

East Metropolitan Zone

Minutes

20 April 2023

East Metropolitan Zone

Hosted by the City of Belmont

Function Room, 215 Wright Street Cloverdale – Phone 9477 7222

Thursday 20 April 2023. Commenced at 6:30 pm

Acknowledgement of Country

We, the Zone members acknowledge the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where this meeting is being held and we acknowledge and pay respect to Elders past and present.

Minutes

MEMBERS

3 Voting Delegates from each Member Council

Town of Bassendean	Cr Jennie Carter
City of Bayswater	Cr Catherine Ehrhardt Cr Josh Eveson Mr Jeremy Edwards, Chief Executive Officer non-voting delegate
City of Belmont	Mayor Phil Marks Cr Bernie Ryan
City of Kalamunda	Mr Gary Ticehurst, A/Chief Executive Officer non-voting delegate
Shire of Mundaring	Cr John Daw Cr Jo Cicchini (Deputy)
City of Swan	Cr Aaron Bowman – Acting Chair Cr Patty Jones Cr Rashelle Predovnik Mr Stephen Cain, Chief Executive Officer non-voting delegate
WALGA Secretariat	Mr Nick Sloan, Chief Executive Officer Mr Ian Duncan, Executive Manager Infrastructure Ms Melanie Davies, Biodiversity & Sustainability Project Officer
Guest Speakers	Rebecca Properzi, A/Manager Programs, DWER and Bree Jennings, State Coordinator, WA Plastic Free

APOLOGIES

Town of Bassendean	Cr Emily Wilding Cr Renee McLennan Mr Cameron Woods, Chief Executive Officer non-voting delegate
City of Bayswater	Cr Giorgia Johnson – Chair

City of Belmont	Cr Deborah Sessions Cr George Sekulla Mr John Christie, Chief Executive Officer non-voting delegate
City of Kalamunda	Cr Brooke O'Donnell Cr Janelle Sewell Cr Sue Bilich Ms Rhonda Hardy Chief Executive Officer non-voting delegate
Shire of Mundaring	Cr Doug Jeans Cr Paige McNeil – Deputy Chair Mr Jonathan Throssell, Chief Executive Officer non-voting delegate
DLGSC Representative	

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ANNOUNCEMENTS

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 to your Council for distribution to Zone Delegates.

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

ATTACHMENTS WITHIN THE AGENDA

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

The Zone Chair Cr Giorgia Johnson (City of Bayswater) and Deputy Chair Cr Paige McNeil (Shire of Mundaring) were both apologies.

Cr Aaron Bowman (City of Swan) was nominated unopposed to Chair the meeting.

1. DECLARATION OF INTEREST

Nil

2. DEPUTATIONS

2.1 Plastic Free Places Program

As requested by the Zone, Rebecca Properzi from DWER and Bree Jennings from Boomerang Alliance provided a presentation to members on the Plastic Free Places program.

Rebecca discussed how the State Government's journey towards zero waste commenced in 2018 with the plastic bag ban. The impact of single use plastics are multiple, include harm to wildlife, the energy footprint involved in the production of plastic, and the human health impact of microplastics. In Australia, only 12-14% of plastic is recycled.

[WA's Plan for Plastics](#) introduced regulations to ban single-use plastic items in a two-staged approach. Stage 1 regulations are complete and ban a range of plastic items including single use plastic bags, straws, helium balloon releases and more. The regulations for Stage 2 came into effect on 27 February 2023 and ban nine new items, including plastic or plastic lined coffee cups and lids, produce bags, food trays for raw meat and seafood and polystyrene packaging. There will be transition periods for businesses, with items to be phased out between 1 September 2023 and 1 July 2025. For example, the use of plastic coffee cups will be banned from 1 March 2024.

Boomerang Alliance has been engaged by the State Government to assist businesses with behaviour change through the provision of support and advice. Bree is meeting with Local Governments to help them understand the regulations and support businesses in the transition.

The WA State Government is leading the way in Australia in the reduction of single use plastics. Similar journeys are underway in other States and Territories. There is a desire at the federal level to have national harmonisation of regulations.

