

agenda

Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A
SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP WILL BE HELD IN
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON TUESDAY, 2 APRIL 2013

COMMENCING AT 6.45pm

PURPOSE OF MEETING

The purpose of the meeting is to give consideration to the:

- Local Government Reform – City of Joondalup submission

GARRY HUNT
Chief Executive Officer
28 March 2013

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on Tuesday, 2 April 2013

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

Please Note: Section 7(4) (b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.

QUESTIONS TO
council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
 - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the *FOI Act 1992*.

Questions in Writing - Residents and /or Ratepayers of the City of Joondalup Only

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the *FOI Act 1992*.

DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

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LATE ITEMS / ADDITIONAL INFORMATION

In the event that further documentation becomes available prior to this Special Council meeting, the following hyperlink will become active:

[Additional Information020413.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 2 April 2013** commencing at **6.45pm**.

GARRY HUNT
Chief Executive Officer
28 March 2013

Joondalup
Western Australia

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

(Please Note: Regulation 7(4)(b) of the *Local Government (Administration) Regulations 1996* states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

3 PUBLIC STATEMENT TIME

Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

4 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Brian Corr	4 April to 13 April 2013 inclusive.
Cr Kerry Hollywood	1 May to 26 May 2013 inclusive.

5 DECLARATIONS OF INTEREST

6 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

7 ITEMS OF BUSINESS**JSC01-04/13 METROPOLITAN LOCAL GOVERNMENT REVIEW FINAL REPORT – CITY OF JOONDALUP SUBMISSION**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101870, 101515
ATTACHMENTS	Attachment 1 Metropolitan Local Government Review Final Report <i>(Please Note: This document is only available electronically)</i> Attachment 2 Metropolitan Local Government Review Final Report – Summary Attachment 3 City of Joondalup Submission to the Metropolitan Local Government Review Final Report Attachment 4 WALGA Metropolitan Local Government Review Final Submission Attachment 5 Planning Context Report – Exploring Potential Metropolitan Local Government Amalgamations
AUTHORITY / DISCRETION	Executive — The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to endorse the City's response to the *Metropolitan Local Government Review Panel's Final Report*.

EXECUTIVE SUMMARY

The Metropolitan Local Government Review Panel (the panel) released its final report in relation to the proposed reform of local government in the Perth Metropolitan Area, in October 2012 with submissions due on 5 April 2013.

The City's submission is based, where possible, on endorsed Council positions (previous reform reports CJ078-04/09, CJ248-12/11 and CJ083-05/12 refer), however, it is acknowledged that the Council has not yet adopted formal positions on a number of the recommendations. The City's response to the panel's final report aims to be brief in its approach, focusing on a defined position in relation to each of the recommendations. As such, it is recommended that the City's response to the final report be read in conjunction with its previous submissions to the panel for further explanatory remarks.

BACKGROUND

On 24 June 2011 the then Minister for Local Government, Hon John Castrilli MLA, announced an independent review of Perth metropolitan local government and broader governance structures.

The then Minister appointed an independent panel, the Metropolitan Local Government Review Panel, to examine the social, economic and environmental challenges facing metropolitan Perth.

The panel was chaired by Professor Alan Robson, Vice Chancellor of The University of Western Australia. Other members were Dr Peter Tannock, former Vice Chancellor of the University of Notre Dame Australia and Dr Sue van Leeuwen, Chief Executive Officer of Leadership WA.

The Terms of Reference of the independent Metropolitan Governance Review Panel were 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.*

The panel was asked by the then Minister for Local Government to report on the above by June 2012.

The panel released an *Issues Paper* in October 2011 and the City completed a review of the *Metropolitan Local Government Review Panel Issues Paper* and developed a submission which was presented to Council at its meeting held on 13 December 2011 (CJ248-12/11 refers).

The panel subsequently released its *Metropolitan Local Government Review Panel Draft Findings* for comment, with submissions due by 25 May 2012.

The panel released the draft findings after considering the submissions received from a diverse range of community members and stakeholders, the discussions it had with representatives of local governments and other organisations, and the background and research material provided to it during the period of the review.

The panel's draft findings outlined the panel's preliminary thoughts on possible options to improve Perth's local government arrangements, and were structured around three main themes:

- Reforming relationships, roles and functions.
- An ideal structure of local government in metropolitan Perth.
- Improving governance.

