

01-005-03-0001



North Metropolitan Zone

Minutes

27 June 2019

North Metropolitan Zone

Hosted by the City of Wanneroo

23 Dundobar Road, Wanneroo,

Thursday 27 June, commenced at 6:00 pm

Minutes

MEMBERS

4 Voting Delegates from each Member Council

City of Joondalup	Cr Russ Fishwick JP Cr Nige Jones Cr Mike Norman Mr Mark McCrory, Acting Director Governance and Strategy – non-voting delegate
City of Stirling	Cr Giovanni Italiano JP Cr David Lagan Cr Stephanie Proud JP Mr Jamie Blanchard, Manager Governance – non-voting delegate
City of Wanneroo	Mayor Tracey Roberts JP Cr Frank Cvitan Cr Samantha Fenn Cr Domenic Zappa Mr Daniel Simms, Chief Executive Officer – non-voting delegate Mr Mustafa Yildiz, Manager Governance and Legal – non-voting delegate
WALGA Representatives	Ms Jade Mains, Policy Officer, Environment Mr Mal Shervill, Policy Officer, Road Safety
DLGSC Representative	Mr Luke Stevens
Guest Speaker	Mr Vaughan Davies, Assistant Director General, Department of Planning, Lands and Heritage

APOLOGIES

City of Joondalup	Cr Christopher May Mr Garry Hunt, Chief Executive Officer – non-voting delegate
City of Stirling	Mayor Mark Irwin Cr Suzanne Migdale Mr Stuart Jardine, Chief Executive Officer – non-voting delegate
City of Wanneroo	Cr Domenic Zappa

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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.

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 previous meeting
2. Zone Status Report
3. Standing Orders
4. President's Report (to be emailed prior to the meeting)

1. DEPUTATIONS

1.1 Department of Planning, Lands and Heritage

Mr Vaughan Davies from the Department of Planning, Lands and Heritage presented to the Zone on matters regarding changes to the *Heritage Act 2018*. Features of the new Act include: clear objectives; assessment criteria; openness and transparency; delegation and exemptions; certainty and predictability; SAT review; incentives and compliance; guidelines for State agencies; disposal process; local heritage surveys; skills-based Heritage Council; and governance. The new Act and Regulations were proclaimed on 27 June 2019 and come into force on 1 July 2019.

2. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Frank Cvitan
Seconded: Cr Stephanie Proud

That the Minutes of the meeting of the North Metropolitan Zone held on 21 March 2019 be confirmed as a true and accurate record of the proceedings after the attendance record is amended to show Cr Nige Jones was an apology.

CARRIED

3. DECLARATION OF INTEREST

Pursuant to our Code of Conduct, Councillors 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.

4. BUSINESS ARISING

Nil.

5. REPORTS FROM MEMBER COUNCILS

Nil

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

RESOLUTION

Moved: Cr Russ Fishwick
Seconded: Cr Stephanie Proud

That the North Metropolitan Zone supports all items within the June 2019 State Council Agenda 'en-bloc'.

CARRIED

7. EXECUTIVE REPORTS

7.1 President's Report to the Zone

Mayor Tracey Roberts presented the WALGA President's Report.

Noted

7.2 State Councillor's report to the Zone

Mayor Tracey Roberts presented on the previous State Council meeting.

Noted

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

Mr Luke Stevens, Department of Local Government, Sport and Cultural Industries representative, updated the Zone on DLGSC issues.

Noted

8. BUSINESS

8.1 Urban Tree Canopy

Cr David Lagan, City of Stirling

BACKGROUND

Canopy cover across the Perth metropolitan area is declining. Within the City of Stirling alone, more than 1.2 million square metres of canopy have been lost in the last six years and a majority of metropolitan local authorities are experiencing similar trends.

Canopy cover is essential in urban areas to mitigate the effects of climate change and urban heat, and to create cool liveable suburbs. A majority of Western Australian local governments have developed or are currently developing Urban Forest Strategies to address canopy loss issues and have established targets for increased canopy cover in future years. However, local government cannot increase canopy cover alone: the removal of trees on State land negatively impacts the ability of local government to achieve its canopy targets.

