



City of Nedlands

Agenda

Special Council Meeting

9 January 2015

Dear Council member

A Special Meeting of the City of Nedlands is to be held on Friday 9 January 2015 at 71 Stirling Highway Nedlands commencing at 5.30 pm for the purpose of considering submitting a proposal to the Local Government Advisory Board regarding boundary anomalies being created by the amalgamation of the City of Subiaco and the Town of Cambridge.

Mark Goodlet
Acting Chief Executive Officer
8 January 2015

Table of Contents

Declaration of Opening.....	3
Present and Apologies and Leave Of Absence (Previously Approved)	3
Attendance by Telephone	3
1. Public Question Time.....	4
2. Addresses by Members of the Public.....	4
3. Disclosures of Financial Interest	4
4. Disclosures of Interests Affecting Impartiality	5
5. Declarations by Members That They Have Not Given Due Consideration to Papers.....	6
6. Proposal to the Local Government Advisory Board.....	6
Declaration of Closure	11

City of Nedlands

Notice of a Special Meeting of Council to be held at 71 Stirling Highway Nedlands commencing at 5.30 pm for the purpose of considering submitting a proposal to the Local Government Advisory Board regarding boundary anomalies being created by the amalgamation of the City of Subiaco and the Town of Cambridge.

Special Council Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 5.30pm and will draw attention to the disclaimer below.

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 Council's position. For example by reference to the confirmed Minutes of 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.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Present and Apologies and Leave Of Absence (Previously Approved)

Leave of Absence (Previously Approved)

Councillor R Binks

Hollywood Ward

Attendance by Telephone

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by absolute majority) the attendance of a person, not physically present at a meeting of council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council, and must be a townsite or other residential area located 150km or further from the place of the meeting.

Councillor Hassell wishes to attend the meeting via telephone contact from Margaret River. Councillor Hodsdon wishes to attend the meeting via telephone contact from Thailand.

Recommendation to Council

Council:

1. Approves Councillor Hassell's attendance at the Council Meeting via telephone communication in accordance with regulation 14A(1) of the *Local Government (Administration) Regulations 1996*;
2. Approves Councillor Hodsdon's attendance at the Council Meeting via telephone communication in accordance with regulation 14A(1) of the *Local Government (Administration) Regulations 1996*;
3. Approves Margaret River as a suitable place for Councillor Hassell's attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*; and
4. Approves Thailand as a suitable place for Councillor Hodsdon's attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.

ABSOLUTE MAJORITY REQUIRED

1. Public Question Time

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

The order in which the CEO 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. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

3. 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.

4. 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.

5. 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.

6. Proposal to the Local Government Advisory Board

Council	9 January 2015
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
A/CEO	Mark Goodlet
A/CEO Signature	
Previous Item	16 December 2014 Ordinary Meeting of Council

Executive Summary

This report has been prepared to enable Council to consider whether it wishes to submit a proposal to the Local Government Advisory Board regarding boundary anomalies being created by the amalgamation of the City of Subiaco and the Town of Cambridge.

Recommendation to Council

Council:

Being an affected local government within the meaning of Schedule 2.1 of the *Local Government Act 1995* resolves to submit a proposal to the Local Government Advisory Board, pursuant to clause 2(1) of Schedule 2.1 of the *Local Government Act 1995*, that orders be made by the Governor under that Section which would vary the boundary of the district of the City of Nedlands to align with the proposed City of Subiaco boundary, so as to include within it the entire suburb of Mount Claremont as shown in Map 1, attached to this report.

Strategic Plan

KFA: Governance and Civic Leadership

Background

During 2013 and 2014, proposals were made to the Local Government Advisory Board (LGAB) for local government boundary changes. Following a public consultation period, the Board made its recommendations to the State Government in October. On October 22 the State Government announced its decision on reform for Perth's metropolitan local governments.

The Government announced that a boundary adjustment would occur to join the City of Subiaco and the Town of Cambridge to form a larger City of Subiaco. This boundary adjustment will result in the loss of 424 rateable properties and approximately 1272 residents (the suburb of Floreat) from the City of Nedlands to the expanded City of Subiaco. The proposed amalgamation also creates a boundary anomaly which will be addressed in the Discussion section of this report.

