



**ORDINARY MEETING OF COUNCIL
MONDAY, 11 SEPTEMBER 2023**

AGENDA

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AGENDA

REPORTS

**TECHNICAL SERVICES COMMITTEE MEETING
HELD ON 4 SEPTEMBER 2023**

**COMMUNITY SERVICES COMMITTEE MEETING
HELD ON 5 SEPTEMBER 2023**

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

PLEASE TAKE NOTICE that the next **ORDINARY MEETING OF COUNCIL** will be held in the Council Chambers, Orchard Avenue, Armadale at **7.00pm**

MONDAY, 11 SEPTEMBER 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

7 September 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

*Minimum time to be provided – 15 minutes (unless not required)
Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>.*

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

7 CONFIRMATION OF MINUTES

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HELD ON 28 AUGUST 2023..... (ATTACHED)

**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT
DISCUSSION**

**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN
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Nil

10 REPORTS

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BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR
BY DECISION**

**13 MATTERS FOR REFERRAL TO STANDING COMMITTEES –
WITHOUT DISCUSSION**

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

14.1 Technical Services - Item 3.1 - Waste to Energy Shortfall Credit
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15 CLOSURE

CITY OF ARMADALE

MINUTES

OF TECHNICAL SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 4
SEPTEMBER 2023 AT 7:00 PM.

PRESENT:

Cr G Nixon (Chair)
Cr E J Flynn (Deputy Chair)
Cr R Butterfield
Cr M S Northcott
Cr G J Smith
Cr S S Virk

APOLOGIES:

Cr S Peter JP

OBSERVERS:

Cr J Keogh
Cr P Hetherington
Cr S Mosey

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr M Andrews	Executive Director Technical Services
Mr P Sanders	Executive Director Development Services
Ms S van Aswegen	Executive Director Community Services (via Teams)
Ms A Luobikis	Head of Service Delivery
Ms A Lazaroo	Executive Assistant Technical Services

PUBLIC:

1

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– www.armadale.wa.gov.au/your_council/councillors.”*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read as there was a member of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Technical Services Committee Meeting held on 7 August 2023 be confirmed.

Moved Cr E J Flynn

MOTION CARRIED

(6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Programme

No items were raised for report or further investigation.

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TECHNICAL SERVICES COMMITTEE

4 SEPTEMBER 2023

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1.1 - WASTE TO ENERGY SHORTFALL CREDIT PROPORTIONAL SHARE

WARD : ALL
FILE No. : M/453/23
DATE : 18 August 2023
REF : NB/DH/NM
RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- A Confidential Report on the above matter is presented to this agenda.

MEETING CLOSED TO PUBLIC

Moved Cr R Butterfield that the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale.

Motion Carried (6/0)

Meeting declared closed at 7.04 pm. Member of the public left the meeting.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

A Confidential Report is presented to this Agenda.

This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

T1/9/23

That Council adopt the recommendation as presented in the Confidential Report:

**Moved Cr E J Flynn
MOTION CARRIED**

(6/0)

MEETING OPENED TO PUBLIC

MOVED Cr R Butterfield that the meeting be opened to members of the public.
Motion Carried (6/0)

Meeting declared open at 7.13 pm. Member of the public did not return to the meeting.

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR TECHNICAL SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 7.14 PM

CITY OF ARMADALE

MINUTES

OF COMMUNITY SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 5
SEPTEMBER 2023 AT 7:00PM.

PRESENT: Cr M Silver (Chair)
Cr M S Northcott (Deputy Chair)
Cr K Busby
Cr E J Flynn
Cr K Kamdar
Cr J Keogh
Cr S J Mosey

APOLOGIES: Nil

OBSERVERS: Cr R Butterfield (Mayor)
Cr P A Hetherington
Cr G Nixon
Cr G J Smith

IN ATTENDANCE:	Ms J Abbiss	CEO
	Mrs S van Aswegen	Executive Director Community Services
	Mr J Lyon	Executive Director Corporate Services (via Teams)
	M M Andrews	Executive Director Technical Services (via Teams)
	Mr P Sanders	Executive Director Development Services (via Teams)
	Mr C Halpin	Manager Recreation Services
	Mr R Milnes	Manager Community Development
	Ms J Cranston	Executive Assistant Community Services
	Ms D Koelen	Community Planning Project Officer

PUBLIC: 2

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– www.armadale.wa.gov.au/your_council/councillors.”*

DISCLAIMER

As there were members of the public present, the Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Public question time was opened at 7.02pm

1. Sarah Stoneham - 31 Wymond Road, Roleystone WA 6111

- Q. Question in reference to Agenda Item 2: Is Council aware that any form of behaviour change requires management as well as training? To look at community outreach without offering and some sort of management solution to the problem doesn't actually address it in a holistic fashion. Given that the community garden are going to have to fund the CCTV themselves, there is no cost to Council, so maybe look at both options 1 and 2 as one option, rather than being mutually exclusive.
- R. The Chair advised that these comments would be taken on board when the Committee makes a decision.

Public question time was declared closed at 7:04pm

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 8 August 2023 be confirmed.

Moved Cr Silver

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 13 – August 2023

None of the items from the Community Services Information Bulletin required clarification or a report for a decision of Council.

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COMMUNITY SERVICES COMMITTEE

5 SEPTEMBER 2023

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1.1 - ANNUAL PROGRESS REPORT OF SUBURB-LEVEL SOCIAL PRIORITIES

WARD : ALL
FILE No. : M/438/23
DATE : 8 August 2023
REF : RM
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- This report presents an update on strategies to address endorsed suburb-level Social Priorities for the past 12 months.
- Recommend that Council note the update on strategies to address endorsed suburb-level Social Priorities detailed in this report.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Community

- 1.1 Foster and strengthen community spirit
1.1.3 Support the development and sustainability of a diverse range of community groups
- 1.2 Improve community wellbeing
1.2.2 Facilitate the alignment of service and program delivery to identified social priorities within the community
- 1.4 An inclusive and engaged community
1.4.2 Encourage the provision of inclusive and accessible facilities, services and programs within the community

1.4.3 Ensure the provision of culturally appropriate services and programs within the City

1.4.4 Facilitate the provision of facilities, services and programs to meet the needs of the City's current and future demographics

Legal Implications

Nil

Council Policy/Local Law Implications

ADM19 – Procurement of Good and Services

Budget/Financial Implications

There are no financial implications associated with the recommendations of this report.

Consultation

Community organisations and service providers.

