



City of Nedlands

Agenda

Council Committee Meeting

11 August 2015

Dear Council Member

The next meeting of the Council Committee will be held on 11 August 2015 in the Council Chambers at the City of Nedlands Council Chambers located at 71 Stirling Highway, Nedlands commencing at 7.00pm.

Greg Trevaskis
Chief Executive Officer
4 August 2015

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Council Chambers on Tuesday 11 August 2015 at 7.00pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7.00pm and will draw your attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

Leave of Absence

(previously approved)

None at distribution of this agenda.

Apologies

None at distribution of this agenda

Disclaimer:

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of a Council's position. For example, by reference to the Confirmed Minutes of a Council Meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. Public Question Time

A member of the public wishing to ask a question should register their interest by notification in writing to the Chief Executive Officer in advance, setting out the text or substance of the question.

The order in which the Chief Executive Officer receives registrations of interest shall determine the order of questions, unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

2. Address by Members of the Public (only items listed on the Agenda)

Addresses by members of the public who have completed the Intention to Address Council Forms will be invited to address Council as their item is discussed by the Committee.

3. Disclosures of Financial Interest

The Presiding Member will remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act (1995)* 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 had made a declaration must not preside, participate in or be present during any discussion making procedure relating to the subject of the declaration.

However, other members may allow participation of the declarant if the further discloses the extent of the interest. Any such declarant who wished 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.

4. Disclosures of Interests Affecting Impartiality

The Presiding Member is to remind Councillors and Staff of the requirements of the Council's *Code of Conduct* in accordance with Section 5.103 of the *Local Government Act (1995)*.

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 process.

The following pro forma declaration is provided to assist in making a disclosure:

'With regard to item, I disclose that I have an association with 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.

5. Declarations by Members That They Have Not Given Due Consideration

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

6. Confirmation of Minutes

6.1 Committee Meeting

The minutes of the Council Committee held on 11 July 2015 are to be confirmed.

7. Matters for Which the Meeting May Be Closed

In accordance with Standing Order Local Law and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors.

8. Divisional Reports

Note:

Regulation 11(da) of the *Local Government Act (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. Not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning and Development Report No's PD34.15 to PD38.15

- PD34.15 (Lot 67) No. 2/150 Stirling Highway Nedlands – Proposed Change of Use (From Showroom to Health Studio)
- PD35.15 (Lot 579) No. 17 Viking Road, Dalkeith – Three Storey Single House
- PD36.15 (Lot 2) No. 5B Bulimba Road Nedlands – Additions (Two Patios) to Grouped Dwelling
- PD37.15 Metropolitan Region Scheme Amendment 1293/57 – Shenton Park Hospital Redevelopment – Request for Comment
- PD38.15 Lot 108 (No. 83) Minora Road Dalkeith – Proposed Carport, Alfresco, Outbuilding and Front Fence

8.2 Technical Services Report No's TS20.15 to TS21.15

TS20.15 Proposed parking Restrictions in Campsie Street Precinct

TS21.15 Proposed Parking Restrictions: Esplanade

8.3 Community & Organisational Development

Nil Reports.

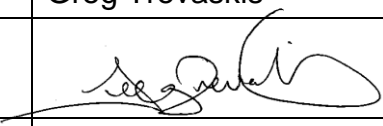
8.4 Corporate & Strategy's Report No's CPS19.15 to CPS20.15

CPS19.15 List of Accounts Paid – June 2015

CPS20.15 Policy Review

9. Reports by the Chief Executive Officer

9.1 City of Perth Bill 2015

Council Committee	11 August 2015
Applicant	City of Nedlands
Officer	Greg Trevaskis – Chief Executive Officer
CEO	Greg Trevaskis
CEO Signature	
File Reference	CEO-009487
Previous Item	Nil

Executive Summary

This report provides Council with information on the City of Perth Bill (the Bill) and seeks agreement on possible advocacy initiatives that could be progressed in relation to the Bill.

The Bill is currently progressing through parliament, having just had its second reading. The Bill, if passed, will put in place special provisions for the City of Perth, recognising and establishing it as the 'primary' local government within the Perth Metropolitan network of local governments. Whilst the exact timing of the Bill is unknown (it has priority 22/24 on the Government Orders Notice Paper), it is likely it will be debated when the Legislative Assembly sits again in August with an opportunity for amendments and changes to be made.

There are some reservations regarding the Bill which are discussed in this report. Administration proposes possible advocacy steps that could be taken in relation to the Bill and seek Council resolutions regarding these actions.

Recommendation to Council

That Council:

- a) **Notes the contents of the City of Perth Bill introduced to the House on 21 May 2015:**
- b) **Authorises the Chief Executive Officer to write to:**
 - i. **The Department of Local Government and Communities**
 - ii. **The Minister for Local Government and Communities**
 - iii. **The Shadow Minister for Local Government and Communities**
 - iv. **The Members of Parliament for the North Metropolitan Region**
 - v. **The Member of Parliament for Nedlands**

Seeking deletion of clause 37 from the City of Perth Bill.

