



# South East Metropolitan Zone

## Minutes

28 February 2018

# South East Metropolitan Zone

Hosted by the City of Canning

1317 Albany Highway Cannington, phone 9231 0606

Wednesday 28 February 2018 commenced at 6:01 pm

## Minutes

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Armadale	Cr Ruth Butterfield (DSC) Mr Ray Tame, Chief Executive Officer - voting delegate in absence of Mayor
City of Canning	Cr Sara Saberi Cr Timothy Porter Mr Arthur Kyron Chief Executive Officer – non-voting delegate
City of Gosnells	Cr Julie Brown (SC) Cr David Goode (Deputy) Mr Ian Cowie, Chief Executive Officer - non-voting delegate
City of South Perth	Mayor Sue Doherty - <b>Chair</b> Cr Greg Milner Mr Geoff Glass, Chief Executive Officer – non-voting delegate
Town of Victoria Park	Cr Bronwyn Ife Cr Brian Oliver <b>SC</b> Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate
WALGA Secretariat	Ms Lyn Fogg, Governance Advisor, Sector Support and Advice Mr Tony Brown, Executive Manager Governance and Organisational Services
Guest Speaker	Mr Simon Taylor, Department of Premier and Government Ms Amie Steele, Department of Premier and Government

### APOLOGIES

City of Armadale	Mayor Henry Zelones AM JP
City of Gosnells	Cr Liz Storer (DSC)
City of Canning	Cr Ben Kunze - <b>Deputy Chair</b>
DLGC Representative	Mr Ron Murphy, Manager Sector Governance

## **ANNOUNCEMENTS**

Confirmation of Attendance, an attendance sheet was circulated prior to the commencement of the meeting to register your name for the Minutes.

Acknowledgement of Country: Mayor Sue Doherty declared the meeting open at 6.01 pm, acknowledging the traditional owners of the land that the meeting is held on and paid respects to Elders past and present.

Mayor sue Doherty welcomed Mr Taylor and Ms Steele form the Department of Premier and Cabinet as well as the attending deputy members, Cr Porter (Canning) and Cr Goode (Gosnells).

## **ATTACHMENTS WITHIN THE AGENDA**

1. Draft Minutes of the previous meeting
2. Zone Status Report
3. President's Report
4. Meeting Guidelines/Protocols
5. Standing Orders

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## **1. DEPUTATIONS**

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### **1.1 Presentation – Strategic Environmental Planning and Approvals**

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Mr Simon Taylor from the Department of the Premier and Cabinet provided a presentation in relation to the Strategic Assessment of the Perth and Peel Regions (SAPPR) currently being undertaken by the State Government, which will have implications for Local Government in Perth, Peel and surrounds.

A copy of the presentation is provided as **Attachment 1**.

**Noted**

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## **2. CONFIRMATION OF MINUTES**

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### **RESOLUTION**

**Moved Cr Ruth Butterfield**  
**Seconded Cr Julie Brown**

**That the Minutes of the meeting of the South East Metropolitan Zone held on 29 November 2017 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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## **3. DECLARATION OF INTEREST**

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Pursuant to our Code of Conduct, Councillors must declare to the Chairperson 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.**

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#### **4. BUSINESS ARISING**

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

**Noted**

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#### **5. STATE COUNCIL AGENDA - MATTERS FOR DECISION**

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##### **5.1 Local Government Act Review**

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#### **RESOLUTION**

**Moved Cr Julie Brown  
Seconded Cr Sara Saberi**

**That the South East Metropolitan supports Item 5.1 within the March 2018 State Council Agenda.  
CARRIED**

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##### **5.2 Local Government Act – Audit and Financial Management Regulations Amendment**

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#### **RESOLUTION**

**Moved Cr Brian Oliver  
Seconded Cr Julie Brown**

**WALGA recommendation supported.**

**Amendment:**

**Moved Cr Ruth Butterfield  
Seconded Mayor Sue Doherty**

**WALGA recommendation 1(d) be amended by inserting:**

- (v) Sub-regulation 16(f) being deleted as the Audit Committee's role is not to 'oversee' the implementation of actions by the local government.**

