

Central Metropolitan Zone Minutes

23 November 2023

Central Metropolitan Zone

Hosted by the City of Subiaco
Level 2, 388 Hay Street, Subiaco
Thursday, 23 November 2023.

The Chair, Cr Paul Kelly opened the meeting at 6:00pm

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

2 Voting Delegates from each Member Council

Town of Cambridge	Cr Kate Barlow Cr Ben Mayes
Town of Claremont	Cr Paul Kelly Cr Shelley Hatton
Town of Cottesloe	Cr Chilla Bulbeck
Town of Mosman Park	Cr Russell Armstrong Cr Andrew Maurice (Deputy)
City of Nedlands	Cr Kerry Smyth Cr Rebecca Coghlan
Shire Peppermint Grove	Cr Charles Hohnen
City of Perth	Cr David Goncalves
City of Subiaco	Cr Penny O'Connor
WALGA Secretariat	Mr James McGovern, Manager Governance Ms Meghan Dwyer, Executive Officer Governance

APOLOGIES

Town of Cambridge	Mr Gary Tuffin, Chief Executive Officer non-voting delegate
Town of Claremont	Ms Liz Ledger, Chief Executive Officer non-voting delegate
Town of Cottesloe	Cr Helen Sadler Mr Matthew Scott, Chief Executive Officer non-voting delegate
Town of Mosman Park	Mayor Paul Shaw Ms Carissa Bywater, Chief Executive Officer non-voting delegate
City of Nedlands	Mr Tony Free, Acting Chief Executive Officer, non-voting delegate
Shire Peppermint Grove	President Karen Farley Mr Don Burnett, Chief Executive Officer non-voting delegate
City of Perth	Cr Liam Gobbert Ms Michelle Reynolds, Chief Executive Officer non-voting delegate
City of Subiaco	Cr Mark Burns Mr Colin Cameron, Chief Executive Officer - non-voting delegate
City of Vincent	Mayor Alison Xamon Cr Jonathan Hallett Mr David MacLennan Chief Executive Officer – non-voting delegate

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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 Previous Meeting
2. President's Report
3. Zone Status Report
4. Standing Orders
5. Department of Local Government, Sports and Cultural Industries November update

1. ELECTIONS

1.1 Elections of Chair and Deputy Chair of the Central Metropolitan Zone

Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of office bearers, State Council Representatives and Deputy State Council Representatives.

Guidelines for elections were distributed to Member Councils via email dated 17 October 2023.

The election for the Chair and Deputy Chair shall be conducted and the term set at two years expiring in November 2025, in line with the terms of State Council representatives and in sync with Local Government Elections.

Zone Chair

The following written nomination was received for the position of Chair.

- Cr Paul Kelly Town of Claremont

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That Cr Paul Kelly is elected as Chair of the Central Metropolitan Zone for the term of 2 years, November 2023 to November 2025.

Deputy Zone Chair

The following written nomination was received for the position of Deputy Chair.

- Cr Helen Sadler Town of Cottesloe

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That Cr Helen Sadler is elected as Deputy Chair of the Central Metropolitan Zone for the term of 2 year, November 2023 to November 2025.

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the Central Metropolitan Zone

In accordance with sub-clause 9(3) of the WALGA Constitution, representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2023 and concluding on the day before the Ordinary Meeting of State Council in December 2025.

For the Central Metropolitan Zone, there are two (2) representative positions on State Council and two (2) deputy representative positions.

State Councillor

The following two written nominations were received for the position of State Council Representative:

- Cr Helen Sadler Town of Cottesloe
- Cr Paul Kelly Town of Claremont

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That:

- **Cr Paul Kelly Town of Claremont**
- **Cr Helen Sadler Town of Cottesloe**

are elected as State Council Representatives of the Central Metropolitan Zone to the State Council for the term of 2 years, December 2023 to December 2025.

Deputy State Councillor

Three written nominations have been received for the position of Deputy State Council Representative.

- Cr Chilla Bulbeck Town of Cottesloe
- Cr Liam Gobbert City of Perth
- Cr Kerry Smyth City of Nedlands

Nominations were also accepted from the floor. No further nominations were received.

Ballot papers were distributed and a secret ballot conducted.

DECLARATION

That:

- Cr Chilla Bulbeck Town of Cottesloe
- Cr Kerry Smyth City of Nedlands

are elected as Deputy State Council Representatives of the Central Metropolitan Zone to the State Council for the term of 2 years, December 2023 to December 2025.