Key Relevant Previous Council Decisions:

At its Special Council Meeting of 1 October 2013, the City resolved *not* to make a proposal to the Local Government Advisory Board on the grounds that:

- a. the City has initiated a process of independent survey to determine the specific wishes of the community on this matter;
- b. the City needs to know whether there is going to be a change in the Local Government Act 1995 with respect to the removal of the community poll provisions that will have a material impact on the process by which changes are made;
- c. the City does not know how much any proposed merger will cost and how much of this cost will be paid by the residents of the affected areas; and
- d. the City is not satisfied the proposed creation of a new G7 local government for the Western Suburbs is in the best interests of the electors, ratepayers and residents of the City of Nedlands or the other affected districts.

The Minister since this time has abandoned the suggestion of creating a G7 Council, and is now progressing the amalgamation of the City of Subiaco and the Town of Cambridge. An amalgamation of the remaining five western suburbs Councils is not being progressed at this time.

At its Ordinary Meeting of 16 December 2014 Council considered a report to submit proposals to the Local Government Advisory Board in relation to areas of the Town of Cambridge and the City of Subiaco which have been orphaned as a result of the approval by the Local Government Minister to create the new City of Subiaco, with revised boundaries. The unanimous resolution of Council was as follows –

Council defer consideration of this item until a later date.

The City of Nedlands Mayor, has since been informed by the Town of Cambridge Mayor that they will be submitting a proposal to retain the orphaned area (shown in Attachment 1) for their own strategic reasons, based on legal advice they have received.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation / Policy

Section 2.1 of the *Local Government Act 1995* relating to the State divided in to districts.

Schedule 2.1 of the *Local Government Act 1995* relating to Provisions about creating, changing the boundaries of and abolishing districts.

Budget/Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

Risk Management

Without the City of Nedlands submitting a proposal to the Local Government Advisory Board, these residents could be left outside of local government boundaries.

Discussion

The boundary adjustment being proposed to amalgamate the City of Subiaco and the Town of Cambridge will result in the loss of 424 rateable properties and approximately 1272 residents (the suburb of Floreat) from the City of Nedlands to the expanded City of Subiaco.

The proposed amalgamation also creates a boundary anomaly in the suburb of Mount Claremont. The City of Nedlands seeks to integrate this area in to its boundary, believing that it will provide certainty to the affected Mount Claremont residents and they will share in a common community of interest.

As detailed below, the City proposes that the City of Nedlands boundary be adjusted to encompass the small sections of adjacent land which will resolve the anomaly.

Mount Claremont

The new City of Subiaco boundary in the area of Mount Claremont does not align with the current City of Nedlands boundary. This leaves a small area of Mount Claremont outside the boundaries of any local government authority. This area is shown in Map 1, attached. This area contains 104 rateable properties and approximately 300 residents.

The City of Nedlands proposes a boundary adjustment to align with the proposed City of Subiaco boundary.

The City of Nedlands will cede 424 rateable properties and 1272 residents to the City of Subiaco when the amalgamation of the City of Subiaco and the Town of Cambridge takes effect.

This adjustment will partially compensate the City of Nedlands for its loss of 424 rateable properties (approximately 5% of the total). The proposed boundary adjustments would result in the following adjustments:

From	To	Rateable properties being transferred to/from the City of Nedlands
City of Nedlands	Town of Cambridge	-424
Town of Cambridge	City of Nedlands	104
Net result for the City of Nedlands		Net loss of 320 rateable properties from the City of Nedlands

This report does not consider the submission of a proposal for any other land area other than that shown in Attachment 1. Other orphaned areas have their own particular issues in terms of the State Government dealing with a new Act, and in relation to the legal challenge by Subiaco.

Administration is in a position to finalise a proposal for lodgement next week, subject to Council resolution to do so.

Conclusion

The boundary adjustment being proposed to amalgamate the City of Subiaco and the Town of Cambridge will result in a small section of Mount Claremont being located outside of any local government boundaries.

Being an affected local government within the meaning of Schedule 2.1 of the *Local Government Act 1995*, Administration recommends that Council submit a proposal to the Local Government Advisory Board to vary the boundary of the district of the City of Nedlands to encompass this section of Mount Claremont.

Attachments

- Map 1 Variation of the boundary of the district of the City of Nedlands to align with the proposed City of Subiaco boundary, so as to include within it the entire suburb of Mount Claremont

Map 1 – Variation of the boundary of the district of the City of Nedlands to align with the proposed City of Subiaco boundary, so as to include within it the entire suburb of Mount Claremont (illustrated by the yellow boundary).



Declaration of Closure

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



Mark Goodlet
Acting Chief Executive Officer