**CARRIED**

**The Substantive Motion as amended was put:**

**WALGA recommendation supported subject to amendment of recommendation 1(d) by inserting:**

- (v) Sub-regulation 16(f) being deleted as the Audit Committee's role is not to 'oversee' the implementation of actions by the local government.**

**CARRIED**

**Reason:** The rationale for this deletion is similar to that for deletion of Audit sub-regulation 16(a) in that suggesting that a committee has "oversight" of any function can be interpreted as "*to supervise, manage, run or administer*". This will immediately create confusion, if not direct conflict, with the separation of roles between the Council and administration.

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**5.3 Interim Submission - Review of the State Industrial Relations System**

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**RESOLUTION**

**Moved Cr Ruth Butterfield  
Seconded Cr Timothy Porter**

**That the South East Metropolitan supports Item 5.3 within the March 2018 State Council Agenda.  
CARRIED**

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**5.4 Interim Submission – State Planning Policy 5.4 Road and Rail Noise – Residential Subdivision**

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**RESOLUTION**

**Moved Cr Julie Brown  
Seconded Cr Ruth Butterfield**

**That the South East Metropolitan supports Item 5.4 within the March 2018 State Council Agenda.  
CARRIED**

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**5.5 Interim Submission – Planned or Managed Retreat Guidelines**

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**RESOLUTION**

**Moved Cr Julie Brown  
Seconded Mayor Sue Doherty**

**That the South East Metropolitan supports Item 5.5 within the March 2018 State Council Agenda.  
CARRIED**

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**5.6 Clearance of subdivision conditions relating to Bushfire Management Plans**

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**RESOLUTION**

**Moved Mayor Sue Doherty  
Seconded Cr Julie Brown**

**That the South East Metropolitan supports Item 5.6 within the March 2018 State Council Agenda.  
CARRIED**

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**5.7 Review of the Administrative Road Classification Methodology (05-001-03-0033 MM)**

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**RESOLUTION**

**Moved Cr Brian Oliver  
Seconded Cr Bronwyn Ife**

**That the South East Metropolitan supports Item 5.7 within the March 2018 State Council Agenda.  
CARRIED**

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**5.8 Interim Submission - Inquiry into Progress under the National Road Safety Strategy 2011-2020**

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**RESOLUTION**

**Moved Cr Timothy Porter  
Seconded Cr Ruth Butterfield**

**That the South East Metropolitan supports Item 5.8 within the March 2018 State Council Agenda.  
CARRIED**

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**5.9 Interim Submission - Proposed listing of the 'Tuart Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community**

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**RESOLUTION**

**Moved Cr Sara Saberi  
Seconded Cr Bronwyn Ife**

**That the South East Metropolitan supports Item 5.9 within the March 2018 State Council Agenda.  
CARRIED**

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**6. BUSINESS**

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**6.1 South East Metropolitan Zone – Meeting Protocols**

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*By Lyn Fogg, WALGA Secretariat*

**Background**

The SE Metropolitan Zone meeting agenda includes the following Meeting Protocols previously endorsed by the Zone.

**South East Metropolitan Zone  
Meeting Protocols**

It is understood that Zone Delegates will have read their Zone and State Council Agendas prior to attending the Zone meeting. It is also assumed that Officers of member Councils are also familiar with the contents and have or will advise their delegates as to their views or changes to recommendations prior to the Zone meeting.

1. State Council and Zone agendas will be read by appropriate Council Officers in order to provide professional advice and comment to Zone Delegates.
2. Amendments to recommendations contained within the State Council or Zone Agenda are to be circulated to members, where practicable, 2 days prior to the Zone meeting (or earlier if possible).
3. Items of business to be included on the Zone agenda will be sent, to the Secretariat with supporting material, by the closure date of the agenda.
4. Members wishing to have New Business/Late items introduced under General Business will inform the Chair at the earliest possible time prior to the Zone meeting.
5. New business/late items to be included on the agenda will be put to members for inclusion on the agenda. Items failing to be supported may be included on the agenda at the next Zone meeting.