A commitment to retain existing trees and to plant new trees is required by State Government, however State land is controlled by a range of Departments and agencies and it is unclear whether the necessary policies or processes exist. Additionally, the protection, retention and planting of street trees on City land and trees on private land is often negatively impacted by the operations and decision-making of state government departments and agencies.

Examples of how state government impacts canopy cover within the City of Stirling include:

Main Roads WA – Large-scale tree removal has occurred for widening projects along Reid Highway and Mitchell Freeway. Revegetation of the Reid Highway has been inadequate with no tree planting for maintenance reasons. More than four hectares of vegetation including a significant number of mature trees over 12 metres in height has been removed as part of the Mitchell Freeway widening project. Planned revegetation will provide only two hectares of shrubs predominantly, resulting in a permanent loss of over 200,000 square metres of vegetation.

Water Corporation – Maintenance and upgrade works on water infrastructure damages street tree root systems resulting in tree decline and instability, creating a risk to public safety. Lack of notification when tree damage occurs prevents the City from taking remedial action to maintain and preserve affected trees. Replacement of damaged trees is at City expense as no compensation payments or canopy offsets are provided.

Western Power – Overhead power lines limit planting opportunities, tree size and canopy cover that could be achieved on street verges. Underground power projects would allow additional canopy growth but are not financially viable in low-income suburbs where residents cannot afford co-contribution costs. Power-line clearance pruning is often excessive and results in tree damage and significant canopy loss.

Department of Planning Land and Heritage: Subdivision decisions do not consider street trees and disregard City requests resulting in unsuitable lot orientation requiring street tree removal to allow access. Unwillingness of WA Planning Commission to implement State policy and require lot reconfiguration to enable retention of existing trees results in loss of private trees.

Department of Education and Training – Large-scale tree removal has occurred for redevelopment projects at Doubleview Primary School and Churchlands and Carine High Schools. Replacement plantings met only minimum requirements and did not replace canopy that had been removed.

Department of Health – Large-scale tree removal occurred for car park construction at Osborne Park hospital: relocation of the car park to adjacent treeless land could have prevented this canopy loss. Replacement plantings met only minimum requirements and did not replace canopy that had been removed. From a population health perspective and with climate change impacts, creating a green and leafy urban environment reduces heat related deaths and encourages more walkable residential and city streets.

Department of Communities (Housing) - Pruning and maintenance of trees does not follow Australian standards or utilise qualified arborists, resulting in unnecessary canopy loss, compromised structure and increased risk. Some recent examples of tree retention in redevelopment projects are a positive sign.

Department of Water and Environmental Regulation - While the Dept has shown leadership in approaching the City with regards to a proposed tree planting project, the scale of works required has been vastly underestimated. Only 50,000 new trees were proposed across the metropolitan area: by comparison, the City of Stirling plants 10,000 new trees each year and comprises only ~10% of the metropolitan land area.

Department of Justice – Inadequate legislation prevents local government from seeking compensation for vandalism or unauthorised removal of street tree assets.

Department of Local Government – The penalty point structure prevents local government from imposing meaningful and deterrent modified penalties for vandalism or unauthorised removal of street trees, and low maximum penalties and high legal costs make prosecutions non-cost effective.

WALGA – In 2018, WALGA State Council endorsed a policy statement on climate change which is available at <https://walga.asn.au/Policy-Advice-and-Advocacy/Environment/Climate-Change> but WALGA does not have a comparable endorsed policy position on Urban Tree Canopy.

If Local Governments including the City of Stirling are to achieve their canopy targets, a commitment by all state departments and agencies to protect existing trees and plant new trees is required. Given the large number of departments and agencies whose actions and policies impact tree canopy cover on State City land and private land, a coordinated whole of government approach is required to ensure that all tiers and branches of government are working cooperatively towards the protection and growth of our urban forest.