BACKGROUND

Summary of the Social Priorities Approach

The City's Social Priorities approach is based on identifying the most important aspirations and issues in the City's individual suburbs through a range of data sets and community/sector engagement. The first iteration of Social Priorities was identified and endorsed in August 2019 and the overall approach is explained in the City's Community Development Strategy 2021 – 2026.

The second iteration of Social Priorities encompassing the years 2021 – 2023 were identified as follows:

- Armadale South: Connection to community and services
- Armadale North: Connection to community and services
- Camillo: Youth engagement and education
- Kelmscott West: Early years and family support
- All suburbs: Community Safety

These Social Priorities were endorsed on 14 June 2021 at the Ordinary Council Meeting (C20/6/21) resulting in the following resolution:

That Council endorse the suburb-level social priorities detailed in this report.

As explained in the City's Community Development Strategy 2021 - 2026, the City's responses to address the Social Priorities are categorised as follows:

- Advocacy
- Coordination of internal and external stakeholders
- Contract of services via Service Agreements
- Capacity building

Progress Reporting

The last progress report was presented to Council on 12 September 2022 at the Ordinary Council Meeting (C19/9/22), with Council resolving the following:

That Council:

1. *Note the update on strategies to address endorsed suburb-level Social Priorities detailed in this report.*

Reports on the progress of the Social Priorities will continue to be presented to Council annually in September. An update will continue to be provided each month to Councillors via the Councillors Information Bulletin.

Social Priorities 2023 – 2026

The third iteration of Social Priorities encompassing the years 2023 to 2026 were identified in May 2023 as follows:

Social Priority: Children, Young People & Families

Suburbs

- Armadale North and South
- Brookdale
- Camillo
- Harrisdale
- Piara Waters

Social Priority: Access to Essential Supports

Suburbs

- Armadale North and South

Social Priority: Neighbourhood and Community Connections

Suburbs

- Harrisdale
- Haynes
- Piara Waters

Social Priority: Home and Community Safety

Suburbs

- All

These Social Priorities was endorsed on 8 May 2023 (C11/5/23) at the Ordinary Council Meeting resulting in the following resolution:

That Council endorse the four suburb-level social priorities detailed in this report.

These Social Priorities will encompass the three-year timeframe from June 2023 to June 2026.

DETAILS OF PROPOSAL

Social Priorities 2021 – 2023

The attached tables comprise a summary of the responses for each Social Priority in the City's response categories of advocacy, capacity building, coordination of internal and external stakeholders and contract of services via Service Agreements.

With regards to the Service Agreements, \$229,300 per annum was allocated to Service Agreements in the 2022/23 financial year for organisations to deliver services to help address the Social Priorities in the nominated suburbs.

ANALYSIS

The City continues to work on addressing the 2021-2023 Social Priorities and improving the positive impact of the strategies implemented. The data provided via the contractors' reports and Officers' evaluations indicates that the individual initiatives met their objectives and resulted in sound outcomes. The intent is to focus on improving the strategies that are working well and embedding these sustainably to effect long term positive change.

This progress report comprises the formal annual update to Council, however the Community Development component of the Councillor's Information Bulletin contains monthly information pertaining to the Social Priorities. The increased funds allocated for Service Agreements has been instrumental in attracting a broader range and a higher calibre of applications.

OPTIONS

Council has the following options:

1. Note the update on strategies to address approved suburb-level Social Priorities detailed in this report.
2. Request further information on strategies to address approved suburb-level Social Priorities detailed in this report.

Option 1 is recommended.

CONCLUSION

The aim of the Social Priorities approach is to effect positive change in the community based on suburb-level data, community feedback and good practice examples.

ATTACHMENTS

1. [Social Priorities Update Attachment 2023](#)

RECOMMEND

C20/9/23

That Council note the update on strategies to address endorsed suburb-level Social Priorities detailed in this report.

Moved Cr M S Northcott
MOTION CARRIED

(7/0)

2.1 - ROLEYSTONE COMMUNITY GARDEN SECURITY OPTIONS

WARD : HILLS
FILE No. : M/248/23
DATE : 10 May 2023
REF : DK/CW
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

In December 2022, Council considered a referral item with respect to ongoing security issues at the Roleystone Community Garden. The decision (C34/12/22) was to request a report that included options, costs and potential funding sources of available security measures. This report addresses that item.

Recommend that Council:

- Note the contents of this report.
- Support the Roleystone Community Garden with community based initiatives, and other support consistent with the Community Gardens Policy.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

1.2.1 Strategic Community Plan

Objectives - Advocate for the delivery of services and programs as well as increased resources to contribute to improvements in community safety.

Corporate Business Plan 2020 – 25

1.2 Improve Community Wellbeing

1.2.4 Facilitate the delivery of health and wellbeing programs and services within the community.

1.2.5 Create opportunities for lifelong learning and building community connections.

1.3 Community Facilities Meet Community Needs

1.3.1 *Ensure the equitable provision of Community Facilities throughout the City.*

1.3.1.6 *Encourage and support a range of alternate community facilities to support a diverse community.*

1.2.4 *Facilitate the delivery of health and wellbeing programs and services within the community.*

Community Health and Wellbeing Plan 2021-2024

11.1.1.6 *Support the establishment of sustainable community fresh food initiatives.*

Expected outcome- Contingent on external funding, build capacity among residents by providing resources and skills to install and maintain verge gardens to provide healthy and affordable food.

Legal Implications

One of the options included in this report is fencing of the garden. The current lease agreement outlines *Section (b) (iv) not to fence of the Licensed Area*. Should the option of fencing be implemented, a lease amendment would be required.

Council Policy/Local Law Implications

The following Council policies pertain to the options under consideration, with relevant extracts included underneath:

COMD 9 – Community Garden Policy

3. *The City will not provide capital funding for the establishment of a community garden or associated facilities.*

The City will not be responsible for the ongoing costs of maintaining the garden such as power, water or insurance.

Safety:

- *The site and proposal should be compliant with Crime Prevention through Environmental Design (CPTED) principles.*
- *The site and proposal should not have any health or safety concerns.*
- *The site should have good passive surveillance.*

Accessibility:

- *The proposal should not prevent usual public access requirements.*
- *The site and proposal should be compliant with Universal Design principles.*

COMD9 Management Practice

The Incorporation is to be run by a committee that takes legal and financial responsibility for the establishment and ongoing operation of a community garden, including public liability and site insurance.

