

MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

HELD ON

MONDAY

21 MAY 2012

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON MONDAY, 21 MAY 2012.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor R A Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Deputy Mayor Cr C Robartson
Cr N Pazolli (From 6.34pm), Cr P Reidy
Cr D Macphail
Cr J Barton, Cr S Taylor-Rees
Cr R Hill, Cr B Kinnell
Cr N Foxtton

WARD

Bull Creek/Leeming
Applecross/Mount Pleasant
City
Bicton/Attadale
Palmyra/Melville/Willagee
University

3. IN ATTENDANCE

Mr J Christie	A/Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr P Kellick	A/Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary
Mr C Fitzhardinge (From 6.34pm)	Consultant

At the commencement of the meeting there were no members of the public and one member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Cr Nicholson	City Ward
Cr Reynolds	University Ward
Cr Willis	Bull Creek/Leeming Ward
Cr Pazolli (for late arrival at 6.34pm)	Applecross/Mount Pleasant Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Cr B Kinnell

At 6.32pm Cr Robartson moved, seconded Cr Hill -

That the application for new leave of absence submitted by Cr Kinnell on 21 May 2012 be granted.

At 6.32pm the Mayor submitted the motion, which was declared

CARRIED (9/0)

7. QUESTION TIME

Nil.

8. DECLARATIONS OF INTEREST**8.1 FINANCIAL INTERESTS**

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

9. REPORTS OF THE CHIEF EXECUTIVE OFFICER

C12/5239 – THE CITY OF MELVILLE SUBMISSION TO THE METROPOLITAN LOCAL GOVERNMENT REVIEW DRAFT FINDINGS REPORT APRIL 2012 (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Local Government Reform Project
 Customer Index : Metropolitan Local Government Review Panel
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Marten Tieleman
 Director Corporate Services

AUTHORITY / DISCRETION

DEFINITION

<input checked="" type="checkbox"/>	Advocacy	<i>when the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**C12/5239 – THE CITY OF MELVILLE SUBMISSION TO THE METROPOLITAN LOCAL
GOVERNMENT REVIEW DRAFT FINDINGS REPORT APRIL 2012 (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the City of Melville's suggested response to the Metropolitan Local Government Review Panels Draft Findings Report April 2012 for adoption by the Council prior to submission to the Panel.
- The City's response provides two options that could be undertaken via a boundary change and which would meet the reform objectives espoused by the Minister for Local Government.
- Both options provide for a new City of Murdoch with the Civic hub ultimately being located in or close to the Murdoch Activity Centre.

BACKGROUND

On 24 June 2011 a review of Perth metropolitan local government was announced by the Minister for Local Government, the Hon John Castrilli MLA.

The Metropolitan Local Government Review Panel (MLGRP) was appointed in July 2011 with terms of reference requiring them to:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;
- Identify current and anticipated national and international factors likely to impact in the next 50 years;
- Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review.
- Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
- Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
- Present a limited list of achievable options together with a recommendation on the preferred option.

In October 2011 the Panel released an issues paper as well as providing background and information papers.

Around 250 submissions, including one from the City of Melville, were made in response to requests for submissions on the October 2011 issues paper.

C12/5239 – THE CITY OF MELVILLE SUBMISSION TO THE METROPOLITAN LOCAL GOVERNMENT REVIEW DRAFT FINDINGS REPORT APRIL 2012 (REC) (ATTACHMENT)

Following consideration of the submissions and further consultation the MLGRP have now released their draft findings and have provided the opportunity for further feedback that specifically addresses the draft findings with a closing date for submissions of 25 May 2012.

DETAIL

The City's detailed submission is included as [5239 Metropolitan Local Government Review City of Melville Submission 16 May 2012](#) and will therefore not be repeated in this section of the report.

PUBLIC CONSULTATION/COMMUNICATION

No specific public consultation/communication has been undertaken by the City in the preparation of this response. Individuals can make submissions to the review panel on-line on their web-site at

<http://metroreview.dlg.wa.gov.au/Content/Comments/FindingsComment.aspx>

Consultation with the community was undertaken in conjunction with a previous Local Government Reform inquiry conducted in 2009.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is responding to a request for submissions/comments from the Metropolitan Local Government Review Panel appointed by the Minister for Local Government. The City engaged the services of Berkelium Consulting to undertake the initial response to the original Issues Paper released by the MLLGRP and the attached submission in response to their requests for submissions on their Draft Findings Report.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.1 of the Local Government Act 1995 is applicable to the issued of Local Government boundary changes and amalgamations. An extract of this section is shown in italics below.

