



Central Metropolitan Zone

Minutes

30 August 2018

Central Metropolitan Zone

Hosted by the Town of Mosman Park, 'Memorial Park' Bay View Terrace Mosman Park,
phone 9384 1633

Thursday 30 August, commenced at 6:05 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Town of Cambridge	Cr Rod Bradley Cr Jo McAllister
Town of Claremont	Cr Paul Kelly SC Cr Kate Main
Town of Cottesloe	Mayor Philip Angers Mr Mat Humfrey, Chief Executive Officer non-voting delegate
Town of Mosman Park	Mayor Brett Pollock Cr Jenna Ledgerwood SC Chair Mr Mark Goodlet, Chief Executive Officer non-voting delegate
Shire Peppermint Grove	Cr Charles Hohnen
City of Perth	Mr Andrew Hammond Mr Eric Lumsden
City of Subiaco	Cr Julie Matheson Ms Rochelle Lavery, Acting Chief Executive Officer - non-voting delegate
City of Vincent	Cr Joanne Fotakis (Deputy)
WALGA Secretariat	Mr James McGovern, Manager Governance Mr Ashley Robb, Planning Project Officer
Guest Speakers	Mr Geoff Eves, Main Roads Ms Sheryl Siekierka, DLGC Representative

APOLOGIES

Shire of Peppermint Grove	Mr Don Burnett, Chief Executive Officer
City of Vincent	Cr Roslyn Harley Cr Alex Castle Mr Len Kosova Chief Executive Officer
Town of Claremont	Ms Liz Ledger, Chief Executive Officer
Town of Cottesloe	Cr Sandra Boulter
City of Perth	Mr Robert Mianich, Acting Chief Executive Officer
City of Subiaco	Mayor Penny Taylor
Town of Cambridge	John Giorgi, Acting Chief Executive Officer

ANNOUNCEMENTS

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting to register your name for the Minutes.

ATTACHMENTS WITHIN THE AGENDA

1. Draft Minutes Previous Meeting
2. President's Report
3. Zone Status Report
4. Standing Orders

1. DEPUTATIONS

1.1 Presentation – Addressing the Risk of Losing State and Federal Road Funding

Mr Geoff Eves was appointed to the role of Local Roads Program Manager in August 2016 and has been working with Local Governments and Main Roads WA to improve timely delivery of road improvement projects in the Metropolitan area.

This presentation identified the six major issues that have been found to affect timely road project delivery.

In Brief

At the end of 2016/17 Local Governments in the metropolitan area sought to carry forward \$3.7 million of State BlackSpot funding (48% of budget), \$4.2 million of Federal BlackSpot funding (46% of budget) and \$6.2 million in State Government funded Road Project Grants (21% of funding) largely for projects that were unable to be completed in time. This is consistent with the pattern over many years. State Treasury does not support the carry-over of funds between years, meaning that these dollars are potentially lost from road improvement projects. There is also a significant reputational risk for Local Governments.

The State Road Funds to Local Government Advisory Committee established a project to identify the issues affecting timely project delivery and work with Local Governments to implement corrective actions. The analysis has found that there are long held myths about why State funded road projects cannot be delivered on time.

Noted

1.2 Presentation – Local Government Act Review – Sheryl Siekierka

On 1 August Minister Templeman announced the Government's reforms resulting from phase one of the review of the Act. These cover training, gifts, elected member conduct, CEO recruitment and performance review, public access to information and some administrative efficiencies. The presentation will provide some more detail and allow members to ask questions on these reforms.

The coverage and timeline for phase two of the review was also outlined.

Noted

2. CONFIRMATION OF MINUTES

RESOLUTION

**Moved Commissioner Andrew Hammond
Seconded Cr Paul Kelly**

That the Minutes of the meeting of the Central Metropolitan Zone held on 28 June 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

3. DECLARATION OF INTEREST

Nil

4. BUSINESS ARISING

Nil

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

Items 5.3 and 5.6 were extracted for discussion.

RESOLUTION

**Moved Cr Paul Kelly
Seconded Cr Jo McAllister**

That Central Metropolitan Zone support Items 5.1, 5.2, 5.4, 5.5, 5.7, 5.8, 5.9 and 5.10 within the September 2018 State Council Agenda 'en-bloc'.

CARRIED

Item 5.3 – Interim Submission on Green Paper – Modernising WA's Planning System

RESOLUTION

**Moved Cr Julie Mathieson
Seconded Cr Jo McAllister**

That Central Metropolitan Zone supports Item 5.3 of the September 2018 State Council Agenda.

