



East Metropolitan Zone

Minutes

26 November 2020

East Metropolitan Zone

Hosted by the City of Kalamunda

2 Railway Road, Kalamunda – Phone 9257 9999

Thursday 26 November 2020, commenced at 6:00 pm

Minutes

MEMBERS

3 Voting Delegates from each Member Council

Town of Bassendean	Cr Chris Barty Cr John Gangell Cr Sarah Quinton Ms Peta Mabbs, Chief Executive Officer non-voting delegate
City of Bayswater	Cr Catherine Ehrhardt Cr Stephanie Gray Cr Giorgia Johnson Mr Andrew Brien, Chief Executive Officer non-voting delegate
City of Belmont	Mayor Phil Marks Cr George Sekulla Cr Bernie Ryan Mr John Christie, Chief Executive Officer non-voting delegate
City of Kalamunda	Cr Brooke O'Donnell - Chair Cr Janelle Sewell Ms Rhonda Hardy, Chief Executive Officer
Shire of Mundaring	Cr Jason Russell Cr Simon Cuthbert Cr Doug Jeans (Deputy) Mr Jonathan Throssell Chief Executive Officer non-voting delegate
City of Swan	Cr Rod Henderson Cr Patty Jones Cr Cate McCullough
WALGA Secretariat	Mr Ian Duncan, Executive Manager Infrastructure Ms Susie Moir, Senior Community Policy Advisor
Guest Speakers	Cesar Rodriguez, Manager Heritage Projects, Department Planning, Lands and Heritage

APOLOGIES

Shire of Mundaring	Cr Kate Driver
City of Bayswater	Cr Stephanie Gray
City of Belmont	Mayor Phil Marks Cr George Sekulla
Town of Bassendean	Cr Sarah Quinton

City of Swan

Cr Patty Jones
Mr Mike Foley Chief Executive Officer non-voting delegate

DLGSC Representative

Laura Tracey Senior Project Officer

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.

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

Elected Members must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Ms Rhonda Hardy declared a declaration of interest on Item 5.5 (CEOs).

2. DEPUTATIONS

All Deputations have a time limit of 20 minutes, which includes questions time.

Nicole O'Neill, Manager Customer and Public Relations, presented on programs in the City of Kalamunda.

2.1 Western Australian Disability Enterprises

Lil Paskos from Western Australian Disability Enterprises was scheduled to present at this Zone meeting, however her position within the organisation, at the time of this meeting is no longer being funded.

Lil wanted to thank the Zone for providing an opportunity to present.

Noted

2.2 Aboriginal Cultural Heritage Bill – Department of Planning, Lands and Heritage

Cesar Rodriguez presented to the Zone on the Aboriginal Cultural Heritage Bill.

NOTE: As per previous East Metropolitan Zone resolution, Darryl Nichols, Co-Founder of Grow it Local who has been scheduled to present to the Zone, has confirmed that due to Covid restrictions, will not be able to present to the East Metropolitan Zone until July 2021. This will hopefully be a good time as the WA border restrictions may be relaxed and interstate travel possible.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Catherine Ehrhardt
Seconded: Cr Kate McCullough

That the Minutes of the Ordinary Meeting of the East Metropolitan Zone held 27 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.

Noted that Item re Racism Working Group will be reconsidered by Policy Team in December 2020.

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 December 2020](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

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.

MOTION

Moved: Cr John Gangell
Seconded: Cr Jason Russell

The voting system should be preferential.

Amended Motion

Moved: Cr John Gangell
Seconded: Cr Jason Russell

The voting system should be preferential contingent upon voting in Local Government sector being compulsory.

The motion was deferred.

Substantive Motion

Moved: Cr Giorgia Johnson
Seconded: Cr Catherine Ehrhardt

It should be compulsory to vote in Local Government elections.

CARRIED

Amended Motion

Moved: Cr Jason Gangell
Seconded: Cr Jason Russell

The voting system should be preferential contingent upon voting in Local Government sector being compulsory.

CARRIED.

Substantive Motion

Moved: Cr Rod Henderson
Seconded: Cr Doug Jeans

Online voting is not supported as it is uncertain and unstable.

LOST

RESOLUTION

Moved: Cr Catherine Ehrhardt
Seconded: Cr Janelle Sewell

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, subject to the following amendments:**
 - a) It should be compulsory to vote in Local Government elections.**
 - b) The voting system should be preferential contingent upon voting in Local Government sector being compulsory.**

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.

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.

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).

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.

Ms Rhonda Hardy declared an interest in State Council Item 5.5

MOTION

Moved: Cr Janelle Sewell
Seconded: Cr Cate McCullough

The East Metro Zone resolves to remove subparagraph (a) from Item 5.5 so that CEO positions are re-advertised after 10 years.

WITHDRAWN

RESOLUTION

Moved: Cr Jason Russell
Seconded: Cr Janelle Sewell

The East Metro Zone supports Item 5.5 as drafted.

CARRIED

Cr Janelle Sewell left the meeting at 7.46pm.

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: Cr Cate McCullough
Seconded: Cr Catherine Ehrhardt

The East Metro Zone supports Item 5.6 as drafted.

