



Central Metropolitan Zone

Minutes

30 April 2020

Central Metropolitan Zone

Held via MS Teams

Thursday 30 April, commenced at 6:00 pm

Minutes

MEMBERS

	2 Voting Delegates from each Member Council
Town of Cambridge	Cr Kate Barlow Cr Alaine Haddon-Casey
Town of Claremont	Cr Paul Kelly – Chair Cr Peter Brown
Town of Cottesloe	Cr Paul MacFarlane Cr Helen Sadler
Town of Mosman Park	Mayor Brett Pollock Cr Jenna Ledgerwood
Shire Peppermint Grove	Cr Charles Hohnen
City of Perth	Mr Andrew Hammond, Commissioner Mr Len Kosova, Commissioner
City of Subiaco	Cr Stephanie Stroud (Proxy) Cr Lynette Jennings Ms Rochelle Lavery, Chief Executive Officer - non-voting delegate
City of Vincent	Cr Joanne Fotakis Cr Ashley Wallace Mr David MacLennan Chief Executive Officer
WALGA Secretariat	Mr James McGovern, Manager Governance Ms Kirstie Davis, Policy Manager Community
DLGSC Representative	Sheryl Siekierka Director Strategic Initiatives (LG Bill/Regulations and Redress update) Yvette Peterson A/Director Local Government Policy and Engagement
Guest Speakers	Professor G. Hardy, Department of Biodiversity, Conservation and Attractions

APOLOGIES

Shire of Peppermint Grove	Cr Greg Peters
City of Subiaco	Mayor Penny Taylor

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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 Attendance was registered at 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 Previous Meeting
2. President's Report
3. Zone Status Report
4. Standing Orders

1. DEPUTATIONS

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

1.1 Western Australian Disability Enterprise (WADE)

Due to the April Zone meeting being held by videoconference, Ms Lil Paskos has requested to postpone her presentation until the June 2020 Central Metropolitan Zone meeting.

Noted

1.2 Tree Decline

Professor G Hardy will now present to the Zone on Tree Decline. (PowerPoint Presentation provided). Rivers and swamp areas in Metropolitan area are areas in decline that Councillors should focus on.

2. 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.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Mayor Brett Pollock
Seconded: Cr Alaine Haddon-Casey

That the Minutes of the meeting of the Central Metropolitan Zone held on 27 February 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION AND NOTING

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

Item 5.1 Amendment to Third Party Appeal Rights – Preferred Model

RESOLUTION

Moved: Commissioner Len Kosova
Seconded: Mayor Brett Pollock

That:

1. The proposed amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal on decisions made by Development Assessment Panels, is not supported; and
2. The proposed amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels, is not supported.

CARRIED

RESOLUTION

Moved: Cr Helen Sadler
Seconded: Mayor Brett Pollock

That the Central Metropolitan Zone support the remaining WALGA State Council Agenda Items.

CARRIED

6. ZONE BUSINESS

6.1 Process surrounding Dilapidation Reports

By City of Subiaco

Background

At the City of Subiaco's Council meeting 17 March 2020 it resolved:

COUNCIL DECISION

- 1. That information in this report be received.*
- 2. That an additional point (g) is added to the New Advice Note, as follows:
(g) For the City to be fully satisfied, consideration will be given to written feedback from landowners up to 7 days after receipt of the dilapidation report.*

Executive Summary

The report addresses the Council resolution of the 8 October 2019 Ordinary Council Meeting relating to the process of dealing with dilapidation reports imposed as conditions of development approval.

Ongoing improvements to the City's processes can be implemented to address points 1-3 of Councils resolution to better articulate Council's expectations relating to dilapidation reports. This can be accommodated through an updated standard condition and supplemental advice note.

Point 4 of Council's resolution is already accommodated in the City's processes. An external and independent review of each dilapidation report submitted to the City is not accommodated in the current budget.