ENG 18 - CCTV and MCCTV Policy

2.2 *The CCTV and MCCTV system is installed at particular locations to detect and deter crime but is not a monitoring system.*

2.3 *The use of CCTV and MCCTV footage is restricted to approved users only in compliance with applicable CCTV legislation and/or Standards can only be viewed by Authorised Officers.*

- 2.4 *Members of the public are not permitted to view CCTV and MCCTV recordings.*
- 2.5 *Members of the public wanting to report an incident shall be directed to the Police to make a formal report. Authorised Officers may, on request by the Police, extract the relevant digital recording in order to assist the Police with their investigations.*
- 2.9 *The establishment of permanent cameras in new locations in the City is to be approved by the Chief Executive Officer via submission of the relevant Request for M/CCTV deployment form.*
- 2.11 *Following the formal written request for incident footage and the provision of the footage to the Police, the City will retain a digital copy of that footage for future use by the Police if requested.*
- 3.1 *A request to deploy MCCTV cameras in any location must first be approved by the Chief Executive Officer via submission of the relevant Request for M/CCTV deployment form.*
- 3.2 *The responsible directorate shall coordinate the MCCTV camera location program that is based on operational requirements (environmental) or historical evidence of criminal or anti-social activities, vandalism, illegal dumping, or graffiti.*

PLN 3.14 Designing Out Crime

- 4.1 *Surveillance: Surveillance is one of the most simple and effective principles of crime prevention. In this regard, when people perceive that they can be seen, they are less likely to engage in anti-social behaviour and crime. Most development can be designed to have opportunities for natural surveillance whereby clear sightlines are created.*

Budget/Financial Implications

The Officers' recommendation has no budget or financial implications, however, some of the options considered in the report have costs attached. Consistent with Council policy, these costs would not be borne by the City, however are included for information.

OPTION	INITIAL COST	ONGOING COST
Supply and install fencing surrounding the garden (1.8m High black Chain-link fencing incl one personnel gate and one vehicle gate)	\$24,900	
Fixed CCTV	\$9,531.99	\$60 per month. CCTV generally is maintained not renewed and replaced at the end of life
Mobile CCTV Trailer	-	-

Consultation

1. Roleystone Community Gardens
2. Recreation Services
3. Parks Development Services
4. Property Services
5. Asset Management
6. Community Development
7. Governance Services

BACKGROUND

At the October 2022 Ordinary Council Meeting (OCM) the following Councillor item was raised as a Matter for Referral:

"That the matter of investigating security measures to support the Roleystone Community Garden (fencing and/or CCTV are desired options) be referred to the Community Services Committee".

The item was considered at the December 2022 Community Services Committee meeting with a report that outlined in broad terms considerations and security options, in addition to policy and lease implications. The Council decision (C34/12/22) was as follows:

That Council:

Request a report that includes:

- (i) *Options available to address the ongoing security issues at the Roleystone Community Garden.*
- (ii) *The estimated capital and asset renewal costs of the security options identified.*
- (iii) *Potential funding sources for the security options.*
- (iv) *A comparative analysis of security measures at other community gardens within the City.*

This report serves to provide Council with information requested in relation to recommendation C34/12/22.

The Roleystone Community Garden was established in 2018, and currently has fifteen financial members. The Roleystone Community Garden Inc. currently have the following areas under use by agreement (CS/65/17):

- Exclusive use via lease of the area for the shed
- Approx 1065m2 via licence for the purpose of a community garden

Officers met on site with representatives from the Roleystone Community Garden and they advised that they are experiencing issues with young people entering the garden and throwing fruit/produce around the garden. They note this not only ruins the harvest but could damage infrastructure and become a hazard to users. The group expressed that if this damage continues it would be detrimental to the group and could potentially lead to loss of members.

As previously advised through the Technical Services Committee meeting, the access and use of the City's data is now better informing our understanding of social behavior issues including vandalism. Recently a dashboard was presented which identified Cross Park, Roleystone as being the most frequently vandalised public toilet asset in the City.

1. Aerial View as of Feb 2023



2. Current Barrier/Structures



3. View From Oval Side of Gardens



Note: Rock retaining wall

4. Side Access



DETAILS OF PROPOSAL

City Officers met with the Roleystone Community Garden group onsite for a walk through of the premises, conducted internal engagement and conducted research to provide the following information in respect to each of the items included in the preceding report;

- (i) *Options available to address the ongoing security issues at the Roleystone Community Garden.*
- (ii) *The estimated capital and asset renewal costs of the security options identified.*
- (iii) *Potential funding sources for the security options.*
- (iv) *A comparative analysis of security measures at other community gardens within the City.*

(i) Options available to address the ongoing security issues at the Roleystone Community Garden

The following options were identified and investigated:

1. Community based safety initiatives/events, such as Street Meet and Greet Event to be conducted with the support of the Community Development Team. This option could potentially provide a broader community benefit if the group successfully form strong relationships with the areas local Youth. Discussion with the Roleystone Community Garden indicated that while they were very welcoming of young people being involved in the garden, they do not undertake proactive programs or initiatives to engage with the local youth.

The Community based safety initiatives allow a preventative approach, with minimum cost yet improving the overall community atmosphere for the Cross Park Reserve. Such initiatives could also be utilised to;

- (i) Encourage residents to meet each other and make intergenerational connections.
- (ii) Encourage residents to report instances of crime correctly to the WA Police.
- (iii) Distribute CPTED Resources and inform local residents of CPTED strategies to reduce crime.

2. Closed Circuit TV

- Fixed CCTV

The City currently has CCTV overlooking Cross Park public toilet and skate park. Additional fixed CCTV could be added to the shed and overlooking the community garden area.

- Temporary CCTV

The City has a mobile CCTV trailer that can be deployed to crime hotspots based upon WA Police statistics. The City's CCTV and MCCTV Management Practice (ENG18) provides the following in relation to deployment of the City Mobile CCTV:

- 3.1 *A request to deploy MCCTV cameras in any location must first be approved by the Chief Executive Officer via submission of the relevant Request for M/CCTV deployment form.*

3.2 *The responsible directorate shall coordinate the MCCTV camera location program that is based on operational requirements (environmental) or historical evidence of criminal or anti-social activities, vandalism, illegal dumping, or graffiti.*

3. Fencing

Officers met onsite with members of the garden group to ascertain their expectations with respect to the request for fencing. The group outlined their request, and that they would like to also use the fence as a structure to grow plants on. A 1.8m high black chainlink fencing with gates for vehicle and personal access is the preferred option expressed by the Roleystone Community Garden representatives.

4. Request Further Monitoring

It may be considered that further information with respect to data gathering be undertaken including monitoring and reporting conducted by the group to provide further details regarding the specific incidents and damages that have occurred at the site.

No further options were identified.