CARRIED

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: Cr Catherine Ehrhardt
Seconded: Cr Jason Russell

That the East Metropolitan Zone:

1. Supports Matters for decision for Items 5.2 to 5.6 as listed above in the 2 December 2020 State Council Agenda; and
2. Notes all Matters for Noting and Organisational Reports as listed in the 2 December 2020 State Council Agenda.

CARRIED

6. BUSINESS

6.1 2021 Proposed Schedule of Meetings

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the 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 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
EAST METROPOLITAN ZONE MEETING
2021

Zone Meeting Date Thursday	Time	HOST COUNCIL	State Council Meeting Date 2021
18 February	Thursday 6.00 pm	Shire of Mundaring	Wednesday 3 March 2021
22 April	Thursday 6.00 pm	City of Swan	Regional Metro Wednesday 5 May 2021
24 June	Thursday 6.00 pm	Town of Bassendean	Wednesday 7 July 2021
19 August	Thursday 6.00 pm	City of Bayswater	Regional Meeting 2-3 September 2021
18 November	Thursday 6.00 pm	City of Belmont	Wednesday 1 December 2021

RESOLUTION

Moved: Cr John Gangell
Seconded: Cr Catherine Ehrhardt

That the 2021 meetings of the East Metropolitan Zone be held at 6.30pm at the EMRC in accordance with the amended schedule below.

NOTICE OF MEETINGS
EAST METROPOLITAN ZONE MEETING
2021

Zone Meeting Date Thursday	Time	HOST COUNCIL	State Council Meeting Date 2021
18 February	Thursday 6.30 pm	EMRC	Wednesday 3 March 2021
22 April	Thursday 6.30 pm	EMRC	Regional Metro Wednesday 5 May 2021
24 June	Thursday 6.30 pm	EMRC	Wednesday 7 July 2021
19 August	Thursday 6.30 pm	EMRC	Regional Meeting 2-3 September 2021
18 November	Thursday 6.30 pm	EMRC	Wednesday 1 December 2021

CARRIED

6.2 Request to Present – NBN Co.

By Chantelle O'Brien, Zone Executive Officer

Zone Executive Officer for the East Metropolitan Zone has received a request from Corrine Hawke, NBN Co, to request if there would be an opportunity to present to the Zone as well as all Metropolitan Zones and provide information on their services.

NBN Co is the company that is building and operating Australia's national broadband network (nbn), the digital platform upon which we are delivering digital connectivity to every home and business. Our new purpose is to 'lift the digital capability of Australia' and part of our approach is to support digital literacy in our communities, ensure a positive experience for our customers, and assist them to maximise the social and economic benefits of the nbn for themselves, their families, their business and communities.

They would like to present on the following topics, providing an overview 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
- 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 in a digital society.

Case studies and examples of our work will be provided to demonstrate how our Community Ambassadors and community engagement team is delivering value in digital literacy.

RECOMMENDATION

That the East Metropolitan Zone supports the opportunity for Corrine Hawke, from NBN Co to provide a presentation to the Zone at the February 2021 Zone meeting.

MOTION LAPSED FOR WANT OF A MOVER AND SECONDER

6.3 Request to Present – Department of Planning, Lands and Heritage

By Chantelle O'Brien, Zone Executive Officer

WALGA has been working with the South West Aboriginal Land and Sea Council, Department of Planning, Lands and Heritage (DPLH) and Department of Premier and Cabinet (DPC) to develop a template Noongar Heritage Agreement for use by Local Governments within the area of the South West Native Title Settlement (SWNTS).

The Draft Agreement was endorsed by State Council by Flying Minute on 6 August 2020.

A representative from the DPLH would like to attend the February 2021 East Metropolitan Zone meeting to provide a presentation on this matter and answer any queries the Zone may have.

RESOLUTION

Moved: Cr John Gangell
Seconded: Cr Catherine Ehrhardt

That a representative from the Department of Planning, Lands and Heritage attend the February 2021 East Metropolitan Zone and provide a presentation.

CARRIED

6.4 Request to Present – Tennis West

By Chantelle O'Brien, Zone Executive Officer

Please refer to Agenda attachment in regards to correspondence received from Tennis West to attend a future Zone meeting and provide a presentation.

Taking into account that should the Zone support the previous two presentations at the February Zone meeting, Tennis West could present at the April East Metropolitan Zone meeting if deemed appropriate.

RECOMMENDATION

That the East Metropolitan Zone supports inviting Tennis West to attend the April 2021 Zone meeting and provide a presentation.

MOTION LAPSED FOR WANT OF A MOVER AND SECONDER

7. OTHER BUSINESS

Nil

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The WALGA State Councillor or WALGA representative presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor, Cr Cate McCullough presented on the previous State Council meeting.

Noted

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

The Department of Local Government, Sport and Cultural Industries representative was an apology for this meeting. Please see link below to the full update for November:

[Local Matters November 2020](#)

Noted

9. NOTICE OF MOTIONS FOR THE FOLLOWING MEETING

Nil

10. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the East Metropolitan Zone be held on 18 February 2021 at the EMRC at 6:30pm.

Noted

11. CLOSURE

There being no further business the Chair declared the meeting closed at 8.03pm.