



Central Metropolitan Zone

Minutes

24 June 2021

Central Metropolitan Zone

Hosted by the City of Vincent

2444 Vincent Street, Leederville, 9273 6000

Thursday, 24 June 2021, commenced at 6:00 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Town of Cambridge	Cr Kate Barlow
Town of Claremont	Cr Paul Kelly - Chair Cr Jill Goetze (Deputy)
Town of Cottesloe	Cr Paul MacFarlane
Town of Mosman Park	Cr Jenna Ledgerwood
City of Nedlands	Mayor Fiona Argyle Cr Kerry Smyth Mr Andrew Melville, Acting Director, non-voting delegate
Shire Peppermint Grove	Cr Charles Hohnen Cr Greg Peters
City of Perth	Cr Catherine Lezer
City of Subiaco	Cr Lynette Jennings
City of Vincent	Cr Joanne Fotakis Cr Ashley Wallace Mr David MacLennan Chief Executive Officer – non-voting delegate
WALGA Secretariat	Mr James McGovern, Manager Governance Ms Gemma Cook, Climate Alliance Facilitator
Guest Speakers	Craig Waters AFSM, Deputy Commissioner

APOLOGIES

Town of Claremont	Cr Peter Browne OAM JP Ms Liz Ledger, Chief Executive Officer non-voting delegate
Shire of Peppermint Grove	Mr Don Burnett, Chief Executive Officer non-voting delegate
City of Subiaco	Mayor Penny Taylor Mr Cliff Frewing, Chief Executive Officer - non-voting delegate
Town of Cottesloe	Cr Helen Sadler Mr Matthew Scott, Chief Executive Officer non-voting delegate
Town of Cambridge	Cr Alaine Haddon-Casey Mr John Giorgi JP, Chief Executive Officer non-voting delegate

Town of Mosman Park	Mayor Brett Pollock
City of Nedlands	Ms Carissa Bywater, Chief Executive Officer non-voting delegate Mr Ed Herne, Acting Chief Executive Officer, non-voting delegate
City of Perth	Cr Di Bain Ms Michelle Reynolds, Chief Executive Officer non-voting delegate
DLGSC Representative	

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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 Previous Meeting
2. President's Report
3. Zone Status Report
4. 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.

Nil

2. DEPUTATIONS

2.1 Department of Fire and Emergency Services

Craig Waters, Deputy Commissioner Operations provided an update to the Zone on Emergency management matters.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Jenna Ledgerwood
Seconded: Cr Catherine Lezer

That the Minutes of the meeting of the Central Metropolitan Zone held on Thursday 22 April 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

Nil

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)

The full State Council Agenda can be found via link: [State Council Agenda 7 July 2021](#)

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 Reviews of the *Cat Act 2011* and *Dog Act 1976*

That WALGA seek a commitment from the State Government:

1. for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*; and
2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

5.2 Amendments to WALGA's Constitution

That the WALGA Constitution be amended as follows:

1. INSERT Definition – “Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.
2. Clause 5 (10) – DELETE “and Associate Members”.
3. Clause 5 (11) – DELETE “Ordinary Member or”, REPLACE “State Council” with “Chief Executive Officer” in the first sentence, INSERT “or its delegate” after State Council in the second sentence.
4. Clause 6 (3) – REPLACE “31 May” with “30 June”.
5. Clause 7 (2) – REPLACE “30 June” with “31 July”.
6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.
7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”
8. DELETE Clause 11 (3)
9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”
10. DELETE Clause 12 (2)
11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”
12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”
13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the Local Government Act 1995 as amended (2) For the purposes of the election referred to in sub-section (1)” with “as follows”.
14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.
15. INSERT Clause 16A – Election Procedure – President and Deputy President
 - (1) An election to elect the President or Deputy President shall be conducted as follows:
 - (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
 - (b) representatives are to vote on the matter by secret ballot;
 - (c) votes are to be counted on the basis of “first-past-the-post”;
 - (d) the candidate who receives the greatest number of votes is elected;

- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
 - (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
 - (g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);
 - (h) if two or more candidates receive the same number of votes so that sub-section 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.
16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.
 17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.
 18. Clause 22 (3) – DELETE “in person”
 19. DELETE Clause 22 (4) (b).
 20. Clause 23 (3) – DELETE “in person”
 21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”
 22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”
 23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”
 24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”
 25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”
 26. Clause 31 (4) (c) – DELETE “and Regional Development”.

RESOLUTION

Moved: Cr Joanne Fotakis
Seconded: Cr Lynette Jennings

That the Central Metropolitan Zone

1. Supports all Matters for Decision as listed above in the July 2021 State Council Agenda; and
2. Notes all Matters for Noting and Organisational Reports as listed in the July 2021 State Council Agenda.

CARRIED

6. ZONE BUSINESS

6.1 Planning Policy for Building Height

Town of Mosman Park

RESOLUTION

Moved: Cr Jenna Ledgerwood
Seconded: Cr Paul MacFarlane

That the late item, Planning Policy for Building Height, be considered by the meeting.

CARRIED

BACKGROUND

The Town of Mosman Park was recently advised by the Department of Planning, Lands and Heritage that its Planning Policy for Building Height was problematic in that it did not have a head of power to augment or modify definitions which are contained in the R Codes. In fact the Department also did not have this power unless the State Planning Policy 7.3 was amended, which it has recently gone through extensive review.

The issues raised were in relation to how the Town was defining 'Natural Ground Levels' using the Water Authority WAWA levels from the 1970's which was a carry-over from a revoked previous town planning scheme, to determine 'levels preceding development'. The Town of Mosman Park has, following this advice from the Department and further legal advice, revoked the local planning policy at its June 2021 Council meeting. We have noted that both the Town of Cambridge and the City of Melville have similarly operating planning policies of which the Department are now aware of this issue.

The second issue with the Town's Building Height Policy relates to the definition of 'views of significance'. We were recommended to remove this from our policy framework, however this leaves us only with SAT Case law in which to determine views of significance when assessing building height, and that SAT Case law references New South Wales examples. 'Tenacity' being that example.

We are told by the Department of Planning that including definitions of 'views of significance' isn't currently on their radar but would refer the matter to the Design WA team. It is the Town's view that the issue, where localities contain views, the ability to adequately assess this by a local government is not sufficiently addressed by the current or the newly revised R Codes being released In July, and that the matter deserves more attention by the State Government. It is also noted that the City of South Perth has a similar Policy, likely to be challengeable for the same reasons.

RESOLUTION

Moved: Cr Jenna Ledgerwood
Seconded: Cr Kerry Smyth

That the Central Metropolitan Zone seek the support of WALGA in developing a position for the issue of the Department of Planning, Lands and Heritage 'Planning Policy for Building Height' to be addressed statewide to support local communities, local government planning departments, developers and Councils in forming better assessment guidance, in particular relating to views of significance.

CARRIED

7. OTHER BUSINESS

Nil

8. EXECUTIVE REPORTS

8.1 President's Report to the Zone

The State Councillor representative presented the President's Report.

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.

Department of Local Government, Sport and Cultural Industries representative was an apology for this meeting.

<http://mailchi.mp/dlgsc.wa.gov.au/local-matters-june-2021>

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Central Metropolitan Zone be held on Thursday 19 August 2021 at the Town of Cambridge, commencing at 6:00 pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 7:40pm.