(ii) **The estimated capital and asset renewal costs of the security options identified**

Initiative	Detail	Capital/Initial Cost	Recurrent Cost
1. Community based safety initiatives/events	Conducted by Roleystone Community Garden with support from Community Development Team	Budget would be subject to event specifics	Nil
2. Closed Circuit TV - Fixed	Addition to City system	\$9,531	\$60 per month under existing City contract. CCTV generally is maintained not renewed and replaced at the end of life. CCTV has a useful life span of 15 years.
- Mobile CCTV	Use of existing City trailer	Nil	Officer time to deploy.
3. Fencing	1.8m High black Chain-link fencing incl one personnel gate and one vehicle gate	\$24,900	This type of fencing has a useful life of 30 years, with replacement set around 25 years subject to asset condition inspection feedback that is to be conducted every three years.
4. Request further monitoring	Roleystone Community Garden documents specific incidents over set period of time	Nil	Nil

(iii) Potential funding sources for the security options

Officers researched and accessed our grant finder subscription, various sources were identified. There are a range of community based grant programs available to community groups, and several specifically for community gardens. A selection of these programs are presented below, however this is not an exhaustive list.

Additionally the City offers a grant program available for community groups to access with project funding up to \$2,500.

The following sources were identified as potential funding sources to potentially support the group's funding of security options;

Bendigo Bank – Roleystone Karragullen	Community Investment Program. Applications approved by local branch.	No limit
Stronger Communities	Infrastructure Australia via local Members of Parliament	\$2500 to \$20,000
Community Gardens Grants Program	Department of Communities	Up to \$10,000
Community Investment Framework	Lotterywest	No limit
Mitre 10 Bunnings	Community Sponsorship Local in-kind sponsorships	







Mandurah Community Gardens members with president Jennifer Boivin (third from left, back row) and Mandurah MLA David Templeman. Credit: supplied

MANDURAH
Times

'So grateful': Mandurah Community Gardens receives \$15k Lotterywest grant

Telissa Ryder | Mandurah Coastal Times
February 22, 2023 2:00AM

(iv) A comparative analysis of security measures at other community gardens within the City

Kelmscott Community Garden	<p>The existing perimeter fencing was installed prior to 2014 and was listed as a gifted asset from the previous lessee, Minister for Education.</p> <p>The Lease agreement states the following in regards to future costs involved in the asset.</p> <p>ANNEXURE B - Maintenance Schedule</p> <p><u>Maintenance that is the responsibility (but not limited to) of the tenant to undertake:</u></p> <p>1. Repairs and/or replacement of fencing;</p>	Fenced - Existing infrastructure that is maintained by group
Champion Centre	<p>Open to public.</p> 	Not fenced
Champion Lakes Residents Association	<p>Established by community group prior to transfer of asset to the City.</p> 	Partially fenced
Sienna Wood Sales Office	<p>Established by developer with local community support.</p> 	Not fenced
Madox Sales Office – Piara Waters		Not fenced

ANALYSIS

Options available to address the ongoing security issues at the Roleystone Community Garden

Options 1 - Community Based Initiatives

Given that the community surrounding the Roleystone Community Garden is geographically discrete, there could be significant improvement to current issues resulting from relationship building and engagement with the local youth, who may not understand the work undertaken and frustration with loss of harvest, and volunteer effort required to remediate. Initiatives could be developed with support from the City and the local high school. From initial discussions with the group, this is a relatively unexplored option and could be an initial starting point, before commitment to expensive capital solutions.

Option 2 – Closed Circuit TV

Mobile CCTV - it is unlikely for there to be sufficient criminal activity to warrant this location be declared a 'crime hotspot' and enable the subsequent deployment of the mobile trailer under the current policy and management practice. These trailers are specifically tailored towards high crime areas with high records of criminal activity identified by Police. Request for use of the trailer would require direct approval from the CEO in accordance with the policy.

Fixed CCTV could be considered and may provide a deterrent to ongoing nuisance activity. However, should an incident occur, the footage is only available to WA Police in response to a reported crime and, while the frustration of the group is appreciated, the severity of the reported instances may not warrant an investigative response from Police, and provides challenges if indeed the perpetrators are minors.

Option 3 - Fencing

With respect to the fencing option, there are multiple factors to be considered – as public open space, should Council support fencing; what fencing would be supported and if Council support fencing who should fund initial construction and ongoing maintenance and renewal.

When Council initially considered the request for establishing a community garden in Cross Park, the express intent was that the area not be fenced. At the September 2017 City Strategy Committee meeting when the lease was considered by Council, an amendment to include the following was supported:

“(ii) Licence to Occupy to include the following conditions:

- Existing naturally occurring vegetation within the licence area not to be removed or damaged;
- the licence area not to be fenced.”

However, while the current agreement reflects the Council decision that the area not be fenced, it does contain the following clause:

Notwithstanding paragraph (iv) above, although the Licensed Area is not to be fenced for the time being, the Parties acknowledge that there may become a need to fence the Licensed Area at some stage during the Term. If the Tenant ever wishes to fence off the Licensed Area during the Term, the Tenant shall not do so without the prior written consent of the Landlord – which consent the Landlord may withhold at its absolute discretion, and which consent will not be given without a determination being made by way of a Council resolution.

Should Council wish to implement this option, whether funded by the group or the City, a further report to Council would be required to provide determination to approve fencing and to amend the lease and licence agreement accordingly.

Another consideration with respect to the request for fencing, and the intent to use as a structure to grow plants on, is how effective that would be in mitigating criminal activity, or if a visually impermeable structure would limit passive surveillance and create opportunity for more criminal activity. While a 1.8m high chain-link fence may be an acceptable option, should the fence be covered in plant growth, it would form a visual barrier within the public open space. Additional consideration would need to be given to the structure and installation of a fence suitable to support the weight of plant material as well as the 1.8m height. There would also be access and maintenance considerations for a fence covered with plant growth. It is noted that there could be challenges along the length of the garden that is retained (see photo 3), as to achieve adequate footings for a 1.8m high fence may require the fence to be located sufficiently in from the retaining wall – where the current hedge is, or beyond.

Costs Associated with Available Options

There is an initial capital cost of the Fixed CCTV of approximately \$9,500 with an ongoing monthly service fee of \$60. The cost estimates for the preferred fencing option were \$24,900.

With the present information it is unclear that the results of the vandalism and destruction of produce exceed or balance the capital and ongoing costs of the options proposed.

With respect to any potential changes to the lease associated with the request for fencing, internal advice is that these changes can be effected utilising internal resourcing and no external costs will be incurred.

