b)

item is discussed.

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Declaration of Councillors and Officers Interest is made at the time the

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 29TH SEPTEMBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 5.16PM AND WELCOMED COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham......Presiding Member

M Harris
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
JE Price
S Twine
E Brown

C Randall

Mr A Hart Director Corporate Services (from 5.17pm)
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mrs C McKee Manager Community Development
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: Nil

2. PUBLIC QUESTION TIME:

Nil

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer declared an interest in common in item SCM006/09/09 as the Minister's process has required the Shire to consider voluntary amalgamation and/or boundary adjustments with neighboring local governments and the Chief Executive Officer is a resident of an adjoining Shire.

Additionally, the Chief Executive Officer declared a financial interest (in common with other Chief Executive Officer's throughout the State) in that, in the event of an amalgamation, her employment would be terminated.

COUNCIL DECISION

Moved Cr Murphy, seconded Cr Twine

That the nature of the Chief Executive Officer's financial interest in item SCM006/09/09 is remote enough for her to remain present in the meeting whilst this item is discussed.

CARRIED 10/0

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

Nil

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SCM006/09/09	LOCAL GOVERNMENT STRUCTU	JRAL REFORM SUBMISSION			
	(A1633)				
Proponent	Serpentine Jarrahdale Shire	In Brief			
Officer	Joanne Abbiss - Chief Executive				
	Officer	In February 2009, the State			
Signatures - Author:		Government announced its			
Senior Officer:		intention to progress structural			
Date of Report	24 September 2009	reform of local government			
Previously		based on voluntary			
Disclosure of Interest	Given the Minister's process has required the Shire to consider voluntary amalgamation and/or boundary adjustments with neighboring local governments, the CEO declares an interest in common as a resident of an adjoining Shire. Additionally, the CEO declares a financial interest (in common with other CEOs throughout the State) in that, in the event of an amalgamation, her employment would be terminated.	amalgamations and a reduction in the number of councillors to between six and nine. Local Governments have until September 30 th to make a submission to the Minister advising of their intentions to reform.			
Delegation	Council				

Background

Local Government Reform

The vision for reform established by the current Minister for Local Government is focused on environmental, social and economic sustainability. The achievement of sustainability in the Regions, particularly in the wool-wheat belt, is going to be difficult. Many small towns are in decline and their local governments are unsustainable. Finding a scale of local government that is economically sustainable, yet small enough to be a focus of loyalty and trust for rural people, is the challenge. A challenge that comes at a time when rural communities are looking to local government to take on a strong advocacy and lobbying role as well as deliver a broader range of services. It is arguable that, with adequate resourcing, rural local governments have the structure and capacity to deliver a range of functions for other levels of government.

Role of Local Government

In general terms, the function of local government is to represent their local communities; to be a responsible and accountable sphere of democratic governance; to be a focus for community identity and civic sprit; to provide appropriate services to meet community needs in an efficient and effective manner; and to facilitate and coordinate local efforts and resources in pursuit of community goals.

In order to maximise efficiency and effectiveness, the future function of local government should be defined before structural reform is undertaken. Currently, the two core functions of local government are efficient and effective service delivery and local decision making. To create economies of scale for service delivery, larger local governments are favoured. To keep decision making local, smaller local governments are favoured. When deciding the structure of local government, the significance placed on the economic versus the democratic must be determined.

The Minister has stated that he wants larger local governments, inferring a priority weighting toward the economic. Alternate means of local democracy such as precinct committees are being explored to address the decrease in representation. How economic, social and

environmental sustainability will be rationalised against each other has yet to be specified and the Steering Committee must have clear, documented principles and defensible criteria for their triple bottom line assessment established "upfront" in order to consistently evaluate the Reform Submissions.

What is Sustainability?

The Process Principles from the State Sustainability Strategy, outlined below, should inform the Local Government Reform Steering Committee's approach to the assessment of the September 2009 Reform Submissions.