2. DECLARATION OF INTEREST

Elected Members must declare to the Chair 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.

Nil.

3. DEPUTATIONS

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

Department of Local Government, Sport and Cultural Industries provided an update for November. The update was attached with the Agenda.

Noted

4. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Charles Hohnen
Seconded: Cr Chilla Bulbeck

That the Minutes of the meeting of the Central Metropolitan Zone held on 24 August 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

5. BUSINESS ARISING

A Status Report outlining the actions taken on the Zone's resolutions is enclosed as an attachment.

Noted

6. 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)

The full State Council Agenda can be found via link: [State Council Agenda 6 December 2023](#)

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

7.1 2023 Annual General Meeting Resolutions

That:

1. the following resolutions from the 2023 WALGA Annual General Meeting be referred to the People and Place Policy Team for further work to be undertaken:

- 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

- 5.2 Land Use Policy

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

- 5.4 Regional and Remote Housing

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

State Council notes that the following resolution is being considered in Agenda item 7.2 of this meeting Agenda:

- 5.3 Transparency – Management Order Determinations

That WALGA:

1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;
2. Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and
3. Calls for proactive consultation and advice to Local Government management bodies.

7.2 Advocacy Position – Crown Land and Management Order Administration – Land Administration Act 1997

That WALGA endorse the below Advocacy Position:

Crown Land and Management Order Administration - Land Administration Act 1997

WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to:

1. Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:
 - a. Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.
 - b. Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land.
 - c. Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.
 - d. Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.
2. Publish the policies and procedures that underpin decision making regarding:
 - a. Establishing, varying or revoking management orders.
 - b. Leasing Crown land or facilities, subject to a management order.
 - c. Decision review where a management body or proponent lessee is dissatisfied with a decision or process.

7.3 Review of Public Open Space Advocacy Positions

That WALGA endorse:

1. the deletion of Advocacy Position 4.3 Water Management;
2. the deletion of Advocacy Position 4.4 Public Open Space; and
3. new Advocacy Position 6.11 Public Open Space as follows:

6.11 Public Open Space

New subdivisions and developments should provide appropriate Public Open Space (POS) or POS contributions to provide environmental benefits and meet the needs of the community.

The State Government should take a leadership role in the strategic planning of POS, in consultation with Local Government, including:

1. Reviewing the requirement for a minimum 10 per cent of all new residential land to be provided as POS to determine if this metric is still appropriate.
2. Developing a 10+ year regional level sporting facilities plan to identify and prioritise gaps in regional sporting facilities and acquire and fund regional open spaces, specifically sporting facilities, in a timely manner to align with population growth.
3. Developing contemporary legislative and policy mechanisms to ensure that:
 - a. POS design and delivery:
 - i. appropriately allocates different POS uses and purposes, balancing environmental, recreational, sporting and community needs.
 - ii. does not have its use impeded by drainage and utilities facilities.
 - iii. is accessible and appropriately distributed.
 - iv. is cost effective to enable sustainable maintenance and replacement by Local Government.
 - v. is responsive to urban ecology, regional climatic conditions, and climate change.
 - vi. considers water requirements and availability as a priority, includes water sensitive urban design principles, and prioritises water allocations for the irrigation and maintenance of functional active recreational and sport facilities.
 - b. POS cash in lieu contributions are equitable, transparent, and simplified by:

- i. streamlining the process to collect and expend cash in lieu contributions by delegating functions to Local Government.
 - ii. broadening how cash in lieu funds can be spent to include works beyond the current scope.
 - iii. allowing for the collection of cash in lieu contributions at development application stage and for all forms of subdivision, including two lot subdivisions or developments.
 - iv. investigating the option of a standard fixed rate contribution fee per lot or dwelling when contributions are intended for public open space upgrades.
4. Providing guidance documents and support to assist Local Governments with their strategic POS planning.

7.4 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members

That WALGA endorse the submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.

7.5 Household Hazardous Waste Policy Statement and Advocacy Position

That WALGA:

1. Rescind the 2003 WALGA Household Hazardous Waste Policy Statement and Advocacy Position 7.10 Household Hazardous Waste; and
2. Endorse a new Household Hazardous Waste Policy Statement and Advocacy Position as follows:

7.10 Household Hazardous Waste

1. Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised management strategies to protect human health, property and the environment.
2. This requires:
 - a. Effective Product Stewardship for all HHW; and
 - b. The maintenance and expansion of the HHW Program, funded by the State Government and Product Stewardship Schemes, to provide for the management of HHW collected from the community by Local Government.