The City's Community Garden Policy (COMD9) and Management Practice states that "*The City will not provide capital funding for the establishment of a community garden or associated facilities.*" A range of grant funding opportunities exist for community groups, including specific community garden streams, some of which are only available to community based organisations and not Local Governments. The City offers support and guidance to community groups through the funding application processes if required, and some funding bodies run their own information sessions to assist. There is an active network of Community Gardens in WA for additional advice if required by Roleystone Community Garden with any grant applications.

A Comparative Analysis of Security Measures at other Community Gardens within the City

There are a number of community gardens within the City of Armadale, some developed by groups, some through developers and some created by schools. There are limited security measures at these gardens.

At Kelmscott Community Garden, the fence was pre-existing when transferred to City management. The lease for this site specifically notes that all repairs, and replacement of the fence will be at the group's responsibility.

The Champion Lakes Community Centre garden was also developed prior to transfer to the City, with a small section fenced and the balance (fruit trees) open to the public. The other community gardens are open to the public and are not restricted by a fence.

OPTIONS

1. City to support the Roleystone Community Garden with community based initiatives to engage with local youth, and monitor anti-social activity.
2. City approve installation of CCTV, at the group's expense, and under the City's CCTV contract.
3. City to consider installation of a fence, at the group's expense, with a further report to Council in accordance with the current lease clause.
4. Take no further action on this matter.

Option 1 is the preferred option.

CONCLUSION

Roleystone Community Garden has created an attractive community activity that adds to the vibrancy of the community hub at Cross Park Reserve. The small group has faced various challenges with vandals and supporting the group in providing a safe space for users is important. It is recognised that community gardens serve an important purpose as engagement hubs for social interaction, promotion of environmental improvement and food security and have the potential to achieve sound physical and mental health outcomes.

When endorsing its Community Gardens Policy, the report noted the City's role in supporting community gardens as:

- Ascertaining the most appropriate site for the garden.
- Providing Guidelines for the Establishment and Management of Community Gardens
- Assisting in building the capacity of groups

While empathetic to the issues currently facing the Roleystone Community Garden, it is recommended that support provided be consistent with the established policy and practice.

ATTACHMENTS

There are no attachments for this report.

Officer Recommendation

1. Note the contents of this report.
2. Support the Roleystone Community Garden with community based initiatives, and other support consistent with the Community Gardens Policy.

Committee Discussion

Cr Mosey put forward an alternative motion recommending supporting the Roleystone Community Garden to install a fence and supporting engagement with the local community, in particular youth, to stop the issues that are currently being experienced.

RECOMMEND

C21/9/23

That Council:

- 1. Note the contents of this report.**
- 2. Support the Roleystone Community Garden in:**
 - (i) understanding what grants would be available for the installation of a fence;**
 - (ii) providing a further report to Council to resolve to provide written approval for a fence consistent with the current license conditions.**
- 3. Request a review of the current Community Garden Policy.**
- 4. Support the Roleystone Community Garden with community based initiatives, and other support consistent with the Community Gardens Policy.**

**Moved Cr S J Mosey, Opposed Cr K Busby
Seconded Cr J Keogh**

(5/2)

3.1 - APPAREL OPTIONS FOR EVENTS SUCH AS NAIDOC WEEK

At the Council meeting held on 10 July 2023, Cr Keogh referred the following matter to the Community Services Committee.

That the matter of apparel options for events such as NAIDOC week be referred to the Community Services Committee

Comment from Cr Keogh

The City has done a wonderful job of promoting partnerships with local Aboriginal Elders and groups within the City of Armadale area. The NAIDOC week event in 2023 behind the Champion Centre was the best one yet.

To build upon this great success, I would like to request City Officers to explore ways in which the City can have further partnerships with local aboriginal apparel and product producers in making shirts, ties, scarfs, hats, etc that can be sold/developed for NAIDOC week for each year. Perhaps a tender process could be used in which groups submit designs/ideas for production. A different local business could then be used each year.

This could further be applied to other City events such as the Kilt Run or perhaps Australia Day, etc.

Officer Comment

The City has strong links with local Aboriginal artists, and their designs are used in various capacities at the Champion Centre and at the City's programs and events, including NAIDOC and the Armadale Artist Studio Trail exhibitions.

Working with Aboriginal designers and manufacturers to produce and sell apparel at the City's events and possibly at the Perth Hills Armadale Visitor Centre aligns with the Aboriginal and Cultural Tourism priority in the City's recently endorsed Tourism Strategy 2023-2028.

As a standalone project, this initiative will require time and resources to develop. However, it can be considered in the proposed 2023/24 schedule of activities to culminate in the launch of locally designed and produced apparel during the NAIDOC event in July 2024.

This proposed initiative demonstrates the opportunity that exists to incubate local micro businesses. With the right mentorship and networks, small businesses can grow over time to provide new local jobs.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

C22/9/23

That Council requests City Officers provide a report regarding:

- i. The logistics and costs of working with local Aboriginal designers and manufacturers to produce and sell apparel, culminating in the launch of locally designed and produced apparel during the NAIDOC event in July 2024.**
- ii. The logistics and costs to produce Aboriginal apparel that can also be developed and sold for large events held by the City.**

**Moved Cr J Keogh
MOTION CARRIED**

(7/0)

COUNCILLORS' ITEMS

1. Update on Lease - Roleystone Senior's Centre (Cr Scott Mosey)

Cr Mosey requested an update on the lease for the Roleystone Senior's Centre to be provided administratively.

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

1. Update - Councillor Referral Item - All Abilities Football

The Executive Director Community Services advised that meetings have taken place with the Kelmscott Bulldogs Football Club and that a memo will be circulated to Councillors as requested in recommendation C17/7/23.

MEETING DECLARED CLOSED AT 7:43PM

COMMUNITY SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
5 SEPTEMBER 2023		
ATT NO.	SUBJECT	PAGE
1.1 ANNUAL PROGRESS REPORT OF SUBURB-LEVEL SOCIAL PRIORITIES		
1.1.1	Social Priorities Update Attachment 2023	34

The above attachments can be accessed from the Minutes of the Community Services Committee meeting of 5 September available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

11 SEPTEMBER 2023

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1.1 - WALGA ANNUAL GENERAL MEETING - 18 SEPTEMBER 2023

WARD : ALL

FILE No. : M/457/23

DATE : 18 August 2023

REF : SD

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- The Western Australian Local Government Association (WALGA) Annual General Meeting is to be held on Monday, 18 September 2023.
- Council's guidance to the two delegates with respect to its position on each motion is recommended.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership & Innovation
- 4.1 Strategic Leadership and effective management

Legal Implications

Nil.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

Nil.

