



City of Nedlands

Minutes

Council Committee Meeting

11 August 2015

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

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

Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm and drew 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).

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor L J McManus	Coastal Districts Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mr M R Cole	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Goodlet	Director Technical Services
	Mrs P E Panayotou	Manager Community Service Centres
	Miss D J Maxwell	Executive Assistant
	Mrs S C Gibson	Corporate & Strategy Administration Officer

Public There were 7 members of the public present.

Press The Post Newspaper representative.

Leave of Absence
(previously approved) Nil.

Apologies Nil.

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

Nil.

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

Ms Ming Poi Yew
(Spoke against the recommendation)

PD36.15

3. Disclosures of Financial Interest

Nil.

4. Disclosures of Interests Affecting Impartiality

Nil.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 14 July 2015

Moved – Councillor Argyle
Seconded – Councillor Binks

That the Minutes of the Council Committee held on 14 July 2015 be confirmed.

CARRIED UNANIMOUSLY 13/-

7. Matters for Which the Meeting May Be Closed

Nil.

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)
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Committee	11 August 2015
Council	25 August 2015
Applicant	Anytime Fitness Australia Pty Ltd
Landowner	Alabama Holdings (WA) Pty Ltd
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/182 – ST6/150
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw
 Seconded – Councillor Hassell

Committee Recommendation / Recommendation to Committee

Council approves the application for the proposed change of use (from Showroom to Health Studio) at (Lot 67) No. 2/150 Stirling Highway, Nedlands, in accordance with the application received on 2 June 2015, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans;**
- 2. The car-parking bays, vehicular and pedestrian access ways, and signage being maintained by the landowner to the City's satisfaction;**
- 3. The illuminated signage being of a low level not exceeding 300cd/sqm and may not flash, pulsate and/or chase; and**
- 4. The signage shall not contain fluorescent, reflective or retro reflective colours and/or materials.**

Advice Notes specific to this proposal:

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**

2. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot which does not form part of this approval;
3. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia;
4. The landowner is advised that the operation of the health studio is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise; and
5. The applicant and landowner are advised that Condition 3 and 4 are as a result of comments received from Main Roads Western Australia. In addition to this, it provided the following advice:
 - a) The property is significantly affected by the existing Metropolitan Region Scheme (MRS). However, MRS major amendment 1210/41 proposes to decrease the current MRS land requirement as shown on Drawing No. 1.7145. This is still subject to the completion of the amendment process. Further information on amendment 1210/41 is available on the Department of Planning's website at the following link: <http://www.planning.wa.gov.au/publications/6242.asp>
 - b) The project for the upgrading/widening of Stirling Highway is not in Main Roads current 4 year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

CARRIED 11/-
(Abstained: Crs. Binks and Hodsdon)

PD35.15	(Lot 579) No. 17 Viking Road, Dalkeith – Three Storey Single House
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Committee	11 August 2015
Council	25 August 2015
Applicant	Milankov Designs and Project Management Pty Ltd
Owner	H Indra
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Planning & Development
File Reference	DA14/514

Withdrawn at the request of the Applicant

Recommendation to Committee

Council refuses the application for a Three Storey Single House at (Lot 579) No. 17 Viking Road, Dalkeith, in accordance with the application received on 16 October 2014 and amended plans received on 22 April 2015, for the following reasons:

1. The upper floor lot boundary setbacks to the eastern side boundary are not considered to comply with the 'deemed to comply' or 'design principles' of Clause 5.1.3 (Lot boundary setbacks) of the Residential Design Codes, specifically Design Principle for Clause 5.1.3, P3.1 – *reduce impacts of building bulk on adjoining properties*; and
2. The reduced upper floor lot boundary setbacks to the eastern side boundary adversely impact the amenity of adjoining landowners due to the building's bulk and appearance as per Clause 5.5.1 of Town Planning Scheme No. 2.