Background

In late 2014, an Advisory Committee comprising the Department of Local Government and Communities (the Department), and the Cities of Perth and Vincent was established and tasked with the development of a City of Perth Act. A City of Perth Bill (the Bill) was drafted by the Committees as part of the overall local government reform program.

The Bill has now been drafted (**Attachment (A)**), and introduced to the Lower House (Legislative Assembly). It has its second reading speech on 21 May 2015, and has now been put on the Government Orders Notice Paper at priority 22/24.

City of Perth Bill

In summary, the Bill:

- Recognised Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that.
- Redefines the boundaries of the City of Perth to take-in portions of Subiaco and Nedlands from 1 July 2016.
- Establishes a City of Perth Committee with functions that include the facilitations of collaboration between the State and the City of Perth.
- Makes consequential and other amendments to the Botanic Gardens and Parks Authority Act 1998, the Local Governments Act 1960 Part VIA and the Local Government Act 1995.

In general the provisions of the Bill are relatively conservative, with no considerable shifts from the accepted local government powers or voter franchise model. The Bill is significantly different to the stakeholder consultation paper that was circulated in January 2015. However, there is one particular clause of concern and/or interest to officers – see next page:

Schedule 2.1, clause 5 amended (Section 37)

Section 37 of the City of Perth Bill proposes that in considering any future boundary adjustment proposal, the Local Government Advisory Board (the LGAB) must have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia. This provision will form a new clause in Schedule 2.1 of the Local Government Act.

“After Schedule 2.1 clause 5(2) insert:

- (3) In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.”*

Comment

Exactly what “having regard to the special significance” involves is unclear. However, a reasonable interpretation of this would likely refer to the ‘objects’ of the City of Perth Act, which are set out in Section 8 of the Bill. The most relevant being:

- a) *“to recognise, promote and enhance*
- i. *the special social, economic, cultural, environment and civic role that the City of Perth plays because Perth is the capital of Western Australia.*
 - ii. *the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level.”*

It seems clear that the addition of this clause is intended to give the LGAB scope to recommend boundary changes that it would not currently be able to recommend – based on the existing criteria that it is able to consider.

Given the comments of the Premier during the State Government’s Reform Program, it is not difficult to reach the conclusion that such may be used by the City of Perth to lobby the LGAB to take control over areas of interest – such as the Burswood Peninsula, or potential expansion into Nedlands of some later date.

The explanatory note for this new clause provides very little justification or reasoning for its necessity, apart from saying that the Board should take into consideration the ‘unique status’ of the City of Perth.

The Metropolitan Local Government Review Panel (the Robson Committee), appointed by the State Government to provide independent advice on the current structures and arrangements for local government in Perth, and improvements to maximise benefits to the Perth community, did not recommend any changes to Schedule 2.1 of the Local Government Act 1995.

It is of concern that this clause may be used to justify the annexation of just about any area that the City of Perth may decide that it wants. The provisions of Schedule 2.1, clause 5(2) are already wide ranging, and include consideration of:

- Community of interests
- Physical and topography features
- Demographic trends
- Economic factors
- The history of the area
- Transport and communications
- Matters affecting the viability of local governments
- The effective delivery of local government services

These clauses provide ample capacity for the reasonable justification for boundary changes and amalgamations. Officers do not consider that there is any need for the City of Perth to be given special consideration over and above the existing provisions, and recommended deletion of the section from the City of Perth Bill.

Proposed Action

The Bill is currently awaiting further debate in the Lower House – the ‘Consideration in Detail’ stage. During this stage of the Bill’s progression through the House it may be amended. The City, therefore, still has an opportunity to lobby for changes to the Bill. Officers propose that Council resolves to advocate for changes to the Bill – as outlined above – by writing to:

- The Department of Local Government and Communities
- The Minister for Local Government and Communities
- The Shadow Minister for Local Government and Communities
- The Members of Parliament for the North Metropolitan Region
- The Member of Parliament for Nedlands

Consultation

The Town of Victoria Park Council considered a report on the City of Perth Bill at its June Ordinary Council Meeting. The Town’s response to the Bill was taken into account in the preparation of this report. The City of South Perth has similarly given consideration to this issue at its meeting on 21 July 2015.

Policy and Legislative Implications

There are no direct policy or legislative implications from the proposed legislation or the recommendations made in this report (other than those detailed).

Financial Implications

There are no immediate financial implications to the City of Nedlands from the proposed legislation or the recommendations made in this report. However, if the proposed legislation is used by the State Government to excise parts of existing local governments this could result in significant financial impacts for those local governments affected.

Attachment (A)

City of Perth Bill 2015

10. Urgent Business Approved by the Presiding Member or by Decision

Nil

11. Confidential Items

Nil

Declaration of Closure

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