COMMENT

The agenda for the WALGA Annual General Meeting on Monday 18 September 2023 has been received and contains specific motions for consideration.

Council at its meeting on 24 July confirmed its two South East Zone members, Crs Butterfield and Northcott as its voting delegates for the AGM.

A copy of the WALGA AGM Agenda is attached to this report.

To provide guidance to the two delegates on the City's position, the following motions on the agenda are provided for Council's consideration:

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

Shire of York

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.

Officer Comment

The State Administrative Tribunal (SAT) considers and determines a wide range of planning issues. It is assumed the proposed motion is in response to matters related to subdivision applications and/or development applications determined by Joint Development Assessment Panels (JDAP). The WAPC is the respondent for subdivision applications in W.A. and Local Governments may be invited by the Department of Planning, Lands and Heritage to attend or provide witness statements to support the WAPC's position/decision. The Chair of the JDAP represents the JDAP as the decision maker in its SAT proceedings. There is no obligation on the JDAP Chair to engage or involve Local Governments in SAT proceedings, despite some proposals having significant impacts and Local Governments having an intimate knowledge of their communities, characteristics of land in their locality and relevant planning schemes.

It is recommended that the Motion is - SUPPORTED

Item 5.2 Land Use Policy

Shire of Moora

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.

Officer Comment

The Western Australian Planning Commission's State Planning Policy 2.5 – Rural Planning includes appropriate mechanisms for the protection of agricultural land and Local Government's can include appropriate mechanisms in their Town Planning Schemes to protect prime agricultural land and other agricultural areas. The Department of Planning, Lands and Heritage is currently preparing Model Zones and Land Use permissibility that Local Governments will need to use when preparing new Town Planning Schemes and initiating scheme amendments, it is important that the protection of prime agricultural land continue during this review.

It is recommended that the Motion is - SUPPORTED

Item 5.3 Transparency – Management Order Determinations

Shire of Carnarvon

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.**

Officer Comment

The City regularly receives requests from the Department of Planning, Lands and Heritage to accept Management Orders for new Crown Reserves in the City's growth areas. The proposed motion is supported, as the Department of Planning, Lands and Heritage should improve its level of transparency on its processes and decision making on all its areas of responsibility.

It is recommended that the Motion is - SUPPORTED

Item 5.4 Regional and Remote Housing

Shire of East Pilbara

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.

Officer Comment

The issue is acknowledged as a growing concern for regional and remote towns, however the issue also occurs in the Metropolitan Region and the Motion should be amended to include the Metropolitan Area.

The motion could be amended as follows:

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

It is recommended that the Motion is - AMENDED as above.

Item 5.5 Proposed New WALGA Constitution

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

VOTING REQUIREMENT: SPECIAL MAJORITY

Officer Comment

In March 2022 WALGA commenced a 'best practice governance review' to ensure its governance and engagement models are "*contemporary, agile, and maximise engagement with members.*" Accordingly, in November 2022 WALGA solicited member feedback on 5 possible governance models for the association, with feedback due no later than 23 December 2022.

The models for consideration were:

Option 1 Two tier model, existing Zones	Option 2 Board with Regional Bodies	Option 3 Board, Amalgamated Zones	Option 4 Member elected Board, Regional Groups	Option 5 Current Model
Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	State Council (25 members) 24 State Councillors 1 President
Policy Council (25 members) 24 members plus President	Regional Bodies (4 metro, 4 country)	Zones (6 metro, 6 country)	Policy Teams / Forums / Committees	Zones (5 metro, 12 country)
Zones (5 metro, 12 country)	Policy Teams / Forums / Committees	Policy Teams / Forums / Committees	Regional Groups	Policy Teams / Forums / Committees

Council considered the proposed governance models at its meeting on 19 December 2022 (CEO8/12/22) and resolved to support Option 3:

That Council:

- 1. Note the proposed governance models presented by WALGA.***
- 2. Support Option 3 as Council's preferred governance model for WALGA.***
- 3. Authorise the CEO to provide WALGA with Council's opinion in respect of its preferred governance model, noting that it is ultimately a decision for the State Council of WALGA to determine in accordance with its constitution.***

Council's preferred model retained the zone structure and kept it at the second tier of the governance model, but rationalised. The makeup of the zones proposed by Option 3 mirrored the administrative divisions of the State (regional boundaries) which was considered beneficial for aligning WALGA's policymaking and representation with the State's regions.

After consideration from the sector, WALGA has indicated its preference for Option 1 and has presented a proposed new constitution to implement this. However WALGA has also offered its members the option of retaining Option 5, the status quo, and has prepared an amended constitution for this purpose. The proposed new as well as amended constitutions are presented to member Councils for consideration.

Given the fundamental changes proposed by a new governance model, relating to representation, roles and the overall manner in which the association will be governed, it is considered appropriate to start afresh with a new constitution. In addition to the elected President and Deputy President roles, the new Board-based governance structure proposes an even number of metropolitan and country board members in addition to independent board members. The Board will be the governing body of WALGA.

The existing State Council will be retained but would be primarily a policy advisory council.

Six Board Members would be elected by the State Council from the members of the State Council and would allow for a smaller governing body.

Option 1 addresses a key criticism of the current governance model in that it separates the governance and policy making bodies of WALGA allowing Board Members to focus on organisation management.

The proposed change to the association's governance represents the most significant change to its representation since its inception.

If passed by a special majority of WALGA members at the Meeting, it will be proclaimed WALGA's new constitution and the alternative motion, to retain the current governance model will not be considered.

It is recommended that the Motion is - SUPPORTED

Item 5.6 Proposed Amendments to WALGA's Constitution

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

VOTING REQUIREMENT: SPECIAL MAJORITY

Officer Comment

Item 5.6 proposes retaining the existing governance model while making necessary changes to the Constitution.

It is not the preferred model of governance endorsed by WALGA but provides members the option to make the required changes to the Constitution that would be required to keep the existing governance arrangements within WALGA.

Proposed amendments include:

- The inclusion of new and refined definitions describing the types of meetings held by the State Council as well as redefining metropolitan and country constituencies.
- Empowering the State Council, rather than members, to allocate voting rights on the State Council and determine the zones from which State Council members are to be drawn.
- Prohibiting members of the State Council from remaining on the Council after nominating for state or federal parliament.
- Removal of "non-constitutional" items from the Constitution.
- Amendments to have the Constitution adhere to its own defined terms.

The changes proposed to the constitution are not substantive and do not address criticisms previously raised with the current governance model in particular that the State Council does not sufficiently separate its policy making and governance roles. The governance body is also much larger than in the four reform options considered.