2.1. State divided into districts

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
 - (a) *declaring an area of the State to be a district;*
 - (b) *changing the boundaries of a district;*
 - (c) *abolishing a district; or*
 - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.*

C12/5239 – THE CITY OF MELVILLE SUBMISSION TO THE METROPOLITAN LOCAL GOVERNMENT REVIEW DRAFT FINDINGS REPORT APRIL 2012 (REC) (ATTACHMENT)

- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 referred to in sub-section (2) above contains extensive provisions regarding boundary changes and amalgamations.

FINANCIAL IMPLICATIONS

The direct costs of responding to the review are approximately \$12,000. Indirect costs associated with staff and elected member time, report preparation and printing etc. would be considerably greater than this.

Whilst accurate costs of Local Government Reform cannot be calculated based on costs associated with reform in other States or previous amalgamations (or de-amalgamations) that have been undertaken in WA it is clear that very significant costs would be incurred in the medium term should Cities be amalgamated into new Cities. The costs associated with boundary changes, whilst still significant, would be substantially less.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic and risk implications of Local Government Reform to the City as a corporation are very significant in that it could mean the cessation of the City of Melville in its present form.

There is likely to be no Environmental risks associated with Local Government Reform.

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The Strategic Risk Review recently undertaken with input from the Council identified Local Government Reform as a strategic risk as follows:

Risk Statement	Level of Risk	Risk Mitigation Strategy
The impact of Local Government Reform on the City of Melville (as a corporation)	Major consequences which are possible, resulting in a High level of risk	<p>Current risk mitigation strategies that have been put in place have been management and elected member initiatives to ensure that the City is demonstrated to be and acknowledged as a best practice industry leader through the application of good governance, business excellence and accredited quality systems and approaches, integrated Community, Strategic, Asset Management, Workforce and Long Term Financial Planning accompanies by a strong community engagement and Neighbourhood Management approach.</p> <p>This submission seeks to demonstrate that a new City of Murdoch achieved through boundary change will meet all the objectives sought by the Minister for Local Government</p>

POLICY IMPLICATIONS

There is no Council Policy that relates to Local Government Reform however the 2009 submission adopted by Council in response to the 2009 Local Government Reform enquiry noted the City's desire to include all the suburb of Leeming into the City of Melville as well as a boundary adjustment with the City of Fremantle to redefine the boundary to be Stock Road between it's intersections with South Street and Leach Highway.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City of Melville identifies two options that would ensure the reform objectives as stated by the Minister of Local Government. There will be numerous other options put forward by other Local Governments, the implications of which may be wide ranging reform or for there to be no change.

C12/5239 – THE CITY OF MELVILLE SUBMISSION TO THE METROPOLITAN LOCAL GOVERNMENT REVIEW DRAFT FINDINGS REPORT APRIL 2012 (REC) (ATTACHMENT)**CONCLUSION**

Whilst the City of Melville is currently considered to be efficient, effective and sustainable in its present form, the attached Submission responds to the Minister for Local Governments desire for Local Government reform expressed in the Terms of Reference under which the Metropolitan Local Government Review Panel was established, and more specifically the term of reference that required them to *“Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.”*

The Submission recognises the rapidly emerging importance of the Murdoch Activity Centre which incorporates the major facilities of Fiona Stanley and St John of God Murdoch Hospitals and associated support services, the Murdoch Train Station being the station with the highest boardings aside from the Perth CBD and the Murdoch University. The Submission highlights that the Murdoch Activity Centre will become the largest employment centre outside of the Perth CBD and responds to the importance of the Centre to the Perth Metropolitan Region by defining it as a future civic hub for a new City of Murdoch with a projected 2026 population of 213,375 (Option A) or 224,916 (Option B).

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5239)**APPROVAL**

At 6.34pm Cr Robartson moved, seconded Cr Kinnell -

That the attached submission from the City of Melville to the Metropolitan Local Government Review Draft Findings [5239 Metropolitan Local Government Review City of Melville Submission 16 May 2012](#) be endorsed and submitted to the Metropolitan Local Government Review Panel prior to the closing date for submissions of 25 May 2012.

At 6.34pm Cr Pazolli entered the meeting.

At 6.34pm Mr C Fitzhardinge entered the meeting.

At 7.02pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 7.03pm.