Background

At its Ordinary Council Meeting (OCM) held 8 October 2019 (Item C1), Council resolved:

Requests the CEO to provide a further report for the process of dilapidation that considers points 1 to 4:

- 1. That dilapidation reports are assessed by a qualified professional whose name and qualifications are included in the report;*
- 2. That dilapidation reports use a calibration gauge for measurement;*
- 3. That landowners receive a copy of the dilapidation report at the same time that the reports are submitted to the City;*
- 4. That the City does not assume that a dilapidation report is complete and accurate but rather it undertakes an assessment of the dilapidation report to establish that it is complete and accurate.*

This report considers Council's resolution from its meeting of 8 October 2019.

Comment

This section of the report shall consider each of the four points of Council's resolution as set out below:

- 1. That dilapidation reports are assessed by a qualified professional whose name and qualifications are included in the report;*
- 2. That dilapidation reports use a calibration gauge for measurement;*
- 3. That landowners receive a copy of the dilapidation report at the same time that the reports are submitted to the City;*
- 4. That the City does not assume that a dilapidation report is complete and accurate but rather it undertakes an assessment of the dilapidation report to establish that it is complete and accurate.*

In relation to points 1-3 of the resolution, officers have updated the standard condition requiring dilapidation reports and which will be accompanied by an appropriately worded advice note. Whilst this is a matter for the City to deal with as the administration and the ultimate wording may vary, such a draft condition and advice note could read as:

Updated Standard Condition:

Prior to the issue of a demolition permit (and/or) building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the City of Subiaco for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located on these properties:

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.

New Advice Note:

In relation to condition [X], the dilapidation report(s) should address the following matters to satisfy the City of Subiaco:

- a. Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;*
- b. Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);*
- c. A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;*
- d. Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;*
- e. The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports; and*
- f. Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required.*

Advice notes are used as a guide to assist the applicant in understanding what is required to clear the relevant condition. This is common practice and used regularly in development approvals across Western Australia including the City of Subiaco. Whilst the City cannot retrospectively apply the updated standard condition to existing development approvals, it can use the principles prescribed in the advice note as a guide for applicants with existing development approvals that need to clear conditions relating to dilapidation reports.

In relation to point 4 of Council's resolution, the City's existing processes effectively capture the intent of this point. It is not considered appropriate or necessary as it is considered the updated standard condition and advice note will add rigour and clarity to the preparation and submission of dilapidation reports into the future. There is no provision in the current budget to accommodate independent review of each dilapidation report submitted to the City.

Conclusion

The use of an updated standard condition and supplementary advice note adequately addresses Council's expectations outlined in points 1-3 of its 8 October 2019 resolution. It will provide additional clarity to both the City and the community and will provide additional guidance to applicants on how to execute clearance of such conditions. Applications of the principles and matters contained within the advice note can also be used for existing development approvals with similar conditions as the City can inform applicants of these expectations. Point 4 of the Council resolution does not require further action as dilapidation reports are reviewed internally by the relevant branch and there is no provision in the current budget to accommodate independent review of each dilapidation report submitted to the City.

Secretariat Comment

Currently there is no registration process for individuals or companies who provide dilapidation reports.

The Department of Mines, Regulation, Industry and Safety are proposing to release a consultation paper on the registration of Trades, including the WA registration of Fire Engineers, Structural Engineers, Building Inspectors and possibly site supervisors, but due to COVID-19, the paper's release has been delayed from April to after June.

For Discussion

It is not a licenced trade and hence until the release of the proposed consultation paper by Department of Mines, Regulation, Industry and Safety this item.

It was recommended that Local Governments are good role models in the interim period until there is regulatory powers to enforce.

RESOLUTION

Moved: Cr Stephanie Stroud

Seconded: Cr Helen Sadler

The Central Zone strongly recommends WALGA lodge a submission to State Government, in support for formal registration of practitioners conducting dilapidation reports to industry standards.