RESOLUTION

Moved: Cr David Lagan
Seconded: Cr Giovanni Italiano

That WALGA:

- 1. Writes to the Premier seeking a Whole of Government approach coordinated through the Department of Premier and Cabinet, to address Perth's declining urban tree canopy cover and;**
- 2. Develop a policy position on urban tree canopy to be endorsed by State Council.**

CARRIED

8.2 State Underground Power Program

Cr David Lagan, City of Stirling

BACKGROUND

The City has for many years, held concerns about the principles and the equity of the State Underground Power Program (SUPP).

The City gains no direct benefit from the SUPP, as the upgraded assets are owned by the State Government, and the benefits of the program, in terms of improved reliability of services and increased property values, are received by the residents and by Western Power. The program promotes the benefit to Local Governments of reduced tree pruning costs, however, it is the City's experience that there is actually little reduction in lifetime costs. As such, the City is effectively acting as an administrator for the collection of funds relating to the SUPP for the Public Utilities Office and Western Power. This type of debt collection is not imposed on Local Governments for the upgrade of assets for other State Government agencies such as the Water Corporation.

Recent changes to the manner in which priority of the program is being established also warrants further scrutiny. The current round of the program (Round 6) has changed from previous rounds, in that Local Governments are now required to bid competitively against each other and commit to a contribution above the previous standard of 50% to improve the chances of being selected as a project. This is considered an inequitable solution for a number of reasons, including:-

- Property owners are potentially subject to increased payments due to the increased contribution required to be successful in the application;
- Given that there is no fixed percentage contribution, property owners across different suburbs and different rounds may be required to pay different amounts for effectively the same service provided;
- Property owners in lower socio-economic areas are unlikely to ever be granted projects due to the reduced ability for residents to make payments, and this likelihood reduces even further when Local Governments are required to bid competitively against each other to be selected for a program; and
- The program now appears to be aimed at higher socio-economic areas where there is an ability / willingness of property owners to make increased payments, rather than the initial aim of the SUPP to reduce risks associated with storm events and impact on service reliability.

Local Governments are being required to address all of these social issues and often find themselves defending an infrastructure improvement program that it has little control over and which directly benefits the infrastructure owner.

RESOLUTION

Moved: Cr David Lagan
Seconded: Cr Giovanni Italiano

That WALGA advocates on behalf of Local Government to the State Government to engage with the Sector and other Stakeholders, to review the State Underground Power Program prior to the commencement of Round 7, for the following reasons:

- a) The program is becoming an unacceptable cost burden on residents; and**
- b) Changes made to the program before Round 6, resulting in a bidding war between Local Governments, have disadvantaged many communities and Local Governments and do not adequately take into consideration factors such as service reliability.**

CARRIED

8.3 Request to Present – Local Government Insurance Services

LGIS have requested an opportunity to present to Local Governments that may be interested in learning more about LGIS and your self-insurance scheme.

LGISWA developed a number of presentations which may be of interest to Zone delegates and Chief Executive Officers. If, however, there is interest on another topic please advise and LGISWA can tailor a presentation to the Zone's needs.

Presentations

- **Your LGIS, what ownership delivers**
What is a mutual and how is it different to traditional transactional insurance providers? This presentation will include the history of LGIS, organisation structure, relationship with WALGA and provide examples of service delivery – highlighting the benefits of membership.
- **Know your risks - identifying and managing local government risks**
The risks faced by Local Governments across WA continue to change. In this presentation LGIS risk experts will outline the strategies which can be used by Local Governments to strategically identify and manage risks. They'll also talk about the experiences of other WA Local Government members in identifying and managing their risks.
- **The human factor – emerging risks for 2019 and beyond**
People are a crucial success factor for Local Government organisations they're the human face of Local Government services. In this presentation LGIS human risk experts will discuss the emerging trends in managing people from the diverse needs of an aging workforce to increases in workplace stress. They'll use real examples from WA Local Governments to explore potential strategies in managing and reducing human risks.
- **Elected members – managing risks and protection**
Elected members are passionate about improving their community, going above and beyond in their service. However, as part of their role elected members also carry significant risks which they need to be aware of. In this presentation an LGIS Local Government risk expert will cover the risks which elected members must be aware of and manage, and the services and cover included in LGIS membership. They'll use real examples from WA Local Governments to explore strategies in managing and reducing elected member risks.
- **Local government first – a claims strategy that benefits LGIS members**
How does LGIS handle claims differently? When LGIS receives a claim we consider the best interest of the member and the broader Local Government sector. This presentation outlines the LGIS claims strategy which plans for long term, sustainable protection of the WA Local Government sector. We'll look at a variety of WA Local Government claims and explore the lessons learned.