7.6 Waste Education Policy Statement and Advocacy Position

That WALGA:

1. Rescind the existing WALGA Waste Management Education Policy Statement 2008 and Advocacy Position 7.8 Waste Management Education; and
2. Endorse a revised WALGA Waste Education Policy Statement 2023 and Advocacy Position as follows:

1. Waste education is essential part of waste management that empowers the community to engage in waste avoidance, reuse and recovery, and to use services correctly.
2. Effective waste education requires:
 - a. Consistent communications by all stakeholders to ensure messages are clear and the community has confidence in the information provided.
 - b. A strategic and long-term investment from the State Government, with funding mechanisms in place to support and enable collaboration between Local Governments and Regional Councils.
 - c. Recognition of waste education in the definition of 'waste service' in the Waste Avoidance and Resource Recovery Act 2007, in order to allow a charge for waste education as part of the waste service charge.

- d. Identification of priority problematic materials within the waste stream and ongoing advocacy for evidence based alternative approaches.

7.7 Submission E-Waste Landfill Ban Regulations

That WALGA endorse the Submission on the Waste Avoidance and Resource Recovery (e-waste) Regulations 2023.

7.8 Submission on Philanthropic Engagement Framework for Emergency Management

That WALGA endorse the submission to the State Emergency Management Committee on the Draft Philanthropic Engagement Framework for Emergency Management.

7.9 Submission to the WA Action Plan for Young People Consultation Paper

That WALGA endorse the submission to the WA Action Plan for Young People Consultation Paper.

RESOLUTION

Moved: Cr Charles Hohnen
Seconded: Cr Kate Barlow

That the Central Metropolitan Zone:

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

CARRIED

7. ZONE BUSINESS

7.1 2024 Proposed Meeting Dates

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the Central Metropolitan Zone 2024 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the Central Metropolitan Zone for 2024 require adoption by delegates.

As with previous years, the venue for each meeting has been rotated amongst Members.

NOTICE OF MEETINGS
CENTRAL METROPOLITAN ZONE MEETING
2024

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2024
22 February	Thursday 6.00 pm	Town of Mosman Park	Wednesday 6 March 2024
18 April	Thursday 6.00 pm	City of Nedlands	Regional Metro Wednesday 1 May 2024
20 June	Thursday 6.00 pm	Shire of Peppermint Grove	Wednesday 3 July 2024
22 August	Thursday 6.00 pm	City of Perth	Regional Meeting 5-6 September 2024
21 November	Thursday 6.00 pm	City of Subiaco	Wednesday 4 December 2024

RESOLUTION

Moved: Cr Andrew Maurice
Seconded: Cr Russell Armstrong

That the 2024 proposed schedule of meetings for the Central Metropolitan Zone be adopted.

CARRIED

7.2 Request to Present

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

Water Sensitive Transition Network – Urbaqua

Shelley Shepherd from Urbaqua has requested to attend a future Central Metropolitan Zone meeting to provide information on The Water Sensitive Transition Network. Urbaqua is working with Water Sensitive Cities Australia and New WATER Ways to increase awareness across Local Government senior executives and elected members of the principles and practices of a water sensitive city (WSC).

The presentation will showcase the benefits of water sensitive cities, highlight the water resource issues facing each Local Government and demonstrate how WSC principles and practices are able to address the latest concerns and strategic goals of each Local Government.

North Metropolitan Health Service

Assunta Di Francesco has requested to attend a future Central Metropolitan Zone meeting also, to provide an update on the programs that are offered and how the North Metropolitan Health Service works with Local Governments.

Ms Assunta Di Francesco, Health Promotion Coordinator from the North Metropolitan Health Service, will present on her Team's role and work over the past twelve months, focussing specifically on the type of support provided to Local Governments in the north metropolitan area. This includes providing health promotion planning and evaluation advice, facilitating network meetings on topics such as mental wellbeing, reviewing draft strategic plans with a 'public health lens' and providing mentoring and technical expertise. In practice, this has meant leading the City of Vincent's Smoking behaviour audits as part of

the City's Smoke-free Town Centre Project, providing strategic support to the City of Stirling's Local Drug Action Team, providing data and intelligence to inform the City of Nedlands' public health planning process and connecting the City of Wanneroo to sustainable food initiatives and club related wellbeing programs. Assunta looks forward to exploring ways her team can tailor support to Local Governments with diverse populations, needs, capacity and resources.

