

01-005-03-0003



South East Metropolitan Zone

Minutes

25 November 2020

South East Metropolitan Zone

Hosted by the Town of Victoria Park

99 Shepperton Road, Victoria Park – 9311 8111

Wednesday 25 November 2020, commenced at 6:00 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Armadale

Cr Emma Flynn
Mayor Ruth Butterfield
Mr Paul Sanders, Executive Manager, Development Services – non-voting delegate

City of Canning

Cr Tim Porter
Cr Mark Bain

City of Gosnells

Cr Julie Brown
Mayor David Goode JP
Mr Ian Cowie, Chief Executive Officer - non-voting delegate

City of South Perth

Cr Carl Celedin
Mr Geoff Glass, Chief Executive Officer – non-voting delegate

Town of Victoria Park

Cr Bronwyn Ife - **Chair**
Mayor Karen Vernon
Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate

WALGA Secretariat

Tony Brown, Executive Manager Governance and Organisational Services
Chris Hossen, Senior Planner

DLGSC Representative

Shannon Wood, Manager Local Government Executive Support
Chloe Papasurgio, Business Support and Engagement Officer

Guest Speakers

APOLOGIES

City of Canning

Mr Arthur Kyron Chief Executive Officer – non-voting delegate

City of South Perth

Cr Samantha Bradder

City of Armadale

Ms Joanne Abbiss, Chief Executive Officer – non-voting delegate

ANNOUNCEMENTS

Confirmation of Attendance, an attendance sheet was circulated prior to the commencement of the meeting.

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda prior to the Zone meeting, to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date.

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

ATTACHMENTS WITHIN THE AGENDA

1. Draft Minutes of the previous meeting
2. Zone Status Report
3. Tennis West Correspondence
4. President's Report
5. Standing Orders

1. DECLARATION OF INTEREST

Nil

2. DEPUTATIONS

Nil

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Emma Flynn

That the Minutes of the meeting of the South East Metropolitan Zone held on 26 August 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

A Status Report outlining the actions taken on the Zone's resolutions is enclosed as an attachment.

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

Matters for Decision

5.1 Local Government Act Review Advocacy Paper – Key Issues From Recent Inquiries into Local Government

That:

1. Ongoing advocacy relating to the Review of the Local Government Act 1995 be noted; and,
2. The Advocacy Positions for a New Local Government Act: Key issues from recent Inquiries into Local Government – be endorsed.

RESOLUTION

Moved: Mayor Ruth Butterfield
Seconded: Cr Tim Porter

That the South East Metropolitan Zone:

1. Supports item 5.1 as listed above in the 2 December 2020 State Council Agenda.

AMENDMENT

Moved: Mayor Karen Vernon
Seconded: Cr Bronwyn Ife

That Resolution be amended to add a second point that states:

2. Notes that not all members of the Zone agree with all elements of the Advocacy Position.

LOST

RESOLUTION

Moved: Mayor Ruth Butterfield
Seconded: Cr Tim Porter

That the South East Metropolitan Zone:

1. Supports item 5.1 as listed above in the 2 December 2020 State Council Agenda

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

5.2 Submission – Registration of Building Engineers in WA

That WALGA:

1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported.
2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool, Patio installers and Demolition contractors.
3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers.
4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement.

MOTION

Moved: Cr Tim Porter
Seconded: Cr Carl Celedin

Supports item 5.2 as listed above in the 2 December 2020 State Council Agenda

AMENDMENT

Moved: Cr Emma Flynn
Seconded: Mayor Karen Vernon

That the words 'Demolition Contractors' be deleted from point 2 of Item 5.2 of the 2 December 2020 State Council Agenda.

RESOLUTION AS AMENDED

Moved: Cr Tim Porter
Seconded: Cr Carl Celedin

That the South East Metropolitan Zone supports item 5.2 as amended below:

That WALGA:

- 1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported.**
- 2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool, and Patio installers.**
- 3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers.**
- 4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement.**

CARRIED

5.3 Family and Domestic Violence and the Role of Local Governments

That:

- 1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.**
- 2. WALGA advocates to the State Government:**
 - a. to define and communicate the role, responsibilities and expectations of Local Governments in family and domestic violence.**
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.**
 - c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.**
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.**
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.**
- 3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.**

MOTION

Moved: Mayor Karen Vernon
Seconded: Cr Carl Celedin

Supports item 5.3 as listed above in the 2 December 2020 State Council Agenda

AMENDMENT

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That point 2.a of item 5.3 in the 2 December 2020 State Council Agenda be deleted.

