



City of Nedlands

Agenda

Council Committee Meeting

12 February 2013

Dear Council member

The next meeting of the Council Committee will be held on Tuesday 12 February 2013 in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7 pm.

Greg Trevaskis
Chief Executive Officer
5 February 2013

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Council Chambers, Nedlands on Tuesday 12 February 2013 at 7 pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm, and will draw attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave Of Absence (Previously Approved)

Leave of Absence None
(Previously Approved)

Apologies None

Disclaimer

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1. Addresses By Members of the Public (only for items listed on the agenda)

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

2. Disclosures of Financial Interest

The Presiding Member to remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

3. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Councillors and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x..... I disclose that I have an association with the applicant (or person seeking a decision). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

4. Declarations by Members That They Have Not Given Due Consideration to Papers

Members who have not read the business papers to make declarations at this point.

5. Confirmation of Minutes

5.1 Committee Meeting 4 December 2012

The minutes of the Council Committee held 4 December 2012 are to be confirmed.

6. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

7. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

7.1 Planning & Development Report No's PD01.13 to PD08.13

Planning & Development Report No's PD01.13 to PD08.13 to be dealt with at this point (copy attached yellow cover sheet).

- PD01.13 No. 64 (Lot 4) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool
- PD02.13 No. 64 (Lot 5) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool
- PD03.13 No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House
- PD04.13 No. 10 Selby Street, Shenton Park – Adoption of Proposed Outline Development Plan for Para-Quad Association of Western Australia
- PD05.13 Proposed Draft 2012 Municipal Inventory – Heritage
- PD06.13 Approval in Principle for Proposed Scheme Amendment of No. 17 (Lot 12241) John XX111 Avenue, Mount Claremont, from “Public Purpose” to “Special Use – Storage Facility”
- PD07.13 Proposed Parking and Parking Facilities Local Law 2013
- PD08.13 Lots 4 & 105 Underwood Avenue, Shenton Park – Proposed Outline Development Plan for the University of Western Australia Biological Resources Support Facility

7.2 Technical Services Report No's TS01.13 to TS04.13

Technical Services Report No's TS01.13 to TS04.13 to be dealt with at this point (copy attached blue cover sheet).

- TS01.13 Hampden Road – Permanent Change to Speed Limit from 50 kph to 40 kph
- TS02.13 Stage 2 – Shared Path Network Alexander Road & Beatrice Road
- TS03.13 Soundwave Festival, Monday 5 March 2012 – Claremont Showground, Claremont
- TS04.13 River Walls

7.3 Community & Organisational Development No's CM01.13 to CM02.13

Report No's CM01.13 to CM02.13 to be dealt with at this point (copy attached pink cover sheet).

CM01.13 Youth Grant Application Approval by Council

CM02.13 Fees and Charges, Public Tennis Courts

7.4 Corporate & Strategy Report No's CPS01.13 to CPS08.13

Report No's CPS01.13 to CPS08.13 to be dealt with at this point (copy attached green cover sheet).

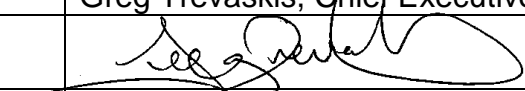
- CPS01.13 Monthly Financial Report – November 2012
- CPS02.13 Investment Report – November 2012
- CPS03.13 List of Accounts Paid – November 2012
- CPS04.13 Monthly Financial Report – December 2012
- CPS05.13 Investment Report – December 2012
- CPS06.13 List of Accounts Paid – December 2012
- CPS07.13 Policy Review
- CPS08.13 Hollywood Ward extraordinary election 2013 and future elections and polls to 2017

8. Reports by the Chief Executive Officer

8.1 Constitutional Recognition of Local Government

Constitutional Recognition of Local Government

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate & Strategy
Director	Michael Cole, Director Corporate & Strategy
CEO	Greg Trevaskis, Chief Executive Officer
CEO's Signature	
File ref.	ORN/006-03
Previous Item No's	CP13.4
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

For Council to consider reaffirming its support to the ALGA Campaign for constitutional recognition of local government.

Recommendation to Committee

Council:

1. Reaffirms its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;
2. Reaffirms its support for inclusion of local government in any new Preamble to the Constitution if one is proposed; and
3. Calls on all political parties to support a referendum in 2013 to change the Constitution to achieve this recognition.

Strategic Plan

KFA 5: Governance

- 5.7 Provide Elected Members and Staff with training to assist them in complying with their legislative and implied roles and responsibilities.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

Background

The Australian Local Government Association (ALGA) has been pushing for some years to amend the Constitution to formally recognize local government as a third tier of government. On 22 March 2011, the City of Nedlands Council resolved to support ALGA's campaign to this effect, as well as support a referendum by 2013 to change the Constitution to achieve this recognition.