This motion will only be considered if the prior resolution to give effect to a new Constitution to implement Option 1 is not passed. As this motion recommends changes to improve the current constitution, and a no vote would leave the current constitution without any required amendments, it is recommended that the motion is supported.

It is recommended that the Motion is - SUPPORTED.

ATTACHMENTS

1. [1](#) 2023-WALGA AGM-Agenda-18 September 2023

RECOMMEND

CEO1/9/23

That Council delegates vote on the AGM Motions as recommended in the report.

****1.2 - BYFORD RAIL EXTENSION - PLANE TREES & PEAR TREES**

WARD : MINNAWARRA

FILE No. : M/489/23
PLU/MP/7
DD010.2023.074.001

DATE : 7 September 2023

REF : PS

RESPONSIBLE : EDDS
MANAGER

In Brief:

- The Byford Rail Extension (BRE) Project works are progressing. Council has considered and made its recommendation to the Western Australian Planning Commission on Development Application Nos. 1 & 3.
- Two large London Plane trees and 6 Pear trees have been identified on the eastern side of Railway that will be cleared by the BRE Project.
- The BRE Project have recently progressed their design for the Principle Shared Path (PSP) and it is likely to result in the removal of a further two existing London Plane Trees abutting Aragon Court in order to protect other significant trees in Aragon Court.
- Recommend that Council amend the City's budget for 2023/24 to fund the relocation of 4 London Plane trees and 6 Pear trees.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 1.2.1.6 Support projects that improve the perception and safety of patrons on the Armadale Line and increase train patronage.
- 2.2.2.6 Develop a Public Realm Strategy and implementation plan for the Armadale City Centre.
- 3.1.2.1 Participate in the MetroNet working group for the Byford extension and advocate for outcomes that support the future growth of the Armadale City Centre.
- 1.2.3 Provide for a diverse range of active and passive recreational pursuits within the City.
- 2.2.2 Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.
- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open spaces throughout the City.
- 3.1.2 Advocate for the Armadale Strategic Metropolitan City Centre Structure Plan and cultivate the strategic partnerships necessary for its successful implementation.
- 4.1.1 Advocate for the delivery of key transformational projects.

Legal Implications

Nil.

Council Policy/Local Law Implications

ENG6 - Street Trees

PLN 2.4 - Landscape Feature and Tree Preservation

Budget/Financial Implications

There are not sufficient funds in the City's Parks Budget to accommodate the proposed costs of relocating any of the trees, therefore an allocation of funding would be required if the Council decides to relocate any of the trees.

Consultation

Public Transport Authority, MetConnx and City Directorates.

BACKGROUND

The Byford Rail Extension (BRE) Project works are progressing with clearing of vegetation and service relocation occurring. Council has considered and made its recommendation to the Western Australian Planning Commission (WAPC) on Development Application Nos. 1 & 3. Development Application No.1 included the Viaduct structure. The WAPC approved this application on 18th July 2023. Development Application No.3 includes the Armadale Station and public realm. The application is currently with the WAPC for its determination.

Two large Plane trees and 6 Pear trees have been identified on the eastern side of the Railway that will be cleared by the BRE Project for the Viaduct works and Armadale Rd works. The BRE Project have recently progressed their design for the Principle Shared Path (PSP) and the design will result in the removal of a further two existing Plane trees abutting Aragon Court resulting in four Plane trees in total to be removed in this northern portion of the Project area. MetConnx have advised that they are not proposing to relocate the trees. The City's officers have identified that Council could consider the options for relocating these trees.

DETAILS OF PROPOSAL

This report considers the relocation of 6 Pear trees and 4 Plane trees that are affected by clearing requirements for the Byford Rail Extension Project. The BRE Contractors have advised that they have not proposed to relocate the trees. An Aerial Photo is attached identifying the location of the trees. Individual photos of the trees are also attached.

ANALYSIS

Pear Trees

The six (6) Pear trees have been identified abutting the railway fence for clearing. The City planted these trees as 90 litre stock in 2020. It is acknowledged that there is a risk in transplanting these trees. Transplanting of these trees would preferably be done in the dormant state to minimise risk of failure. Transplanting outside of this time is an increased risk and would require increased after care, thereby adding to the cost of relocating trees. The window to move the trees is in the next few weeks, before they need to be removed by MetConnx to enable works to occur to construct the pads for the large cranes installing the viaduct. There is not likely to be an opportunity to prepare these trees before they are relocated. It is acknowledged that this may decrease the expected rate of successful relocation and impact future tree growth. The City's officers have identified a suitable location in Matthew Stott Reserve as an appropriate location. This location surrounds the new picnic table and shelter, where the City has recently enhanced the park facilities.

Plane Trees

The City was aware that there is one Plane tree close to Armadale Rd on the east side of Railway line that needs to be removed for the widening of Armadale Rd and construction of the Viaduct. The BRE Project have recently progressed its design for the Principle Shared Path (PSP) and the design will also result in the removal of two existing Plane Trees abutting Aragon Court. MetConnx have advised that they are not proposing to relocate the trees. Since the Councillor briefing after the Technical Services Committee on 4th September 2023, it has been identified that another larger Plane tree (4th) will need to be removed for the widening of Armadale Rd. This is the largest of the Plane trees in this area (see Attachments).

The London Plane trees and their current locations were inspected on the 25th of August 2023 by the City's consultants (Arbor Centre). The trees were found to be in good health given their age, size and current locations. Based on the species and findings of the site visit, it is considered feasible to relocate the trees to nominated local parks. It is important to note that the trees are scheduled to be removed soon and the City is not likely to be able to achieve a 3 month period to prepare the trees for relocation, as the trees need to be relocated at a specific time of the year and the land is required for BRE Project before the appropriate time next year. The City is liaising with MetConnx to determine the period when the trees will have to be removed by.

The Arbor Centre advise that the tree preparation stage will involve specialist root pruning, hormone treatment and wrapping of the root balls below ground to promote regeneration of fibrous roots required as part of the relocation process. This will also ensure that root systems are not entwined with the adjacent trees nominated to be retained insitu.

The City has sought quotes on the estimated cost of relocating the three Plane trees which is as follows:

1. The two London Plane Trees west of Aragon Court estimated cost of \$17,600, with options of maintenance and monitoring to increase the success of relocating the trees for 3 months (\$1,800), 6 months (\$2,980) or 12 months (\$3,950).
2. The London Plane Tree east of the Railway line next to Armadale Rd estimated cost of \$11,000, with similar options of maintenance and monitoring to increase the success of relocating the trees (12 months (\$2,500)).