CARRIED

6.2 COVID-19 Regional Level Vulnerability Analysis

Background

To assist Local Governments as they look to provide the most appropriate response and recovery packages in light of the COVID-19 pandemic, WALGA have been assessing the extent to which each local community in WA will be impacted by COVID-19. As a way of doing this, WALGA analysed a range of demographic and social data that provide an indication of the COVID-19 health and economic vulnerability of each Local Government Area in WA. The indicators analysed for each Local Government Area include:

Health vulnerability

- Share of people aged over 70
- Share of lone person households
- Share of households with no motor vehicles
- Share of people who need assistance with core activities
- Population density

Economic Vulnerability

- Share of people who work in impacted industries
- Share of businesses in impacted industries
- Share of non-employing businesses
- Share of businesses with less than \$2m in annual turnover
- Share of households with no internet access

Over 60 individual Local Governments have been provided with an analysis pack specific to their district, and now WALGA have aggregated and reported on this data at the WALGA Zone level.

Analysis was attached with the Agenda. Delegates requested WALGA Secretariat to provide a Vulnerability Analysis to each Central Metropolitan Zone Local Government.

Noted

7. OTHER BUSINESS

7.1 Financial Incentive Mechanisms

By Town of Mosman Park

Background

After the health and safety of our residents and staff the most pressing issue for Local Governments is the financial position of our organisations. If we are unable to cover our expenses (including payroll) and obligations we cannot operate. The Town is drafting the 2020/21 Budget with the intention of no rate rise and we have a plan to manage our finances in the recovery and post-recovery phase to ensure we can maintain services. In the context of the [Town of Mosman Park's] revaluation of properties to be effective 1 July, 2020 what this means is that the rate in the dollar will increase to keep total rates revenue to the current 2019/20 level.

Rates is a significant source of revenue for Local Governments. Any order by the State Government for Local Governments to charge no interest for non-payment of rates and instalment interest charges in the 2020/21 financial year would severely limit our ability to collect rates revenue. This would be deleterious to both the services we provide and our financial viability. The Town acknowledges the economic impact of COVID-19 and will continue to provide generous leniency to ratepayers who are experiencing financial hardship. The Towns intention is to support our community members who are experiencing difficulties during these unprecedented times. However, for us to provide this leadership and support to our communities we need to have the financial ability to operate.

The Town of Mosman Park believes it is important for all tiers of Government to work together to ensure our communities continue to have services provided to during the COVID 19 crisis.

RESOLUTION

Moved: Mayor Brett Pollock
Carried: Cr Jenna Legerwood

That WALGA requests the Minister of Local Government, Sport and Cultural Industries and the WA State Government to retain the financial incentive mechanisms that enable Local Governments to collect rates and charges for delivery of services to our community of residents.

CARRIED

8. EXECUTIVE REPORTS

8.1 President's Report to the Zone

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor presented on the previous State Council meeting.

Noted

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

Representatives from the Department of Local Government, Sport and Cultural Industries representative provided an update the Zone.

Please also link below:

[DLGSC Zone Update](#)

Noted

8.4 Topics for next meeting update by the DLGSC

Due to the current situation of Covid-19, the Department of Local Government, Sport and Cultural Industries are currently experiencing difficulty in staff availability to ensure that a representative with the expertise on the relevant subject matter can attend Zone meetings.

Therefore it is with regret at this time, only the usual sector updates via a link (as per Item 8.3) from the Department will be provided, attendance will occur where possible and requested topics for future meetings will be placed on hold until further notice.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

Moved: Mayor Brett Pollock
Seconded: Cr Jenna Ledgerwood

That the next ordinary meeting of the Central Metropolitan Zone be held on Thursday, 25 June 2020 at the Shire of Peppermint Grove or via videoconference (to be confirmed) commencing at 6:00 pm.

CARRIED

10. CLOSURE

There being no further business the Chair declared the meeting closed at 8.20pm.