In November 2012, a Parliamentary Joint Select Committee ("the Committee") on the Constitutional Recognition of Local Government was established to investigate the likelihood of success of a referendum on the financial recognition of local government in the Constitution.

The proposal is to amend section 96 of the Constitution as per the following:

"...the Parliament may grant financial assistance to any State or to any local government body formed by State or Territory Legislation on such terms and conditions as the Parliament thinks fit."

Two previous referendums have been held on this matter, both of which failed. ALGA is of the opinion that it is crucial not to hold a third referendum on this same matter until widespread public support is sought.

The Committee has called for submissions on the matter by 15 February 2013.

Proposal Detail

This report proposes extending support to ALGA regarding their campaign to amend the Constitution of Australia to financially recognize local government. This will allow the Federal Government to directly fund local government.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

Not applicable.

Budget/Financial Implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Nil.

Risk Management

Not applicable.

Discussion

In November 2012, a Parliamentary Joint Select Committee (“the Committee”) on the Constitutional Recognition of Local Government was established to investigate the likelihood of success of a referendum on the financial recognition of local government in the Constitution.

The Committee has called for submissions on the matter by 15 February 2013. The Committee has so far published 131 submissions that it has received. Some of the more relevant submissions to the City of Nedlands include:

1. The Australian Local Government Association (ALGA) strongly supports the financial recognition of local government within the Constitution. This would enable the Commonwealth to directly fund local government. ALGA stresses the fact that before any referendum is held, the proposal must have bipartisan support, and the support of most (if not all) states and territories. ALGA also explains the need for an appropriate amount of time before the referendum to allow sufficient public awareness raising. ALGA is not confident that there is sufficient time left to be able to hold the referendum in conjunction with the 2013 Federal election (as is being proposed by the Committee).

2. The Premier of Western Australia expressed that the State Government of Western Australia does not support the amendment to the constitution. The Premier predicts that the amendment “is likely to affect the powers, capacity and function of the State Parliament and Government in relation to local governments and that any reduction or impact on these powers would not be supported”. The Premier explains that “local government exists under State legislation and is not a sharing of powers but a delegation of powers from the State Government to local governments”.
3. The Law Council of Australia supports the amendment to the Australian Constitution. However, it is the Law Council’s preference to seek financial and democratic recognition for local government at the same time.
4. The Australian Electoral Commission expresses concerns surrounding the limited time between the 15 February deadline, and a potential referendum in conjunction with the Federal election in 2013.

Some Western Australian local governments have also made their own individual submissions.

Conclusion

The Australian Local Government Association is campaigning for an amendment to section 96 of the Australian Constitution to attain financial recognition for local government. This would allow the Commonwealth to fund local governments directly. On 22 March 2011, the City of Nedlands Council resolved to support ALGA’s campaign to this effect, as well as support a referendum by 2013 to change the Constitution to achieve this recognition. This report is seeking a reaffirmation of the City’s position to support ALGA’s campaign.

Attachments

Nil.

8.2 Replacement Member for Chief Executive Officer's Performance Review Committee

Due to the resignation of Councillor Kerry Walker who was the appointed Hollywood Ward member to the Chief Executive Officer's Performance Review Committee, Council is required to appoint a replacement member from the Hollywood Ward (Councillor Binks or Councillor Hodsdon) for the period ending October 2013.

Recommendation to Council

Council appoints Councillor _____ to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.

8.3 Development Assessment Panels – City of Nedlands Nomination of Members

Council:

- 1. Approves the nomination of two (2) members (_____ & _____); and**
- 2. Submits its Recommendation to the Department of Planning by 28 February 2013.**

Council:

- 1. Approves the nomination of two (2) alternate members (Councillors _____ & _____) for the Development Assessment Panel; and**
- 2. Submits its Recommendation to the Department of Planning by 28 February 2013.**

Purpose

The Planning and Development (Development Assessment Panels) Regulations 2011 established the operational framework for Development Assessment Panels (DAP's) in Western Australia by gazettal on 24 March 2011.

Each council is requested to nominate two (2) members and two (2) alternate members for consideration of appointment.

9. Urgent Business Approved By the Presiding Member or By Decision

Any urgent business to be considered at this point.

10. Confidential Items

At this point the meeting will be closed to members of the public in accordance with Section 5.23(2)(c) and (b) (respectively) of the *Local Government Act 1995* to allow confidential discussion on the following items.

10.1 TS05.13 – City of Nedlands Waste and Recycling Tender 2005/06.08 Contract Extension

10.2 Recovery of Unpaid Council Rates and Charges

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.

A handwritten signature in black ink, appearing to read 'Greg Trevaskis', with a long horizontal line extending to the left.

Greg Trevaskis
Chief Executive Officer