PD36.15	(Lot 2) No. 5B Bulimba Road Nedlands – Additions (Two Patios) to Grouped Dwelling
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Committee	11 August 2015
Council	25 August 2015
Applicant	Eden Outdoor Living
Owner	C Bailey
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Planning & Development
File Reference	DA2015/160

Regulation 11(da) – The recommendation was adopted with an additional condition for the rear patio to be setback 1.5 from the boundary.

Recommendation to Committee

Council approves the application for Additions (Patio) to Single House at (Lot 2) No. 5B Bulimba Road, Nedlands, in accordance with the application received on 16 February 2015 and amended plans received on 05 March 2015, subject to the following conditions and advice notes:

1. The development shall at all times comply with the approved plans;
2. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite;
3. All footings and structures to the proposed patio, shall be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this approval:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block; and
2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Moved – Councillor James
Seconded – Councillor Hodsdon

Committee Recommendation

Council approves the application for Additions (Patio) to Single House at (Lot 2) No. 5B Bulimba Road, Nedlands, in accordance with the application received on 16 February 2015 and amended plans received on 05 March 2015, subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans;**
- 2. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite;**
- 3. All footings and structures to the proposed patio, shall be constructed wholly inside the site boundaries of the Certificate of Title; and**
- 4. Rear patio be located 1.5m from rear boundary.**

Advice Notes specific to this approval:

- 1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block; and**
- 2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

**CARRIED 9/2
(Against: Crs. Horley, Hipkins)
(Abstained: Crs. Binks, McManus)**

PD37.15 Metropolitan Region Scheme Amendment 1293/57 – Shenton Park Hospital Redevelopment – Lot 3240 (No. 6) Selby Street, Shenton Park – Request for Comment

Committee	11 August 2015
Council	25 August 2015
Applicant	Western Australian Planning Commission
Owner	Royal Perth Hospital Shenton Campus
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	PLAN-SP-00003
Previous Item	Nil

Regulation 11(da) – Council agreed to the recommendation but with the condition that it would exclude the Banksia woodland.

Recommendation to Committee

Council advises the Western Australian Planning Commission that it:

1. Supports Metropolitan Region Scheme Amendment 1293/57 – to transfer Lot 3240 (No. 6) Selby Street, Shenton Park, from the Public Purpose – Hospital reserve to the Urban zone; and
2. Requests the WAPC to concurrently amend the property’s zoning under the City’s Town Planning Scheme No. 2 to “Development”.

The Mayor submitted an Alternative Motion

Moved – Mayor Hipkins
 Seconded – Councillor Shaw

Committee Recommendation

Council advises the Western Australian Planning Commission that it generally supports Metropolitan Region Scheme Amendment 1293/57, to transfer Lot 3240 (No. 6) Selby Street, Shenton Park, from the Public Purposes Hospital reserve to the Urban zone, with the exception of the Banksia woodland identified by the Environmental Protection Authority, which should be designated as an MRS reserve for Parks and Recreation.

Note: The EPA identified the Banksia woodland located on the western side of the site as being in 'Very Good' condition and providing a vegetated linkage between Shenton Bushland and Underwood Avenue Bushland (both Bush Forever Sites).

**CARRIED 12/1
(Against: Cr. Binks)**

Justification

That the recommendation be amended to exclude Banksia woodland identified by the Environmental Protection Authority, which should be designated as an MRS reserve for Parks and Recreation, and to remove that the WAPC be requested to amend the property's zoning.

The concurrent amendment recommended by the administration would enable the City to determine the outcome of development on the site – something that would not be accepted by the landowner and WAPC, who have recently initiated the Improvement Plan process to specifically exclude the City.

The administration's recommendation to initiate a further amendment to Town Planning Scheme No, 2 is contrary to a previous resolution of Council and hard to justify to landowners whose applications for rezoning have been deferred.