6. All new business/late items will contain sufficient written information in order to support the recommendation for the zone to consider.
7. Where it is necessary in exceptional circumstances for a recommendation(s) or amendment to recommendation(s) to be put to members without the required notice, the host Council will provide sufficient resources for printing, photocopying or electronic projection in order to allow members to see and understand the recommendations that are being considered.
8. A meeting evaluation will be undertaken at the conclusion of the meeting.
9. Not more than one presentation to be provided at an ordinary Zone meeting.

## **Comment**

Zone members have previously suggested the following:

- A time limit for deputation presentations, unless an extension of time is resolved by the meeting.

This does not appear to have been formally resolved for inclusion in the above agreed SE Metro Zone Meeting Protocols and is provided now for consideration.

Following the 2017 Elections, the Zone has a number of new members appointed by member Local Governments and it is considered an opportune time to review and confirm the meeting protocols.

Zone members are encouraged to raise other relevant meeting protocols for discussion.

**For discussion.**

## **RESOLUTION**

**Moved Cr Julie Brown**

**Seconded Cr Brian Oliver**

**That the South East Metropolitan Zone Meeting Protocols be endorsed subject to amendment of clause 9 and insertion of a new clause 10 as follows:**

- 9. Not more than one presentation to be provided at an ordinary Zone meeting, unless at the discretion of the Chair, a second presentation is appropriate.**
- 10. Presentation speakers are to be advised of a time limit of 20 minutes per presentation and advice provided to the Chair if the presentation is expected to exceed this limit. The Chair may exercise discretion to allow presentations to exceed the time limit.**

**CARRIED**

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## **6.2 Local Government Act Review, Declarations of Interest**

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*By Mayor Henry Zelones, City of Armadale (to be presented by Mr Ray Tame, Chief Executive Officer)*

Following consultation with Mr Tony Brown from WALGA, Mayor Henry Zelones of the City of Armadale would like to seek the consideration of the Zone to support a request to have included in the current review of the Local Government Act that part the Act covering Declarations of Interest. *The Local Government (Rules of Conduct) Regulations 2007 set out uniform rules to guide the behaviour of Council members. Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 prescribes how and when disclosure of an impartiality interest must be made by a Council member.*

A requirement of the Local Government Act is for Councillors to declare an interest in any matter before a Committee or Council meeting where there is a Financial or non-Financial, Proximity or Impartiality interest - on any matter requiring a decision of Council or Committee.

“Any matter considered by an Elected Member must be objective and unbiased”. “All Elected Members have a statutory responsibility to declare any interests they may have that can influence their participation in individual meeting items”. No one can make you disclose an interest – it is solely the Councillor’s responsibility to do so. (ref Module 1 Conflicts of Interests – Elected Member Training).

Impartiality Interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

A financial, non-financial or proximity interest requires an Elected Member to not participate in any part of the decision-making process and during a meeting is required to leave the room and not vote. An impartiality interest needs to be disclosed, however an Elected Member *can still participate in debate and vote on the item*. Diagram below.

Type of Interest	Debate?	Vote?
Impartiality	✓	✓
Proximity	✗	✗
Financial	✗	✗

How interests affect your role on Council

Conflicts of Interest wsga.sen.au/training

It is apparent that there is a contradiction within the Act and Regulations that can cause confusion for an elected member and even more so if it is perceived by an applicant or a ratepayer that a bias exists. If that Councillor is biased and declares that bias through an impartiality declaration, it is suggested that a person’s declaration could in fact effect a decision of Committee or Council, especially if they are considering a Planning decision (which also evokes another piece of legislation).

This portion of Conflicts of Interests appear to be contrary to a requirement for an elected member to give due consideration. Failure to declare an ‘Impartiality Interest’ in itself may be referred to the Standards Panel for review and possible an imposition of a penalty.