Integration of the triple bottom line

Sustainability requires that economic, social and environmental factors be integrated by simultaneous application of these principles, seeking mutually supportive benefits with minimal trade-offs.

Precaution

Sustainability requires caution, avoiding poorly understood risks of serious or irreversible damage to environmental, economic or social capital, designing for surprise and managing for adaptation.

Hope, vision, symbolic and iterative change

Sustainability recognises that applying these principles as part of a broad strategic vision for the earth can generate hope in the future, and thus it will involve symbolic change that is part of many successive steps over generations."

Accountability, transparency and engagement

Sustainability recognises that people should have access to information on sustainability issues, that institutions should have triple bottom line accountability, that regular sustainability audits of programs and policies should be conducted, and that public engagement lies at the heart of all sustainability principles.

Local government's main role is to ensure the sustainable development of current and future communities. In order to assess the sustainability of communities it is essential to have a sound understanding of the principles of sustainability and a decision making framework that has due regard for the process principles outlined in the State Sustainability Strategy.

The assessment of Reform Submissions should not be based on purely economic arguments, no one aspect of sustainability has greater weight than another and there should be minimal trade offs. Decisions should be based on the precautionary principle and provide a vision and hope for those effected communities. The public should be informed of the recommendations and genuinely engaged in any further decision making processes.

Structural reform of local governments will not be a panacea for the sustainability issues faced by local government and communities. This would take perhaps a combination of managerial, functional, jurisdictional and financial reform.

<u>Is Serpentine Jarrahdale Shire Sustainable?</u>

The environmental, social, economic and organisational sustainability of local government in Western Australia was subject to rigorous assessment as part of the Local Government Reform Sustainability Checklist process in April 2009. The Shire of Serpentine Jarrahdale was deemed sustainable and received a Category One rating.

<u>Category One:</u> evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments should still consider reform opportunities which enhance service provision to local and regional communities.

The assessment went on to identify the key strengths of the Shire, which included commendation for the Shire's best practice approach to strategic, community and financial planning.

Addressing the Local Government Advisory Board Criteria

Many of the Local Government Advisory Board criteria were comprehensively addressed in the April 2009 Sustainability Checklist for which the Shire achieved a Category One status. Rather than replicate the checklist submission, the Reform submission considered these factors again but with a greater emphasis on the regional context in which the assessment of the sustainability of the Shire is being determined. The Minister's process has required the Shire to consider voluntary amalgamation with adjoining local governments and/or boundary adjustments, so it is essential that any reform proposals address the impacts on regional sustainability.

Given the Shire's greater social, environmental and economic alignment with the Peel Region, and its legal recognition as part of the Peel through the Regional Development Commission Act 1993, the submission has primarily considered the impacts of reform proposals on the sustainability of the Peel Region.

The submission demonstrates that the Shire of Serpentine Jarrahdale has defined communities of interest within its local government boundary with a distinct identity, long held community values and a high level of volunteerism. The Shire is distinct from its neighbours in terms of having higher SEIFA indexes and differing demographic characteristics, both current and forecast. There is alignment between the community's vision and values at the local and regional level, and plans and strategies are complimentary.

The Shire's predominantly rural based employment profile will become increasingly population driven as the Byford and Mundijong District Centres are developed. The development of the Mundijong East Regional Industrial Centre and Cardup Business Park are critical, as is a targeted and well managed approach to economic development.

The Shire is part of the Peel Harvey Catchment and contains many public drinking water resources for Perth. The Shire and the Region are host to precious, internationally recognized, environmental assets. Much of the Shire is identified in long term sub regional structure planning as being protected from urban development because of its agricultural and environmental importance.

Voluntary Amalgamation

There seems to be some consensus in the research that populations in order of 40,000 to 100,000 provide the optimum size for economies of scale for metropolitan authorities. When considering the future population growth of neighbouring local governments, it is apparent that if a long term view to 2031 is taken, which is what has been requested by the Minister, then all of the neighbouring local governments would have reached an optimum size by 2031 with the exception of Wandering.