Friendship Games

Andrew Vlahov from Friendship Games would like the opportunity to provide a deputation before an event that is being coordinated for next year.

The purpose of the initiative is as follows:

Global

Create a globally recognised youth event in Western Australia. To enhance strategic relationships by providing pathways and platforms for inclusion and to build enduring relationships for Western Australia, our First Nations Communities and global partners.

Local

To bring together our youth in communities including Remote and Regional participants with a sport, culture and education platform for the broader community of Western Australia (WA) including Government, Industry and Corporate WA for social and economic benefit.

Sports Diplomacy 2030

To create a globally recognised sports event aligned to the Sports Diplomacy 2030 strategic priorities. Increase awareness of the Australian cultural exchange opportunities, leveraging the positive international connections during the Games, enhancing Australia's reputation as an inclusive and respectful country.

The Friendship Games is a multisport "carnival style" program. A condensed program format is proposed in 2024 with 11 targeted sports and approximately 4500 participants from International, WA Regional and Metropolitan youth aged between 13-16 years of age and inclusive of all abilities.

Andrew would like to provide further information prior to the event, either February or April.

RESOLUTION

Moved: Cr Kerry Smyth
Seconded: Cr Rebecca Coglan

- 1. That the Central Metropolitan Zone supports a deputation at a future Zone meeting from Urbaqua and North Metropolitan Health Services.**
- 2. That the Central Metropolitan Zone does not support a deputation at a future Zone meeting from and Friendship Games.**
- 3. Request WALGA seek a relevant agency/expert to provide a deputation to a future Zone meeting regarding airborne pollution particulates resulting from infill development and renovation/restoration work (e.g. dust, asbestos, lead) and a Local Government's ability to deal with this issue.**

CARRIED

7.3 LG Act Division 4 - Protection from Liability – Online Broadcasting of Meetings

By Cr Kerry Smyth, City of Nedlands

BACKGROUND

As a WALGA Zone representative I have been approached by both councillors and community members on this issue. Setting aside any individual cases, I also have concerns myself about understanding the potential for risk/liability escalation now that meetings are to be routinely broadcast online. This is a matter for which WALGA can provide improved advocacy, advice, training and guidelines.

The key general issues arising, in the case of broadcasting, are:

1. **ADVOCACY** – Are the provisions of LG Act Division 4 - Protection from Liability well understood by Elected Members, and the public they represent?
2. **ADVICE** – Can WALGA promote a better understanding of the protections and the potential limitations?
3. **TRAINING** – Can WALGA provide a focused training module on this specific area of liability and risk?
4. **GUIDELINES** – Can WALGA provide information in plain English so that LG councillors and officers are better placed to prevent liability actions.

The key specific issues arising, in the case of a published/broadcast motion being challenged as containing libellous material, are:

1. The primary mover being accused is ill equipped to mount a defence, and being encouraged to settle by the LGIS representatives.
2. The seconder to the motion being drawn into the accusation.
3. The CEO and PM for approving the publication of the motion being drawn into the accusation.
4. Recording of verbal commentary surrounding the written substance.

Finally, a fundamental concern is what capacity does WALGA have to support the defence of Elected Members and Officers in the face of its commercial interest in LGIS?

Justification of Recommendation

In order to maintain a solid pool of worthy candidates to Local Government, it is vital to provide clarity around potential risk of financial, reputational and health damage. If we are to attract more candidates from the wider community, they must be assured that they, their partners and family are protected from potential loss.

RESOLUTION

Moved: Cr Kerry Smyth
Seconded: Cr Rebecca Coghlan

Given the legislative changes requiring publicly available recordings and livestreaming of Council meetings, that the Central Metropolitan Zone requests WALGA State Council to reinforce its policy position in the support and defence of Elected Members and Local Government Officers regarding Liability protections. This WALGA action should include (but not limited to): improved advocacy, advice, training and guidelines being made available to Elected Members.

CARRIED

8. OTHER BUSINESS

Nil.

9. EXECUTIVE REPORTS

9.1 President's Report to the Zone

Cr Paul Kelly, WALGA Deputy President presented the President's Report.

Noted

9.2 State Councillor's report to the Zone

Cr Paul Kelly, WALGA Deputy President presented on the previous State Council meeting.

Noted

10. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the Central Metropolitan Zone be held on 22 February 2024 at the Town of Mosman Park, commencing at 6:00pm.

11. CLOSURE

There being no further business the Chair declared the meeting closed at **7.30pm**.