It has been the practice of elected members at the City of Armadale, to declare an Impartiality Interest and that they set aside the perception of bias and vote on its merits. *On two occasions, member’s declared they cannot set aside that perception and (hence) could not vote or debate the item, and left the meeting.*

The CEO fully understood their dilemma and supported their decision to not compromise the City’s decision-making by participating in a vote in which they had, in all honesty, been unable to declare their impartiality.

The Minutes recorded their absence from the chamber for a brief period.

Of course, during a Council meeting there is also a requirement for elected members present to vote on all matters before Council or Committee that are not subject to a conflict due to Financial or Proximity Interests.

There is a conflict between these two requirements of the Act which could be readily resolved.



## RESOLUTION

Moved Mr Ray Tame  
Seconded Cr Greg Milner

That the South East Metropolitan Zone requests this issue be considered during the current Local Government Act Review process and be added to the WALGA responses incorporated in Item 5.1 of the March 2018 State Council Agenda.

LOST 2 /8

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### 6.3 Presentation – Auditor General’s Office

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The Office of the Auditor General would like to present at the meeting to be held 27 June.

The Auditor General or one of the Assistant Auditor Generals will provide an overview of what Local Governments can expect in terms of performance and financial audits.

## RESOLUTION

Moved Cr Julie Brown  
Seconded Cr Bronwyn Ife

That the South East Metropolitan Zone invite the Auditor General’s Office to present at the meeting to be held 27 June 2018.

CARRIED

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### 6.4 The Local Government Agricultural Freight Group – Election of Delegate and Deputy Delegate

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Following the 2017 Local Government Elections the member Zones of the Local Government Agricultural Freight Group reappointed their delegate and deputy delegate to the Group.

Under the Group's Terms of Reference each member Zone is entitled to appoint a delegate and deputy delegate to represent it on the Group; the delegate and deputy delegate are to be elected members and the term of office is two years.

The Group meets 1-3pm at WALGA, 5 February, 13 April, 13 August and 15 October.

## Recommendation

That the South East Metropolitan Zone appoint ..... as Delegate and ..... as Deputy Delegate to the Local Government Agricultural Freight Group.

## RESOLUTION

Moved Cr Julie Brown  
Seconded Mayor Sue Doherty

That the South East Metropolitan Zone not provide a nomination for Delegate to the Local Government Agricultural Freight Group.

CARRIED

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## **6.5 Presentation – Addressing the Risk of Losing State and Federal Road Funding**

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Mr Geoff Eves was appointed to the role of Local Roads Program Manager in August 2016 and has been working with Local Governments and Main Roads WA to improve timely delivery of road improvement projects in the Metropolitan area.

This presentation will identify the six major issues that have been found to affect timely road project delivery and discuss actions that Councillors and Councils should consider to manage the risks.

### **In Brief**

At the end of 2016/17 Local Governments in the metropolitan area sought to carry forward \$3.7 million of State BlackSpot funding (48% of budget), \$4.2 million of Federal BlackSpot funding (46% of budget) and \$6.2 million in State Government funded Road Project Grants (21% of funding) largely for projects that were unable to be completed in time. This is consistent with the pattern over many years. State Treasury does not support the carry-over of funds between years, meaning that these dollars are potentially lost from road improvement projects. There is also a significant reputational risk for Local Governments.

The State Road Funds to Local Government Advisory Committee established a project to identify the issues affecting timely project delivery and work with Local Governments to implement corrective actions. The analysis has found that there are long held myths about why State funded road projects cannot be delivered on time.

### **RESOLUTION**

**Moved Cr Julie Brown  
Seconded Mayor Sue Doherty**

**That the South East Metropolitan Zone invite the Mr Geoff Eves, Local Roads Program Manager, to present at the meeting to be held 29 August 2018.**

**CARRIED**

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## **7. OTHER BUSINESS**

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### **7.1 China Waste Import Reductions – Impact for Local Government**

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Mr Geoff Glass (South Perth) discussed the significant risk to Local Governments arising from the recent policy change by the Peoples Republic of China, which seeks to reduce imports of waste materials from other countries and improve the quality of imported recyclable materials, resulting in potential for substantial costs increases for Local Government recycling collections. Mr Glass noted that the Victorian State Government had already provided a \$13M fund to assist Local Governments in dealing with the impact.