The City prepared a response to each of the key findings posed in the draft findings which were, in the main, based on the City's submission to the Metropolitan Local Government Review Panel in December 2011 and previously endorsed positions. At its meeting held on 15 May 2012 (CJ083-05/12 refers) Council endorsed a submission in response to the Metropolitan Local Government Review Panel's request for comment on its *Metropolitan Local Government Review Panel Draft Findings Paper (April 2012)*.

Further to the drafting of a response to each of the key findings, the City participated in a study undertaken by Planning Context, commissioned by the City of Armadale, acting on behalf of a group of 20 metropolitan local governments ('G20'), to assist in the preparation of potential submissions for individual local governments on the Metropolitan Local Government Reform process.

The purpose of the brief was to develop and present alternative models for a possible future local government structure for the Perth metropolitan region and that one model was to be selected by the G20 as being preferred. While it is important to note that the G20 local governments strongly support a process of voluntary amalgamations, they believe, however, that if the State Government pursues a process of compulsory amalgamations they wish to propose a preferred map.

Following a process of consultation with individual local governments, six options for local government amalgamation were developed, together with six variations to boundaries within those options. The report titled *Exploring Potential Metropolitan Local Government Amalgamations* is provided as Attachment 5.

DETAILS

Issues and options considered

The *Metropolitan Local Government Review Panel's Final Report* was released in October 2012.

The panel has unanimously made 30 recommendations, in accordance with its Terms of Reference, which it considers will build the strength, capacity, effectiveness and authority of local government.

Comments are invited on the panel's report until 5 April 2013.

The City of Joondalup has developed its response based on previous Council positions, established policy positions, and an information session conducted with Elected Members on 5 February 2013 to discuss the panel's recommendations. The WA Local Government Association (WALGA) paper developed to assist local governments in their deliberations and the outcome of the Interested Metropolitan Mayors and Presidents study undertaken by Planning Context was also used to inform discussion.

The WALGA State Council endorsed its position at the March 2013 State Council meeting. The submission is based on WALGA's two previous submissions to the Metropolitan Local Government Review, established policy positions and feedback received from the local government sector. The City of Joondalup participated in development of this position through provision of its draft positions and the WALGA North Zone meetings.

A group of Interested Metropolitan Mayors and Presidents was established following the adoption of the WALGA proposal to draft a governance model based on 15 to 20 local governments (or to develop a governance model without a specified number of new local governments). The group considered that there is an alternative option that many local governments will endorse, and as such employed Planning Context to draft a map showing alternative revised local government boundaries, including some financial modelling to provide a more robust recommendation to the State Government. The City of Joondalup agreed to participate in the spirit of cooperation and willingness to explore local government determining its own future.

A copy of the Planning Context report titled *Exploring Potential Metropolitan Local Government Amalgamations* is provided as Attachment 5.

Following a process of consultation with individual local governments, six options for local government amalgamation were developed, together with six variations to boundaries within those options as follows:

- Option A - 22 local governments (Two suggested boundary adjustments).
- Option B - 20 local governments (One suggested boundary adjustment).
- Option C - 18 local governments (Two suggested boundary adjustments).
- Option D - 16 local governments (Two suggested boundary adjustments).
- Option E - 15 local governments (One suggested boundary adjustment).
- Option F - 9 local governments (Could include the Panel's 12 local governments option).

These options and variations were presented to a workshop attended by the Mayors and Chief Executive Officers of the G20 at the City of Stirling on 11 March 2013 and a vote was held to select a preferred option.

The voting process resulted in Option D (16 local governments) being selected as the most preferred option for amalgamation. The second preferred option was 18 local governments and the third was 15 local governments.

Option D involves the amalgamation of 14 local governments with the following being directly affected:

- Armadale and Serpentine-Jarrahdale.
- Fremantle and East Fremantle.
- Bayswater and Bassendean.
- Vincent and Perth.
- South Perth and Victoria Park.
- Cambridge, Subiaco, Nedlands, Claremont, Cottesloe, Peppermint Grove and Mosman Park.
- Cockburn and Kwinana.
- Swan and Mundaring.
- Belmont and Kalamunda.

Option D for 16 local governments sees the local governments of Wanneroo, Joondalup, Stirling, Melville, Canning, Gosnells and Rockingham unaffected. It results in all local governments having a population of about 100,000 or more by 2026, with the exception of the amalgamated local governments of Fremantle and East Fremantle, and Perth and Vincent.