LOST

SUBSTANTIVE MOTION

Moved: Mayor Karen Vernon
Seconded: Cr Carl Celedin

That the South East Metropolitan Zone

- 1. Supports item 5.3 as listed above in the 2 December 2020 State Council Agenda.**

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

5.4 Underground Power

That Local Government supports the:

- 1. continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.
- 2. development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.
- 3. development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.
- 4. opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).

RESOLUTION

Moved: Mayor Ruth Butterfield
Seconded: Mayor David Goode

That the South East Metropolitan Zone supports item 5.4 as listed above in the 2 December 2020 State Council Agenda.

CARRIED

5.5 CEO Recruitment and Selection, Performance Review and Termination Standards Regulations

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
 - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
 - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
 - c) The retention of Regulation 18C of the *Local Government (Administration) Regulations*;
 - d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO;
 - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and
 - f) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That the South East Metropolitan Zone supports item 5.5 as listed above in the 2 December 2020 State Council Agenda.

CARRIED

5.6 Model Code of Conduct for Council Members, Committee Members and Candidates Regulations

That WALGA generally supports the *Local Government (Model Code of Conduct) Regulations 2020* with the following recommendations:

- a) Amend Division 2, Clause 4(d) to read *'identify and appropriately manage any conflict of interest'*;
- b) Does not support the inclusion of local level complaints about alleged behavioural breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and

Supports an external oversight body to manage local level complaints involving council members as prefaced in the *Local Government Review Panel Report, City of Perth Inquiry Report* and *Select Committee into Local Government Report*, to be considered in a future Local Government Act.

RESOLUTION

Moved: Mayor David Goode
Seconded: Cr Julie Brown

That the South East Metropolitan Zone supports item 5.6 as listed above in the 2 December 2020 State Council Agenda.

CARRIED

5.7 Items Matters for Noting

Matters for Noting

- 6.1 Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper
- 6.2 Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015
- 6.3 Interim Review – State Planning Policy 3.1 Residential Design Codes
- 6.4 State and Federal Budgets
- 6.5 Noongar Heritage Agreement for Local Government
- 6.6 Aboriginal Cultural Heritage Bill Consultation
- 6.7 Local Government Animal Welfare in Emergencies Grant Program
- 6.8 2020 Annual General Meeting
- 6.9 COVID-19 - Update

RESOLUTION

Moved: Mayor Ruth Butterfield
Seconded: Cr Mark Bain

That the South East Metropolitan Zone notes those items listed in Item 5.7 in the 2 December 2020 State Council Agenda.

CARRIED

6. BUSINESS

6.1 The Cost of Revaluations

By Ian Cowie PSM, CEO City of Gosnells

BACKGROUND

The City of Gosnells received an invoice for \$389,000 from the Valuer General to cover the cost of the City's triennial revaluations. This is clearly a significant amount and the City questioned the invoice on several grounds with the most significant being the apportionment of the revaluation cost between the three bodies that need the revaluation: the Local Government; the Water Corporation; and the Department of Fire and Emergency Services (DFES) for the Emergency Services Levy (ESL).

The Valuer General has confirmed that in relation to properties where each of the three bodies needs the valuation, the cost of the valuation is apportioned in the following way:

- Local Government 39%
- Water Corporation 39%
- DFES 22%

The Valuer General has indicated that this apportionment is not prescribed in legislation but is a matter of precedent most likely established by a former Valuer General. He further noted that it was probably implemented on the basis that DFES was collecting substantially less money through the ESL than the Water Corporation or the relevant Local Government.

COMMENT

The City completely rejects this basis for apportionment which does not happen in any other type of purchase. That is, if you need something, you pay the price of the product, regardless of how much use you will make of it or the satisfaction it will give you. For example, if a person buys a car to use each day for work, that person pays exactly the same as a person who buys the same car as a weekend runabout.

The City takes the position that where each of the three bodies requires the valuation, the costs should be distributed equally on a one-third basis. Consequently, it is requested that WALGA adopt this as a key advocacy position. However, taking this approach does not come without risk. That is, the State Government has ultimate control and could pass legislation to require Local Governments to pay 39%; or, at worst, even increase the Local Government share. It is argued that these risks (the first which merely formalises the current payment arrangement) should not stop the local government sector seeking equality.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That WALGA advocate for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.