CARRIED

Item 5.6

RESOLUTION

**Moved Cr Julie Mathieson
Seconded Cr Paul Kelly**

That Central Metropolitan Zone supports Item 5.6 of the September 2018 State Council Agenda.

CARRIED

6. BUSINESS

6.1 Damage to Private Property from Fallen Tree Limbs on Public Land Covered by LGIS

By Cr Julie Matheson, City of Subiaco

The City of Subiaco has requested the issue of Insurance coverage for damage to private property from fallen tree limbs and trees on public land to be discussed.

Information has been requested from LGIS and will be tabled at the meeting.

Action:

WALGA will coordinate provision of additional comment from LGIS detailing all claims for tree damage across the Local Government sector to help the Zone assess the potential quantum values associated the City of Subiaco proposal. WALGA will also seek out an independent presenter with a background in the insurance industry to attend the November 2018 Zone meeting and provide comment and opportunity to ask questions on this issue.

6.2 Planning and Development (Local Planning Schemes) Regulations 2015

By Cr Julie Matheson, City of Subiaco

RECOMMENDATION

Moved Cr Julie Mathieson
Seconded Cr Rod Bradley

That the Central Metropolitan Zone requests State Council of Western Australian Local Government Association (WALGA) to advocate:

- a. To amend Schedule 2, Part 7, Clause 61 (e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to allow any Local Government to remove reference to 'a single house' from the exemption of requiring development approval; and
- b. To amend the Planning and Development (Local Planning Schemes) Regulations 2015 to permit any Local Government to introduce a requirement into their local planning scheme to require development approval to be issued prior to a development application for demolition of a single house being determined.

Reasons

1. This motion is an opt-in motion permitting any Local Government to decide whether or not demolition of single houses, without notice, is a useful planning tool for its Local Government area.
2. Demolition of a single house without notice to any authority or the neighbours could be a cover-up of a crime site. Not only is the house demolished and evidence is lost, but all vegetation, mature trees and any record that the house actually existed.
3. The regulation assumes that no development will take place after demolition and the land can be left vacant for an indeterminate period of time. Vacant blocks have an adverse impact on the value of remaining houses, street character and amenity.
4. Significantly only "heritage" avoids a single house from being demolished, without notice. Most single house owners are unsupportive of heritage as a tool to control the evolution of their home to suit modern lifestyles. This motion is to avoid the burden of heritage but to allow orderly and proper planning to occur in Western Australia.
5. This motion provides Local Government with the ability to introduce the provision to require development approval for a subsequent development, prior to a single house demolition application

being determined. This addition strengthens the planning argument in retaining character houses and preventing the creation of long term vacant lots within character streetscapes.

6. The current legislation does not consider the context. The City of Subiaco and other metropolitan Local Governments have already experienced the negative impact of this 2015 regulation where a single house has been demolished, the land left vacant for years, qualifying as unimproved land and attracting lower rates.
7. At the same time, this motion provides the flexibility to allow Local Governments to elect whether development approval is required for the demolition of single houses in their jurisdiction.
8. By providing this option, each Local Government is able to take into account local housing stock and streetscape.

ALTERNATE MOTION

The City of Vincent proposed the following as an alternate motion together with the following commentary:

That the Central Metropolitan Zone requests State Council of the Western Australian Local Government Association (WALGA) to advocate for an amendment to:

- a. Schedule 2, Part 7, Clause 61(1)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to remove reference to 'demolition of a single house' from the exemption of requiring development approval; and
- b. The Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to introduce a requirement into their local planning scheme for development approval for demolition of a single house to be subject to and commensurate with the granting of approval for redevelopment of the subject property.

The recommendation presented is well-intentioned and consistent with our own Council's position on this matter, but is poorly drafted and does not properly reference the clause that is proposed to be amended in the Planning and Development (Local Planning Schemes) Regulations 2015 – the recommendation refers to amending "Clause 61 (e)" whereas the actual clause is "Clause 61(1)(e)".

There is no need for the introductory paragraph of the recommendation to be numbered 1. because there is no recommendation 2. Parts a. and b. of the recommendation also have the same effect, while part b. clumsily confuses itself by requiring development approval to be issued before a development application can be approved for demolition of a single house – what?! I presume the intent here is that demolition of a single house would need development approval, but that approval would not be granted in the absence of an approval for redevelopment of the property. i.e. so that demolition does not occur in isolation of redevelopment, thus avoiding spurious/speculative demolition and creation of vacant lots. If that is the case then the recommendation should be much more clearly worded.