The Planning Context report stresses that there needs to be acknowledgement there is no perfect solution or 'magic number' to amalgamations. Each option has its advantages and disadvantages. Planning Context, in preparing the range of options for amalgamation used the following principles:

- Joining up the smaller local governments to increase scale.
- Consideration of the local government's ability to look after regional assets.
- Improved employment self-sufficiency.
- Regional planning objectives supporting development of Centres, Corridors and Gateways.
- Share of a community of interest.
- Logical physical or road/rail boundaries.

The report provides a range of data related to the options and financial capacity and ability to meet the above principles. The City of Joondalup fares well and no boundary amendments are proposed.

In relation to the City of Joondalup's submission to the Metropolitan Local Government Review Final Report there are two options for the Council's consideration:

Option 1

The Council may adopt the positions as presented in the City of Joondalup submission to the Metropolitan Local Government Review Final Report, with no change.

Option 2

The Council may adopt the positions as presented in the City of Joondalup submission to the Metropolitan Local Government Review Final Report, with amendment.

Of particular interest is recommendation 15 which relates to the number of local governments proposed under any reform model, specifically that a new structure of local government in metropolitan Perth be created through specific legislation which reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of the panel's report.

The City of Joondalup, in relation to recommendation 15, currently supports reducing the number of local governments in metropolitan Perth to between 10–12.

The WALGA preferred governance model is for metropolitan Perth to be governed by approximately 15-20 local governments.

Option D of the Planning Context Report proposes 16 local governments with the local governments of Wanneroo, Joondalup, Stirling, Melville, Canning, Gosnells and Rockingham remaining unaffected.

The Council may wish to consider revising its position given the positions of the WALGA and the G20.

Option 1 is the preferred option given that the City of Joondalup is proposed to remain unchanged under the panel's recommended model. This may alter should Council determine that another preferred number of local governments be examined, the implications of which have not been assessed by the City.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Participate in State and Federal policy development processes affecting local government.

Policy Not applicable.

Risk management considerations

Providing a response to the *Metropolitan Local Government Review Panel's Final Report* provides the City with an opportunity to comment on the proposed governance models and boundaries for local governments in the Perth metropolitan area and, therefore, the future purpose and role of local government.

Financial/budget implications

Not applicable.

Regional significance

The City is a leading local government within the metropolitan area and a significant partner for the north-west metropolitan region and it is therefore important to respond to the *Metropolitan Local Government Review Panel's Final Report*.

One of the recurring themes highlighted in the City's submissions is the need for improved local government arrangements through better intergovernmental relations and regional approaches.

Sustainability implications

Local governments have a key role to play in ensuring the sustainability of their communities and the City's submission includes a number of references to the City's long term sustainability and improved outcomes for the community.

Consultation

The previous Minister for Local Government has released the report for extensive public comment with all comments due by 5 April 2013. Information on the report has been included on the City's web site encouraging the community to provide comments.

COMMENT

It is considered that the *Metropolitan Local Government Review Panel's Final Report* provides an opportunity for the City of Joondalup, and local government in general, to comment on issues that are fundamental to the reform of local government in the metropolitan area.

The City of Joondalup is of the view that improvements can be made to local government arrangements in the Perth metropolitan area however improvements need to take a broader view than the adequacy of the current state of local government and take a more holistic view, examining the intergovernmental relations between Federal, State and local government, and the respective roles and responsibilities between the three spheres of government.

Within the context of the panel's research, the City believes it is uniquely positioned to demonstrate how a major reform process can result in the creation of a progressive and sustainable local government with appropriate capacity and size to deliver high quality services to its electors.

It is proposed that the Council endorse the City's submission (as shown in Attachment 3) in relation to the panel's recommendations. The City's submission should be read in conjunction with its previous submissions in relation to the Metropolitan Local Government Review.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **ENDORSES** the City of Joondalup submission, provided as Attachment 3 to Report JSC01-04/13, in response to the Metropolitan Local Government Review Panel's request for comment on its Metropolitan Local Government Review Panel's Final Report (July 2012);
- 2 **NOTES** that the City of Joondalup Submission referred to in Part 1 above will be forwarded to the WA Local Government Association;
- 3 **NOTES** the WA Local Government Association's Submission, provided as Attachment 4 to Report JSC01-04/13, in response to the Metropolitan Local Government Review Panel's request for comment on its Metropolitan Local Government Review Panel's Final Report (July 2012);
- 4 **NOTES** the Planning Context report Exploring Potential Metropolitan Local Government Amalgamations, provided as Attachment 5 to Report JSC01-04/13.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn020413.pdf](#)

8 CLOSURE

APPENDICES

ITEM	TITLE	APPENDIX	PAGE	
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**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called