RESOLUTION

Moved: Cr Russ Fishwick
Seconded: Cr Frank Cvitan

That the Zone invites a representative from the Local Government Insurance Services WA to provide a presentation to the 29 August 2019 Zone meeting to provide a snapshot of all topics listed above.

CARRIED

8.4 WA Election Signage

Cr David Lagan, City of Stirling

BACKGROUND

During the recent Federal Election the City was inundated with election signs and received numerous complaints from the community.

To ensure the safety of our community the City adopted a new Election Signs Policy in April which was communicated to all candidates.

The City does not actively survey the streets looking for signs that are in breach although the City does look for and act on signs that pose a safety risk or may damage infrastructure.

One of the main issues from the Federal Election that arose, which was not anticipated when the policy was drafted, was the location of a pre-polling facility within the City of Stirling. Candidate teams were physically located at the pre-polling facility throughout the campaign. Some candidates took the opportunity to bring in large signs, drive in signs on trailers and vehicles or erect multiple signs. This was an issue at pre-polling facilities across Western Australia.

Incidents of physical altercations at pre-polling stations across Australia meant that enforcement of laws regulating signs was risky.

As Local Government boundaries do not align with Federal or State electoral boundaries a candidate may in some cases, be dealing with two or three different Local Governments regulations for the placement of their signage during their campaign.

In addition, there is a lot of uncertainty as to how the constitutional right to freedom of political communication applies to laws governing signs in thoroughfares.

COMMENT

Local Governments are not clear on the extent to which their laws regulating elections signs are enforceable. Enforcement of these laws is risky. Candidates are confused because they are facing multiple sets of laws across Local Government boundaries. Many candidates choose to ignore law enforcement because they think they can get away with it.

This situation will be repeated for the next WA State Election if action is not taken.

The preferred solution is to have a single set of laws governing State and Federal elections. For this to occur, legislation must be adopted by the State and Federal Governments.

The City wrote to the WA Electoral Commission and the Australian Electoral Commission seeking action. To date, only the Australian Electoral Commission has responded. The AEC has advised the City of the ability to make a submission to the Inquiry held by a Parliamentary Committee following each election. A copy of this correspondence is attached with the Agenda (Attachment A and B).

It is requested that WALGA take responsibility for lobbying for the State and Federal Governments to legislate for election signs in public places during State and Federal campaigns.

RECOMMENDATION

1. That WALGA take a lead role in advocating for the State and Federal Governments to legislate a consistent set of laws governing election signs in public places.
2. That WALGA prepare a submission to the inquiry to be conducted by the Federal Parliamentary Joint Standing Committee on Electoral Matters.

3. That WALGA lobby the State Government to consider legislating ahead of the next Western Australian State election.

Zone members discussed the proposed recommendation, which was withdrawn and substituted as follows:

RESOLUTION

Moved: Cr David Lagan
Seconded: Cr Giovanni Italiano

That the Zone requests WALGA to prepare for all Local Governments, a model Local Law template governing election signs.

CARRIED

9. OTHER BUSINESS

Nil

10. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

Moved: Cr Frank Cvitan
Seconded: Cr Russ Fishwick

That the next ordinary meeting of the North Metropolitan Zone will be held on Thursday 29 August 2019 at the City of Joondalup commencing at 6pm.

CARRIED

11. CLOSURE

There being no further business the Chair declared the meeting closed at 7.15pm.