The Mover and Secunder agreed to alter the substantive motion to adopt the wording of the alternate motion:

Moved Cr Julie Mathieson
Seconded Cr Rod Bradley

That the Central Metropolitan Zone requests State Council of Western Australian Local Government Association (WALGA) to advocate:

- a. Schedule 2, Part 7, Clause 61(1)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to remove reference to 'demolition of a single house' from the exemption of requiring development approval; and
- b. The Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to introduce a requirement into their local planning scheme for development approval for demolition of a single house to be subject to and commensurate with the granting of approval for redevelopment of the subject property.

The Mover agreed with the Presiding Member's suggestion that Parts A and B of the motion be split and dealt with separately.

RESOLUTION

**Moved Cr Julie Mathieson
Seconded Cr Rod Bradley**

That the Central Metropolitan Zone requests State Council of Western Australian Local Government Association (WALGA) to advocate:

- a. **Schedule 2, Part 7, Clause 61(1)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to remove reference to 'demolition of a single house' from the exemption of requiring development approval.**

CARRIED 6/5

**Moved Cr Julie Mathieson
Seconded Cr Rod Bradley**

That the Central Metropolitan Zone requests State Council of Western Australian Local Government Association (WALGA) to advocate:

- b. **The Planning and Development (Local Planning Schemes) Regulations 2015 to allow any local government to introduce a requirement into their local planning scheme for development approval for demolition of a single house to be subject to and commensurate with the granting of approval for redevelopment of the subject property.**

LOST 2/9

7. OTHER BUSINESS

7.1 LATE ITEM : City of Perth – Building Upgrade Finance

By Commissioner Lumsden, City of Perth

Background

Building Upgrade Finance (BUF), also known as Environmental Upgrade Agreements, is a voluntary mechanism to assist building owners to upgrade commercial buildings to improve sustainability. It is an innovative way to finance commercial building upgrades, providing building owners with access to competitive fixed interest, flexible funds, driving down operational costs, increasing rental yields, improving tenant retention and lowering vacancy rates.

BUF is a tri-partite agreement between a property owner, financier and the Local Government Authority. The mechanism is attractive to building owners as the loans are linked to the property rather than a property owner and repayments are collected via a Council levy. The benefits of the upgrades are shared between both building owners and tenants, providing a mechanism to improve the environmental, social and economic performance of building stock.

BUF benefits local governments in the following manner:

- Ability to attract investments and stimulate economic activity with private sector funding;
- Prevent capital leakage from communities;
- Contribute to emissions reductions for regions;
- Create affordable opportunity for business to address rising energy costs; and
- Facilitating sustainable finance for sustainability initiatives.

The current Local Government Act review represents an opportunity to introduce provisions to implement BUF in WA. It is the City's understanding that the Department of Local Government will be releasing a

series of discussion papers in September 2018 to address various matters, including BUF within the Financial Management discussion paper.

Comment

The City of Perth is seeking support from all local governments in Western Australia to advocate for changes, through phase two of the Local Government Act review, that will enable Building Upgrade Finance (BUF) in Western Australia. As such, I would like to call on WALGA's support for and in encouragement of all local governments to explore the importance of advocating for changes enabling BUF in phase two of the Local Government Act review.

Enabling BUF via the Local Government Act will be of value to a number of ratepayers and other stakeholders within all constituencies, especially property owners and tenants. BUF is a tool for all types of local governments to collectively pursue improved outcomes for their built environment. BUFs have been used in other states for a variety of upgrades from energy efficiency in commercial buildings in metropolitan areas to light industrial applications in regional and rural areas.

Secretariat Comment

Phase 2 of the Local Government Act review provides an opportunity to advocate for this proposal.

RESOLUTION

**Moved Commissioner Eric Lumsden
Seconded Commissioner Andrew Hammond**

That the Central Metropolitan Zone requests WALGA State Council to advocate for amendments to the Local Government Act that enable a Building Upgrade Finance mechanism in Western Australia.

CARRIED

8. EXECUTIVE REPORTS

8.1 President's Report to the Zone

Noted

8.2 State Councillor's report to the Zone

Cr Paul Kelly presented the WALGA State Councillor report on the previous State Council meeting.

Noted

8.3 Department of Local Government and Communities Representative Update Report.

Department of Local Government and Communities representative will update the Zone.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the Central Metropolitan Zone be held on Thursday 29 November 2018 at the Shire of Peppermint Grove commencing at 6:00 pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 9.10pm.