None of the Shire's neighbouring local governments believed that voluntary amalgamation was in the best interests of the respective communities.

The Shire conducted community consultation in accordance with the Minister's reform process, and of the 135 responses received, 129 people or 95% did not favour amalgamation and only 6 people or 5% were in support.

Serpentine Jarrahdale was not identified for amalgamation or boundary review in the 1974 Royal Commission on Metropolitan Municipal boundaries. Nor was it identified for amalgamation in the 1996 Structural Reform Advisory Committee Report. And, similarly,

Serpentine Jarrahdale was not identified for amalgamation or boundary adjustment in the 2006 Local Government Advisory Board Report.

Given the Minister has requested local governments consider a 20, 30 even 50 year timeframe as part of this structural reform process, then any recommendations made by the Steering Committee regarding structural reform should consider the forecast populations and ultimate size of a local government, as there is no sense making a structure that will fit today's numbers if it is also going to be irrelevant in 20 years time. It would be a waste of public money and the Steering Committee should build in some longevity or future proofing in to any solution.

Boundary Adjustments

In order for the Shire to ensure its future sustainability, the development of industrial land is going to be necessary to essentially subsidise the retention of land with environmental and agricultural value and reduce the pressure on residential rates. As such, the extension of the Shire boundary westward to the Kwinana Freeway would see the inclusion of the proposed East Rockingham industrial area into Serpentine Jarrahdale. The Mundijong Road exit off the Freeway is an important gateway into the Shire and the future city of Mundijong which will house between 30,000 and 40,000 people. It is important that the Shire has management of this area so that this new "industrial entrance" to Serpentine Jarrahdale is developed as a landmark site. In addition there are sound emergency management reasons for this extension. The Freeway forms an excellent barrier for the prevention of threats such as bush fire and a readily identifiable boundary for the clean transfer between jurisdictions in an emergency incident. The current and planned land uses between the Serpentine Jarrahdale boundary and the Freeway are predominantly rural. This proposal is unlikely to affect the long term sustainability of the City of Rockingham.

Regional Grouping

The Shire of Serpentine Jarrahdale is, without doubt, recognised as being an integral part of the Peel Region from a statutory, local government association, natural resource management and strategic planning perspective. This is evidenced by the following examples:

Peel WALGA Zone

The Shire of Serpentine Jarrahdale is a member of the Peel WALGA Zone.

Peel Regional Development Commission

The Shire has received statutory recognition from the State Government as being part of the Peel through the Regional Development Commission Act 1993.

Peel Regional Development Australia

Similarly the Federal Government has included Serpentine Jarrahdale Shire as part of the Peel Regional Development Australia boundary.

Peel Harvey Catchment

The Shire of Serpentine Jarrahdale is part of the Peel Harvey Catchment and as such is covered by relevant planning and environmental legislation and policy such as State Planning Policy 2.1 Peel- Harvey Coastal Plain Catchment Policy and the Environmental Protection Policy (Peel Harvey Estuarine System) 1992.

Alternative Reform Option

The Peel local governments committed to developing a prefeasibility study for the provision of a large scale, meaningful reform model to submit to the Ministerial Steering Committee by the 30th September 2009 that addressed the following:

- 1. reviewed existing large scale shared service models, both nationally and internationally (such as Armidale Dumaresq and British Columbia);
- 2. documented the functions performed by each Council
- 3. identified those functions which may be delivered through an amalgamation of services model;
- 4. conducted a preliminary cost/benefit analysis for each potential amalgamation of services:
- 5. identified and costed the necessary enablers to the implementation of an amalgamation of services model in the Peel Region (eg common IT platform and common salary structure);
- 6. ensured that all investigations accounted for the impacts of the current growth rates being experienced by the Councils;
- 7. prepared a draft implementation plan and timeline that allows sufficient time for detailed business cases to be prepared, project planning and testing to be undertaken:
- 8. prepared a draft communications strategy for the community, elected members and staff; and
- 9. examined the industrial relations and human resource implications for an amalgamation of services model in the Peel region and recommended solutions.