Mr Tony Brown (WALGA) advised that WALGA had recently issued an Infopage on this subject alerting Local Governments to check their contractual arrangements. Mr Brown noted that Local Governments who were using the WALGA Preferred Supplier arrangements would be protected from increases above CPI. Mr Brown also advised that WALGA had hosted an Information Session on this matter today, 28 February 2018.

## RESOLUTION

**Moved Cr Ruth Butterfield  
Seconded Cr Sara Saberi**

**That the matter of China's change of policy on receipt of recyclables from WA and its potential effect on the Perth recycling industry be taken up as a matter of urgency by MWAC and WALGA with the relevant Minister.**

**CARRIED**

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### **7.2 Infrastructure WA Strategy**

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Zone members discussed the Infrastructure WA State Government Policy, currently being consulted through the Department of Premier and Government, noting concerns that the Policy document does not adequately recognise the role of Local Government, nor include Local Government representation in stakeholder reference groups.

**Moved Cr Brian Oliver  
Seconded Mayor Sue Doherty**

**That WALGA include in its submission in response to the Infrastructure WA State Government Policy, a request that Local Government be represented in the Infrastructure WA model and stakeholder reference groups.**

**CARRIED**

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### **7.3 Increasing Legal Expenditure**

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Zone members discussed escalating costs arising from legal advice fees.

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## **8. EXECUTIVE REPORTS**

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### **8.1 WALGA President's Report**

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Tony Brown (WALGA) presented the President's Report.

**Noted.**

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### **8.2 State Councillor's report to the Zone**

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WALGA State Councillor, Cr Julie Brown presented on the previous State Council meeting.

**Noted.**

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### **8.3 Department of Local Government, Sport and Cultural Industries Representative Report**

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The DLGSC representative was an apology.

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## **9. MEETING ASSESSMENT**

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Cr Greg Milner, City of South Perth, provided feedback as to the effectiveness of the meeting.

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**10. DATE, TIME AND PLACE OF NEXT MEETING**

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The next ordinary meeting of the South East Metropolitan Zone will be held on Thursday 26 April at the City of Canning commencing at 6:00 pm.

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**11. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7.56 pm.