It does not make sense that land suitable for reservation as Parks and Recreation, already in public ownership, is released for development with "Urban" zoning (thereby increasing its value), prior to it being acquired for Parks and Recreation by the City. The land concerned is an important bush link between two Bush Forever sites. Such land should be withheld from "Urban" zoning and designated as a Parks and Recreation reserve as part of the MRS amendment. By doing so, this saves the City from having to negotiate local Parks and Recreation reserves later and also takes pressure off the City having to secure retention of bushland in the Bedbrook Place area.

PD38.15	Lot 108 (No. 83) Minora Road Dalkeith – Proposed Carport, Alfresco, Outbuilding and Front Fence
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Committee	11 August 2015
Council	25 August 2015
Applicant	Mr D Coveney
Landowner	Mr D & Mrs L Coveney
Officer	Mr J Berzins – Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/102 – MI3/83
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw
Seconded – Councillor Hassell

Committee Recommendation / Recommendation to Committee

Council approves the application for a Carport, Alfresco, Outbuilding and Front Fence at Lot 108 (No. 83) Minora Road Dalkeith, in accordance with amended plans received on 16 June 2015, subject to the following conditions:

- 1. The outbuilding being setback 1m from the northern (rear) boundary and revised plans showing this being submitted to, and approved by, the City prior to the lodgement of a building application.**
- 2. The roof plan area of the carport shall not be greater in area than 36m² and revised plans showing this being submitted to and approved by the City prior to the lodgement of a building application.**
- 3. All sides of the carport shall remain open, including the elevation facing the street in accordance with the City of Nedlands Policy 6.23 Carports and Minor Structures Forward of the Primary Street Setback.**
- 4. All stormwater from the development, which includes permeable and nonpermeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- 5. The crossover shall be constructed and maintained thereafter by the owners of 83 Minora Road, to the Council’s Crossover Specifications.**

Advice Notes specific to this proposal:

- 1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be 4 located at least 1.8m from any building, and at least 1.8m from the boundary of the block.**
- 2. The applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.**
- 3. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

**CARRIED 12/-
(Abstained: Cr. Binks)**

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

TS20.15 Proposed Parking Restrictions in Campsie Street Precinct

Committee	11 August 2015
Council	25 August 2015
Applicant	City of Nedlands
Officer	Jacqueline Scott - Manager Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-023933
Previous Item	PD 06.15

Regulation 11(da) – An additional clause was added to the recommendation requesting the CEO to communicate with QEII Medical Centre in relation to the proposed changes to parking in the Campsie Street precinct.

Recommendation to Committee

1. Approves the following parking restrictions;
 - a. Kitchener Street: one hour parking restrictions on the east side, from 8am – 6pm, Monday to Sunday, and No Parking restrictions on the west side;
 - b. Burwood Street, Croydon Street and Campsie Street: No Parking restrictions on both sides; and
2. Requests the CEO to consider the requirements and processes necessary to provide residential parking zones, including permit areas and prepare a report to Council on this matter.

Moved – Councillor Wetherall
 Seconded – Councillor Binks

Committee Recommendation

1. Approves the following parking restrictions;
 - a. **Kitchener Street: one hour parking restrictions on the east side, from 8am – 6pm, Monday to Sunday, and No Parking restrictions on the west side;**
 - b. **Burwood Street, Croydon Street and Campsie Street: No Parking restrictions on both sides;**

- 2. Requests the CEO to consider the requirements and processes necessary to provide residential parking zones, including permit areas and prepare a report to Council on this matter; and**
- 3. Requests the CEO to write to the CEO of the QEII Medical Centre advising him of the new parking restrictions and requests that free on-site parking be made available for those manual workers who commence at about 3.00am and depart approximately 8.00am.**

CARRIED UNANIMOUSLY 13/-

TS21.15	Proposed Parking Restrictions: Esplanade
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Committee	11 August 2015
Council	25 August 2015
Applicant	City of Nedlands
Officer	Jacqueline Scott – Manager Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-023989
Previous Item	Nil

Regulation 11(da) – Council agreed to the changes in parking but deferred any budget reallocation for the present, pending further research by staff.