In developing the pre-feasibility study, the project also examined the economic and demographic pressures influencing the Peel region, and the theoretical arguments about local government's role in service delivery.

The Chamber of Commerce and Industry (CCI) were engaged to conduct the prefeasibility into functional reform in the Peel and Moncrieff were engaged to investigate the feasibility of a common IT platform. A grant funding application to the Department of Local Government and Regional was successful and will assist with the costs of the project.

The pre-feasibility studies conducted found that significant economies of scale and scope are available for the Peel local governments.

In summary:

- the data was imperfect and so the estimated savings cannot be exactly quantified.
- I.T. will provide the backbone for the savings but there will need to be a significant investment for this to occur.
- The population growth in the Peel is going to demand new employment which is likely to be from a very competitive and limited market.
- There is sufficient evidence that savings, new services or improved services can result and that detailed feasibility studies are worth pursuing.

A key advantage of functional amalgamation over structural reform is that it would maintain community representation. Functional amalgamation also provides the capacity for the services to be expanded to include other local governments as technology and business practices change. In contrast, structural reform would solidify service delivery within a fixed region that may not reflect the optimal one for economies of scale and scope.

There are critical points of difference between the functional amalgamation proposed by the Peel local governments and the typical ad hoc resource sharing currently practiced in WA. The first, and most significant difference, is that functional amalgamation involves a fundamental realignment of practices and processes to ensure that productivity gains can be obtained. This involves a substantial investment of resources and commitment to be successful. Ad hoc resource sharing does not achieve the same productivity benefits because it does not require the participating local governments to make the same changes to operating activity.

With CCI predicting ongoing labour shortages in WA due to growth in the resources sector, local government is going to continue to struggle to find staff. The functional reform proposal

goes some way to providing better career paths with the aim of making local government a more attractive employment option.

There was significant, 98%, community support for the Peel functional reform project.

The Shire is committed to working with the other Peel local governments to prepare detailed business cases in accordance with the recommendations of the Functional Reform in the Peel Report.

It is testament to the level of cooperation between the Peel Local Governments that within the tight time frame provided, the "Functional Reform in the Peel" prefeasibility study could be completed. This was a significant undertaking on the behalf of staff and elected members.

At its most negative functional reform could be seen as paving the way for an effective transition to amalgamation - allowing for implementation planning, cultural change, process mapping and service improvements and essential infrastructure such as IT to be installed. That is, it could be seen as Stage 1.

The functional reform proposal is only going to be part of the solution for Serpentine Jarrahdale. With such rapid growth the Shire is going to have to pursue best practice rate setting, revenue and borrowing strategies, financial planning and management. The functional amalgamation of corporate services will assist by providing an increased scope of financial management services and advice for a reduced cost. The Shire will also need to become even more entrepreneurial and enterprising in its approach to revenue generation.

Elected Member Representation

With a reduction in elected members from 10 to 9, the Shire's average ratio of councillors would be 1 to 1028 electors and would then exceed the State average of 1 to 979. However, given the effects of the structural reform process, both in terms of the voluntary amalgamation of councils and the reduction in councillor numbers, the State average is likely to increase.

Given the Shire of Serpentine Jarrahdale has the third highest rate of population growth in the State at 7.6%, and given the Minister has asked the Shire to take a long term (20 to 50 year) view of the reform proposals, it would seem rational that nine is an appropriate number. This will allow good local representation during the formative periods of growth and strong community connectedness without a need for an upward adjustment of councillor numbers in the future if a lesser number is chosen now. An odd number will also reduce the need for a casting vote to be exercised by the Shire President when the vote is tied.

A reduction in councillor numbers in any ward is likely to affect the ratio of councillors to electors and as such it is likely that the boundaries of wards may need to be adjusted to keep within plus or minus 10% of the average ratio of councillors to electors.