Attachment 1: WA's Plan for Plastics presentation

3.2 Department of Local Government, Sport and Cultural Industries Update

The Department of Local Government, Sport and Cultural Industries representative was an apology for this meeting. An update was provided with the agenda.

Noted

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Catherine Ehrhardt
Seconded: Cr John Daw

That the Minutes of the Ordinary Meeting of the East Metropolitan Zone held 16 February 2023 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

(Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)

The full State Council Agenda can be found via link: [State Council Agenda 3 May 2023](#)

Matters for Decision

7.1 Best Practice Governance Review – Feedback on Governance Model

That:

1. This report summarising feedback from Members on the Best Practice Governance Review Final Report be received; and
2. Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:
 - a. Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and
 - b. Refine the constitution to address inconsistencies and other issues while maintaining the current governance model.

Zone comments: Cr Ehrhardt noted that at the last State Council meeting on 1 March 2023, there was some misunderstanding amongst State Councillors on the data from the consultation period. Cr Ehrhardt clarified that Model 1 and status quo are the two available options, while Cr Daw clarified that the status quo option would address some issues identified with the current governance model.

7.2 Department of Local Government, Sport and Cultural Industries' Child Safe Awareness Policy Template

That State Council:

1. Supports the draft Child Safe Awareness Policy Template being provided to Local Governments to assist with their implementation of Recommendation 6.12 of the Royal Commission (Child Safety Officers in Local Government); and
2. Notes the Department of Local Government, Sport and Cultural Industries' commitment to providing ongoing support and resourcing assistance to Local Governments to assist with implementation of the draft Child Safe Awareness Policy Template and other relevant actions relating to child safeguarding, through the Child Safeguarding Implementation Unit.

7.3 Abandoned Shopping Trolleys Advocacy Position

That State Council endorse the following position on Abandoned Shopping Trolleys:

The Local Government Sector advocates for State Government to consult with the Sector and prioritise legislative reforms that require retailers to contain shopping trolleys within shopping centre property boundaries, inclusive of enforcement and modified penalty mechanisms that are a realistic economic imperative for retailers to comply with containment requirements.

Zone comments: Mr Stephen Cain commented that abandoned shopping trolleys are a blight on the urban landscape and the issue needs to be addressed. Cr George Sekulla noted abandoned trolleys are a big problem in the City of Belmont. Cr Jo Cicchini noted that the responsibility for abandoned shopping trolleys should not sit with Local Government.

Mr Nick Sloan clarified that the initiative is in the early stages, and the first step is to seek State Council support for an Advocacy Position, so that WALGA can engage with the State Government on the issue, gain support for change, and ensure appropriate resources are allocated to give effect to the agreed mechanisms. If the State Government is not supportive of legislative reforms, other options such as local laws or compliance and enforcement for individuals using trolleys may be investigated.

7.4 Speed Management Reform Advocacy Position

That the Speed Management Advocacy Position as follows, be endorsed:

1. That WALGA supports Local Governments wishing to manage travel speeds, including speed limit changes, as a means of achieving the many health, social and environmental benefits for communities.
2. That Main Roads WA (MRWA) retain the overarching authority for speed limit setting/zoning.

3. That Main Roads WA speed zoning policies and processes be reformed so that Local Governments are more influential in the determination of speed limit decreases or increases for local roads.
 - a. This will include applications that are deemed to be approved when the application:
 - i. is based on assessments by competent Local Government practitioners,
 - ii. contains evidence-based identification of the benefits,
 - iii. contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and
 - iv. includes an engagement strategy for managing community and stakeholder expectations.
 - b. Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it:
 - i. does not meet the above criteria, and
 - ii. provides specific evidence for declining the application.
4. The WALGA seeks to work with Main Roads WA and other stakeholders, to develop a speed management guide for Local Governments.

Zone comments: Cr Jo Cicchini attended WALGA's 2023 Transport and Roads Forum, and queried the need for speed limit reductions of 30 km in local roads with low traffic volumes when statistics show that most road deaths are in country areas. There was concern that any changes to speed limit setting could also be used as a mechanisms to close local roads.