Government of **Western Australia**  
Department of **the Premier and Cabinet**

# Strategic Assessment of the Perth and Peel Regions (SAPPR)

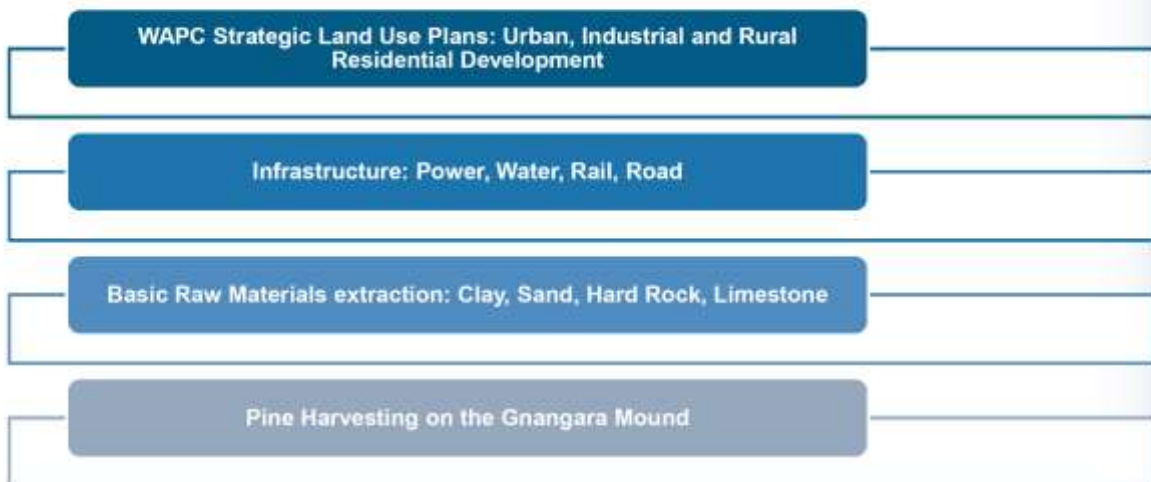
February/March 2018

## What is the Strategic Assessment

- » Approval under the Commonwealth EPBC Act for development required for 3.5 million people living in Perth/Peel by 2050
- » Streamlining State assessment and approval processes
- » Impact Assessments
  - MNES and State Values
  - Major emphasis on avoidance of impacts
- » Conservation Program

Department of the Premier and Cabinet

## What development will be approved



Department of the Premier and Cabinet

## How the environment is being protected

- » Strategic avoidance
- » Conservation planning within proposed development areas
- » Design of a long-term conservation program to mitigate impacts:
  - Expansion of the conservation reserve system
  - Protection of the Peel-Harvey and Swan Canning estuaries
  - Protection of threatened species and related programs
  - Improve State planning and environment policies
- » Conservation Reserves:
  - 170,000 ha of new and expanded conservation reserves
  - Bush Forever:
    - Minimum of 85% will be incorporated in new reserves (up from 24%)
    - The "Quick Wins" will see an immediate doubling of Bush Forever in Conservation Reserves in the Metro Region
  - 14,000 ha Peel-Harvey Marine Management Area
- » Strategic actions to reduce nutrient pollution in the Swan Canning and Peel-Harvey Estuary

Department of the Premier and Cabinet

## 2015 public consultation: summary of feedback

- » Broad support for SAPPR being completed, subject to revisions/further consultation
- » Environment:
  - Strong concerns: Carnaby's cockatoo, native vegetation clearing, wetlands, Bush Forever
  - Support action to improve health of Swan Canning / Peel-Harvey
- » Developer/Local Government – desire more detail on:
  - Development approval process
  - Application of conservation commitments (urban, industrial rural residential)
  - Funding mechanisms
- » Local issues: infrastructure alignments, adjustments to conservation reserves
- » General:
  - Make public Strategic Assessment documents easier to use/understand
  - Misunderstanding – SAPPR vs planning processes vs existing environmental approval process

Department of the Premier and Cabinet

## Changes in response to feedback



Improve outcomes for Carnaby's cockatoos

Copyright: Photo: iStockphoto.com/Caroline Grogan (By Grogan, caroline@istock.com)



Greater certainty for Bush Forever and reserves timeframes

Photo: iStockphoto.com/Mark, Todd (By Orlowski)



Improve wetlands data

Photo: iStockphoto.com/Mark, Todd (By Orlowski)

Department of the Premier and Cabinet  
Strategic Assessment of the Perth and Peel Regions

## Changes in response to feedback (continued)



Provide clarity on environmental values to be retained within development footprints (as much as possible, aligned with Local Government reserves and local biodiversity strategies)

Image: Getty



Greater avoidance of environmental impacts

Image: Perth and Peel Regions



Funding and implementation options

**Department of the Premier and Cabinet**  
Strategic Assessment of the Perth and Peel Regions

## Changes in response to new Government directions



Maximise transformative effect of METRONET

**Department of the Premier and Cabinet**  
Strategic Assessment of the Perth and Peel Regions



## Changes in response to new Government directions

Announcement of 7,000 ha of Class A conservation reserves as soon as possible:

- ▶ Yalgorup (announced 12 January 2018)
- ▶ Beeliar
- ▶ Rockingham Lakes
- ▶ Yellagonga
- ▶ Jandakot



## Key areas for detailed Local Government engagement



Department of the Premier and Cabinet

## Next Steps



Department of the Premier and Cabinet

Questions

Department of the Premier and Cabinet