It would seem prudent, in terms of maintaining corporate knowledge, that the remaining councillors who are not up for re-election be able to complete the balance of their term and that council, after consultation with the community, determine what wards they go in to. If possible in terms of elector ratios, and in order to create the least inconvenience for any councillors up for re-election, the reduction by one councillor should be in the ward of any councillor who is retiring.

According to the results of the survey, the community are not in favour of a reduction in the number of elected members and those that are in favour of a reduction, believe it should only be to 9.

Planning Reform

The Peel proposal could have been strengthened by a commitment from all local governments to embrace the planning reform agenda and to implement the objectives of "Building a Better Planning System". The functional amalgamation of services could equally apply to the planning area and could be a pilot for the following reforms:

- (i) Electronic Development Assessment (eDA);
- (ii) Performance Reporting; and
- (iii) Development Assessment Forum (DAF) Principles.

Similarly a commitment to implementing the Institute of Public Works Engineers Australia (IPWEA) Engineering Standards with clearly adopted addendums for local conditions would ensure that there was a level of consistency with engineering conditions across the Peel.

An Alternate Reform Model for WA - Strategic Alliance Model (SAM)

The Specialist Alliance Model (SAM) is a statewide shared services model, I researched and developed in-house, that respects the principle of subsidiarity and is based on defining the optimum economies of scale for a range of services and requiring local governments to enter into optimum arrangements dependent on the service.

Under the Specialist Alliance Model (SAM)

- Local governments are separated into Metropolitan or Regional.
- Local governments are then divided into whether they are Tier 1, 2 or 3 based on population. Metropolitan population cutoffs are higher than those in the regions.
- Services must be amalgamated dependent on what tier the local government is in and whether the service is best delivered on a regional, local or place basis.
- Local governments can specialise in the provision of particular services.
- Performance requirements are linked to each Tier.

Council recommends the Minister's Steering Committee consider alternate reform models that achieve economies of scale, retain local decision making and provide the level of take up and certainty of outcomes required by the State Government such as the Specialist Alliance Model.

Council acknowledges that the Specialist Alliance Model may not be the final answer but it should be the start of a debate about the merits of alternate reform models.

Statutory Environment: Local Government Act 1995

Policy/Work Procedure

<u>Implications:</u> There are no work procedures/policy implications directly

related to this application/issue.

Financial Implications: The 09/10 budget contains funds to support the

preparation of detailed business cases and process reviews to progress the Function reform in the Peel Report. The review of councillor numbers and ward boundary review can be budgeted for as part of the 10/11

budget.

Voting Requirements: Simple Majority

Conclusion

Having regard for all of the research and data presented, it is recommended that:

- 1. There is insufficient evidence to support a need for amalgamation of Serpentine Jarrahdale with any neighbouring local government
- 2. A review of councillor numbers from 10 to 9 and an associated ward boundary review be commenced by July 2010.
- 3. The appropriate regional grouping for the Shire is with the other Peel local governments of the City of Mandurah and Shires of Murray, Waroona and Boddington.
- 4. That the Shire of Serpentine Jarrahdale enter into discussions with the City of Rockingham with a view to progressing an extension of the Shire of Serpentine Jarrahdale boundary to align with the Kwinana Freeway.
- 5. The Shire commit to working with the other Peel local governments to prepare detailed business cases in accordance with the Functional Reform in the Peel Report.
- 6. The Shire continue to lead regional functional reform through striving for the Peel to becoming a pilot for planning reforms such as eDA.
- 7. That Council recommends the Minister's Steering Committee consider alternate reform models such as the Specialist Alliance Model.

SCM006/09/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Price

1. General

- A. That the Shire of Serpentine Jarrahdale endorses the reform submission and those recommendations as contained within this resolution.
- B. That the Shire of Serpentine Jarrahdale resolves to advise the Minister for Local Government that they have paid serious respect to his reform agenda and have made this resolution based on considerable research and dedicated thought.

2. Voluntary Amalgamation

Having conducted a rigorous and detailed assessment against the Local Government Advisory Board Criteria, set within a sustainability framework, the Council finds that the data and evidence does not support a case for amalgamation of Serpentine Jarrahdale with any adjoining Shire.