CARRIED

6.2 2021 Proposed Schedule of Meetings

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the South East Metropolitan Zone 2021 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

Please note that the week of Zone meetings has been shifted back by one week. This change has been made to allow the secretariat to provide feedback from Zones to State Council members, with an appropriate time frame to consider the responses before State Council meeting.

The proposed meeting dates for the South East Metropolitan Zone for 2021 require adoption by delegates.

As with previous years, the venue for each meeting has been rotated amongst Members.

NOTICE OF MEETINGS SOUTH EAST METROPOLITAN ZONE 2021

| Zone Meeting Dates Wednesday | Time | HOST COUNCIL | State Council Meeting Dates 2021 |
|---|----------------------|---------------------|---|
| 17 February | Wednesday 6.00 pm | City of Armadale | Wednesday 3 March 2021 |
| 21 April | Wednesday 6.00 pm | City of Canning | Regional Metro Wednesday 5 May 2021 |
| 23 June | Wednesday 6.00 pm | City of Gosnells | Wednesday 7 July 2021 |

| | | | |
|--------------------|----------------------|--------------------------|--|
| 18 August | Wednesday 6.00 pm | City of South Perth | Regional Meeting 2-3 September 2021 |
| 17 November | Wednesday 6.00 pm | Town of Victoria Park | Wednesday 1 December 2021 |

RESOLUTION

Moved: Mayor David Goode
Seconded: Cr Emma Flynn

That the 2021 proposed schedule of meetings for the South East Metropolitan Zone be adopted.

CARRIED

6.3 Request to Present – Prioritisation of Order

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

Presentations with Zones have been very popular in 2020. There have been more than usual requests to present and as per the South East Metropolitan's request that there is no more than one presentation per meeting, each meeting will have a request to present item at this point until June 2021.

Outlined below is the approved by the Zone presentations along with presentations that are waiting to have approval to present:

Zone Approved

- Grow it Local – This presenter has had to be rescheduled due to WA's hard border closure as is based in ACT.
- Dr Christina Pollard – Food Security, in order of request will be scheduled for April 2021.

To be Zone Approved

- Department Planning, Lands and Heritage – Presenting on the new legislation of the template Noongar Heritage Agreement.
- NBN Co – Presenting on the nbn business grade products and services available to local businesses to support innovation, productivity, jobs growth and local economic recovery in your communities and how NBN Co is supporting residents, small business owners, seniors and vulnerable community members and groups with digital literacy to build their skills, knowledge and know-how and helping them to live, learn and work a digital society.
- Tennis West – Please refer to attached correspondence that outlines the topics of interest that Tennis West would like the opportunity to present on.

COMMENT

In providing this information to the Zone, it may be that the Zone would like to continue as planned with the presentations scheduled as they are or by assessment of priority for the South East Metropolitan Zone, consider changing the order of the presentations, should the Zone wish to approve all the presentations as listed.

Recommendation is for the Zones consideration.

RESOLUTION

Moved: Cr Carl Celedin
Seconded: Mayor Ruth Butterfield

That the approved presentations in order of preference and priority listed below be invited to attend and present to the South East Metropolitan Zone meetings.

1. Department of Planning, Lands and Heritage – Noongar Heritage Agreement
2. Dr Christina Pollard – Food Security
3. NBN Co.
4. Grow it Local
5. Tennis West

CARRIED

7. OTHER BUSINESS

Cr Bain queried the WALGA administration for an update on the issue of vandalism in regional parks. WALGA to report back to the Zone on any recent information received.

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The WALGA representative presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor, Julie Brown presented on the previous State Council meeting.

Noted

8.3 Department of Local Government, Sport and Cultural Industries Representative Update Report.

Shannon Wood, from the Department of Local Government, Sports and Cultural Industries updated the Zone on DLGSC issues.

Please also see link below to the full update:

[Local Matters November 2020](#)

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

Moved: Mayor Ruth Butterfield
Seconded: Cr Emma Flynn

That the next ordinary meeting of the South East Metropolitan Zone be held on Wednesday 17 February 2021 at the City of Armadale commencing at 6:00 pm.

CARRIED

10. CLOSURE

There being no further business the Chair declared the meeting closed at 7:38pm.