of the suburb of Wattle Grove currently located in the Shire, to the City of Gosnells.

A petition signed by 120 affected electors accompanied the proposal; and 80 per cent of those signatures (98) were verified by the Board representing 20 per cent of the total number of affected electors, thereby exceeding the 10 per cent minimum requirement as specified by the Act. (Electoral Commission data indicates there were an estimated 485 electors in the affected area at 9 March 2015.)

The formal inquiry commenced in January 2016, in accordance with the provisions of Schedule 2.1 of the Act. The inquiry included meetings with the Shire of Kalamunda and the City of Gosnells, a public hearing and a public submission period.

The Board received 205 submissions in total. Of these, 21 (or 10 per cent) supported the proposal and 184 (or 90 per cent) opposed the proposal.

There was strong opposition to the proposal from the affected electors who lived in the area. The Shire of Kalamunda also indicated their opposition to the proposal, while the City of Gosnells stated their ambivalence. The Board subsequently recommended that the Minister reject the proposal. The Minister accepted the Board's recommendation on 18 April 2016.

District boundary amendment proposals considered by the Board

The Board considered and/or finalised the following district boundary amendment proposal during 2015-2016:

Table 1: Outcome of proposal – district boundary amendment 2015-2016

Local Government	Matter	Gazettal Date
City of Greater Geraldton	Transfer of Houtman Abrolhos Islands from Shire of Northampton to City of Greater Geraldton.	21 July 2015

Names, wards and representation

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

As 2016 is not a local government election year, it is relatively uncommon for councils to undertake ward and representation reviews during this period.

However, one local government submitted a proposal to the Board for an increase in councillor numbers, requesting that it be treated as a matter of a minor nature. In this circumstance, and with the Board's agreement, a ward and representation review was not required.

The outcome of this proposal, which was gazetted in 2015-2016, is included in the table below:

Table 2: Outcomes of proposals – minor matters

Local Government	Matter	Gazettal Date
Shire of York	Increase the number of councillors from six to seven.	24 July 2015

Ward and representation amendment proposals considered by the Board

The Board considered and made recommendations to the Minister on the following ward and representation amendment proposals during 2015-2016:

Table 3: Outcomes of proposals – ward and representation amendments 2015-2016

Local Government	Matter	Gazettal Date
Shire of Mount Magnet	Reduce the number of councillors from nine to seven.	19 January 2016
Shire of Narembeen	Reduce the number of councillors from nine to eight.	19 April 2016

Carried over from 2014-2015

The following ward and representation matters were under consideration by the Board in 2014-2015 and were finalised with recommendations to the Minister in 2015-2016:

Table 4: Matters under consideration in 2014-2015 and finalised in 2015-2016

Local Government	Matter	Gazettal Date
City of Albany	Retain the status quo of six wards and 12 councillors, incorporating a suburb reallocation and subsequent ward boundary adjustments.	24 July 2015
Shire of Bridgetown-Greenbushes	Amend the boundaries of the Shire's existing two-ward structure by transferring the area within the Winnejup locality from the South Ward to the North Ward. The number of councillors to remain unchanged at nine.	24 July 2015
City of Canning	Increase the number of wards from four to five. The number of councillors to remain unchanged at 10.	24 July 2015
Shire of Mukinbudin	Abolish the Shire's current ward structure and implement a district ward. The number of councillors to remain	21 July 2015

Local Government	Matter	Gazettal Date
	unchanged at nine.	
Shire of Perenjori	Change the boundaries of three of the existing four wards and retain the four existing ward names. The number of councillors to remain unchanged at nine.	24 July 2015
Shire of Shark Bay	Reduce the number of wards from three to two, by merging two wards into one. The number of councillors to remain unchanged at seven.	24 July 2015
City of Wanneroo	Reduce the number of wards from four to three. The number of councillors to remain unchanged at 14.	24 July 2015

Carried over to 2016-2017

The following matter was under consideration by the Board in 2015-2016 and will be finalised in 2016-2017:

Table 5: Matters under consideration in 2015-2016 and which will be finalised in 2016-2017

Local Government	Matter	Gazettal Date
Shire of Chapman Valley	Abolish the Shire of Chapman Valley's current ward structure. The number of councillors to remain unchanged at eight.	TBC

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 and Communities.

The following officers of the Department of Local Government and Communities provided executive, research and administrative support to the Board in 2015-2016.

Officers:	Dr Chris Berry	Acting Manager, Executive Support
	Ms Julie Craig	Strategy and Research Officer
	Mr Shannon Wood	Policy and Research Officer
	Mr James Harmer	Senior Policy and Research Officer

For more information, please contact:

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