3. Number of Elected Members

- A. That the Shire of Serpentine Jarrahdale resolves to advise the Minister for Local Government of its intention to commence a review of councillor numbers from 10 to 9 and an associated review of ward boundaries by no later than July 2010.
- B. That the Shire of Serpentine Jarrahdale resolves to advise the Minister for Local Government that given the large number of expected reports from all local governments in WA who are required to reduce their numbers, there will be a need to adequately resource the Local Government Advisory Board so that the gazettal of changes can be made well and truly before the start of the next election cycle.
- C. That the Shire's review into ward boundaries and councillor numbers gives consideration to allowing remaining councillors to complete their term, retaining the ward system and allocating the reduction of one councillor to the ward of a retiring councillor if possible.

4. Regional Grouping

A. That the Shire of Serpentine Jarrahdale resolves to advise the Minister for Local Government of their intention to work collaboratively within a

- regional grouping comprising the Peel local governments of City of Mandurah, Shire of Murray, Shire of Waroona and Shire of Boddington.
- B. In regard to the distribution of the regional component of the Country Local Government Fund, the Shire supports the Regional Leaders Forum as having the appropriate membership for reaching agreement between the Peel local governments on regional priority projects.
- C. That the Shire of Serpentine Jarrahdale resolves to advise the Minister that it reserves the right to form regional groupings with other local governments, such as the Rivers Regional Council for waste management services, if it is in the best interests of the Shire of Serpentine Jarrahdale community.

5. **Boundary Adjustments**

A. That the Shire of Serpentine Jarrahdale enters into discussions with the City of Rockingham with a view to progressing an extension of the Shire of Serpentine Jarrahdale boundary to align with the Kwinana Freeway.

6. <u>Alternate Reform Option for Serpentine Jarrahdale</u>

- A. The Shire of Serpentine Jarrahdale advises the Minister for Local Government that the Shire is committed to working with the other Peel local governments to prepare detailed business cases in accordance with the Functional Reform in the Peel Report.
- B. The Shire of Serpentine Jarrahdale advises the Minister for Local Government that their commitment to the Functional Reform in the Peel project is not as a result of the local government reform process but because it is in the best interests of the Serpentine Jarrahdale community. As such, the Shire is committed to implementing the recommendations of the Functional Reform in the Peel project regardless of the outcome of the local government reform process.
- C. The Shire of Serpentine Jarrahdale will continue to lead regional functional reform through striving for the Peel to becoming a pilot for the following reforms:
 - Electronic Development Assessment (eDA);
 - ii) Performance Reporting;
 - iii) Development Assessment Forum (DAF) Principles; and
 - iv) Institute of Public Works Engineers Australia (IPWEA) Engineering Standards.
- D. The IT platform established across the Peel should be consistent with the electronic development assessment interoperability specification.
- E. Any software chosen for the common IT platform across the Peel should be able to meet the requirements being developed for development assessment performance reporting.

7. <u>Alternate Reform Option for the State</u>

- A. That Council recommends the Minister's Steering Committee consider alternate reform models that achieve economies of scale, retain local decision making and provide the level of take up and certainty of outcomes required by the State Government such as the Specialist Alliance Model.
- B. That Council acknowledges that the Specialist Alliance Model may not be the final answer but it should be the start of a debate about the merits of alternate reform models.
- C. That Council forwards a copy of the Specialist Alliance Model to interested stakeholders.

CARRIED 10/0

Council note: The order of part A and B under the 'General' heading were changed. The Presiding Officer advised that this was a minor amendment which did not change the intent of the recommendation.

9.	URGENT BUSINESS:
Nil	
10.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:
Nil	
11.	CLOSURE:
There	being no further business, the meeting closed at 5.23pm.
	I certify that these minutes were confirmed at the Ordinary Council Meeting held on 26 October 2009.
	Presiding Member
	Date