Recommendation to Committee

Council:

1. Approves three hour parking restrictions on the south east side of the Esplanade adjacent to Charles Court Reserve from 8.00am – 5.00pm, Monday to Friday; and
2. Approves a budget re-allocation to bring forward the replacement of the bollards fronting Charles Court Reserve and defer the replacement of the Zamia Street playground upgrade to 2016/17.

Moved – Councillor McManus

Seconded – Councillor Horley

Committee Recommendation

Council approves three hour parking restrictions on the south east side of the Esplanade adjacent to Charles Court Reserve from 8am – 5pm, Monday to Friday.

**CARRIED 12/1
(Against: Cr. Binks)**

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
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Committee	11 August 2015
Council	25 August 2015
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor James

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of June 2015 (Refer to Attachment).

**CARRIED UNANIMOUSLY 12/-
 (Abstained: Cr. Binks)**

CPS20.15	Policy Review
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Committee	11 August 2015
Council	25 August 2015
Applicant	City of Nedlands
Officer	Pollyanne Fisher - Policy & Projects Officer
Director	Michael Cole - Director Corporate & Strategy
File Reference	PP-PR-00002
Previous Item	Not Applicable

Regulation 11(da) - Not applicable – Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor Hassell

Committee Recommendation / Recommendation to Committee.

Council:

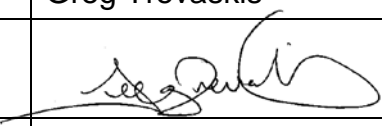
1. Approves the following policies:
 - a) Community Friends Groups;
 - b) Community Notice Boards in Council Operated Facilities; and
 - c) Shading of Streetlights.

2. Revokes the following policies:
 - a) Responsibility for Matters Associated with the Administrative Structure of Council; and
 - b) Requirement for a Section 70a Notification on the Title of Land.

CARRIED UNANIMOUSLY 13/-

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

Regulation 11(da) – Council agreed to the recommendation but included additional concerns on the various clauses of the City of Perth Bill.

Committee Recommendation

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.

The Mayor submitted an Alternative Motion

Moved – Councillor Hipkins
 Seconded – Councillor Shaw

Committee Recommendation

That Council:

- 1. Notes the contents of the City of Perth Bill introduced to the House on 21 May 2015;**
- 2. Supports the creation of a Capital City of Perth Act in principle;**

3. Expresses concern in relation to many provisions of the Bill, including:
 - a. The Local Government Advisory Board having regard to the special significance of the role and responsibilities of the City of Perth when considering boundary changes, which could encourage expansion of the City of Perth (clause 37);
 - b. Extending the City of Perth's boundaries to the centre of the river, which has cost implications for local government generally (clause 17 and Schedule 1);
 - c. Incorporating Kings Park within the City of Perth, which could subject the park to development pressures (clause 17 and Schedule 1);
 - d. Giving the Executive Director Public Health power over the Botanic Gardens and Parks Authority for no specified reason (clause 29);
 - e. Changing the western boundaries of the City of Perth to take part of Subiaco and Nedlands and remove UWA and QEII from the jurisdiction of the western suburbs (clause 18);
 - f. Establishing the City of Perth Committee to co-ordinate and plan the role of the capital city, with the Local Government Minister, but not the Ministers of Planning and Transport, which would constrain the local government (clause 12);

4. Recommends that unless satisfactory explanations can be provided for those matters referred to in c) above, the City of Perth Bill 2015 should be withdrawn from current consideration by Parliament and reconsidered.

CARRIED 12/-
(Abstained: Cr. Smyth)

Justification

No cost-benefit analysis or explanation has been provided for why the City of Perth Bill 2015 is required. Many questions remain unanswered.

Council has previously resolved that UWA and the QEII Medical Complex should remain part of the western suburbs.

No objection is taken to the creation of a Capital City of Perth Act in principle. However the proposed bill does not achieve the objective and should be discontinued.

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.

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.

12 Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 7.49pm.