Mr Ian Duncan clarified that Councils want the ability to manage speed limits and consider factors other than traffic movement. Considerations could include adjacent land use, or the desire to facilitate shared use zones where cars, pedestrians and cyclists mix.

7.5 State Road Funds to Local Government Agreement 2023/24 to 2027/28

That the State Roads Funds to Local Government Agreement 2023/24 – 2027/28 be endorsed.

RESOLUTION

Moved: Cr Catherine Ehrhardt
Seconded: Mayor Phil Marks

That the East Metropolitan Zone

- 1. Supports all Matters for Decision as listed above in the May 2023 State Council Agenda; and**
- 2. Notes all Policy Team Reports, Matters for Noting and Organisational Reports as listed in the May 2023 State Council Agenda.**

6. BUSINESS

6.1 Nil

7. OTHER BUSINESS

Cr John Daw noted that the Shire of Esperance's [Cat Local Law 2022](#) was published in the Government Gazette on 8 March 2023. The Local Law covers wandering cats, ensures pets are not a nuisance, and outlines areas where cats are prohibited.

Infringement notices and penalties of \$200 apply if a person commits an offence under the law.

WALGA will share the policy with other Local Governments as a useful template.

Secretariat comment: *The Joint Standing Committee of Delegated Legislation (the Committee) scrutinises Local Law made by Local Government after they are gazetted. As part of that process, the Committee may seek an undertaking to amend a local law. In several instances, the Committee has sought undertakings to amend or repeal Local Government Cat Local Laws following the determination that they exceeded the power of the empowering Act (the Cat Act 2011).*

Past issues have related to the definition of 'nuisance' cats. For example, the Shire of Manjimup Cat Local Law 2020 included the following definition of nuisance:

- a) excretes or urinates on property where the cat does not normally reside or is registered at;*
- b) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;*
- c) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;*
- d) interference which causes material damage to land or other property on the land affected by the interference; or*
- e) (e) is, or is likely to be, injurious or dangerous to the health of any person or domestic or native fauna.*

The Committee considered the definition of 'nuisance' was unreasonable and sought the repeal of the law. Similarly, the Committee sought the removal of specific clauses in the City of Bunbury's Cat Local Law 2018 that related to the definition of 'nuisance'. The City of Kojonup and City of Kwinana have Cat Local Laws gazetted in 2022 that are currently under review by the Committee. Further information can be found in the Committee annual reports from [2019](#) and [2020](#).

The Shire of Esperance's Cat Local Law is yet to be reviewed by the Committee. A review of the Cat Act 2011 has been foreshadowed for 2024 by the Minister for Local Government and is expected to consider the issues of confining cats to premises.

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

Nick Sloan presented the President's Report and highlighted three key projects:

- *Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples*

At its March 2023 meeting, State Council resolved that WALGA:

1. Supports the respectful conversations about constitutional recognition of Aboriginal and Torres Strait Islanders and the Voice to Parliament
2. Requests that the Commonwealth Government ensures that Local Governments and communities are kept informed on the proposal.

Mr Sloan noted that equivalent Associations in other States had similar resolutions, and that WALGA will continue to keep the sector informed ahead of the Referendum.

- *Local Government Act Reforms*

Work is underway on the second tranche of legislative reforms, which are expected to be introduced later this year. These involve, but are not limited to, the establishment of LG Inspector, streamlining regional subsidiaries and Elected Member superannuation.

- *Cyber Security Project*

Significant vulnerabilities have been identified in the IT systems of the sector by the Office of Auditor General. WALGA is developing a business case for consideration by State Government, which aims to assist LGs to strengthen cyber security preparedness and access the WA Cyber Security Unit. Access to assistance would be particularly useful for smaller LGs with limited resources. WALGA will progress the project over the next 6 to 12 months.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor presented on the previous State Council meeting.

Noted

9. NOTICE OF MOTIONS FOR THE FOLLOWING MEETING

Nil

10. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the East Metropolitan Zone be held on 15 June at the City of Belmont commencing at 6:30pm.

A notice of apology for the next meeting was received from Cr Catherine Ehrhardt and Mr Jeremy Edwards, City of Bayswater.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 7.08 pm.