The above quotes include some exclusions and works the City would be required to undertake (e.g. provision of reticulation, impact on services, etc.), therefore additional contingencies will be required for these costs.

Since the above quotes were obtained, a fourth (4th) Plane tree has been identified for removal for the widening of Armadale Rd. This is the largest of the Plane trees and the City's officers estimate the relocation cost at approximately \$13,500.

The Arbor Centre has advised that the Amenity Tree Valuation could range anywhere between \$15,000-40,000 plus GST for each Plane tree. The replacement cost to supply and install trees of similar sizing would range between \$10,000 to \$20,000 plus GST per tree.

The City's officers are also contacting land developers who are currently active in the City to explore any opportunities for the land developers to fund the transfer of any of the Plane trees to a local public open space reserve they are creating in new estates.

OPTIONS

Council has the following options:

1. Resolve to amend its budget to fund the relocation of the 4 Plane trees and/or 6 Pear Trees or lesser amounts of tree relocation.
2. Resolve to decline to fund the relocation of the 4 Plane trees and/or 6 Pear Trees and consent to the removal of the trees.

CONCLUSION

The BRE is proposing to remove a number of trees in the vicinity of Armadale Road and Aragon Court cul-de-sac head to accommodate the Viaduct, widening of Armadale Road (including temporary realignment) and the construction of grade separated principle shared path. The inclusion of a loop for the PSP on Lots 301 and 304 is required to protect substantial trees in the verge of Aragon Court. The City has identified four (4) London Plane trees and six (6) Pear trees that could be relocated and there is a short period to be able to relocate these trees. The City has sought quotes for the relocation of the 3 Planes trees and developed an estimate for the 6 Pear trees. The City was advised an additional large Plane tree will be affected by the road widening for Armadale Rd this week and the City has estimated its relocation costs. It is recommended that Council fund the relocation of these trees.

ATTACHMENTS

1. [↓](#) Location Plan - Plane and Pear Trees in the vicinity of Armadale_Neerigen
2. [↓](#) Photo-1 - No 1, 2 & 3 London Plane Trees in the vicinity of Aragon Court and Armadale Road
3. [↓](#) Photo 2 - No. 4 London Plane Tree adjacent to Armadale Road
4. [↓](#) Photo 3 - Pear Trees in the vicinity of the Railway)

RECOMMEND

CEO2/9/23

That Council:

1. Pursuant to Section 6.8 of the *Local Government Act 1995*, amend* the 2023/24 budget as follows:

Increase in Expenditure

Account 5510 410399 66130 1001 - Service Delivery Parks Street Trees Contractor Expenses by \$60,000

2. Notes that the funding source for the expenditure will be determined as part of the Budget Review later this year.

***ABSOLUTE MAJORITY RESOLUTION REQUIRED**

1.3 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 14/2023

WARD : ALL
FILE No. : M/486/23
DATE : 1 September 2023
REF : MC
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 14/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 14/2023 on 7 September 2023.

COMMENT

Correspondence & Paper

NIL

Information from Human Resources

Employee Movements

Information from Technical Services

NIL

Information from Community Services

NIL

Information from Corporate Services

Progress Report

Progress Report on Contingency, Operational & Strategic Project

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

Information from Development Services

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings – August2023

Health

Health Services Manager's Report – August2023

Planning

Planning Applications Report – August2023

Schedule of current Town Planning Scheme No.4 Amendments

Subdivision Applications - WAPC Approvals/Refusals – August2023

Subdivision Applications - Report on Lots Registered for 2023/2024

Compliance Officer's Report – August2023

Building

Building Services Manager's Report – August2023

Building Health/Compliance Officer's Report – August2023

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO3/9/23

That Council acknowledge receipt of Issue 14/2023 of the Information Bulletin

CHIEF EXECUTIVE OFFICER'S REPORT ATTACHMENTS 11 SEPTEMBER 2023		
ATT NO.	SUBJECT	PAGE
1.1 WALGA ANNUAL GENERAL MEETING - 18 SEPTEMBER 2023		
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1.2 BYFORD RAIL EXTENSION - PLANE TREES & PEAR TREES		
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WALGA Annual General Meeting Agenda

Monday, 18 September 2023

Crown Perth





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Order of Proceedings

- 2:00pm Opening and welcome – WALGA President, Cr Karen Chappel AM JP**
- 2:05pm LGIS Address – Chief Executive Officer, Mr James Sheridan**
- 2:15pm Award Presentations**
- 2:45pm Commencement of Annual General Meeting (to follow formal Agenda)**
- 5:00pm Close of Annual General Meeting**



1. Apologies and Announcements

1.1 Record of Apologies

Shire of Dowerin

1.2 Announcements

2. Adoption of AGM Association Standing Orders

The Annual General Meeting Association Standing Orders are contained within this Agenda ([Attachment 1](#)).

MOTION

That the Annual General Meeting Association Standing Orders be adopted.

3. Confirmation of Previous Minutes

The Minutes of the 2022 WALGA Annual General Meeting are contained within this Agenda ([Attachment 2](#)), along with a report on the action taken on the 2022 AGM resolutions ([Attachment 3](#)).

MOTION

That the Minutes of the 2022 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

4. Adoption of Annual Report

The 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, was distributed to members separately.

MOTION

That the 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, be received.



5. Consideration of Executive and Member Motions

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

Shire of York to move:

MOTION

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.

MEMBER COMMENT

The Shire of York acknowledges WALGA's current position on Third Party Appeal rights for decisions made by Development Assessment Panels (DAPs). However, the Shire submits this motion requesting WALGA lobby for legislative change to enable local governments the right to be included as a Party at State Administrative Tribunal (SAT) proceedings relating to planning matters within their districts, even where the relevant DAP has been the responsible authority for considering the matter.

IN BRIEF

- The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable a local government the automatic right to be included as a Party to the SAT.
- This impacts local governments' ability for input and consultation on development proposals within its district, and the ability for the local government to appropriately represent and act on behalf of its community.

The Great Southern Landfill - Allawuna Farm development proposal is a key case in point. The original planning application for the landfill proposal was considered by the Joint DAP (JDAP) as required due to the cost of the development in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011*.

While the landfill proposal has been a matter of consideration since around 2011, most recently the JDAP refused the applicant's request for an extension of time for the development to occur. The applicant subsequently applied to the SAT for a review of the JDAP's decision.

The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable local governments the automatic right to be included as a Party to the SAT proceedings.

Hence, although the development proposal is within the district of the Shire of York, and there are substantial impacts to the community and infrastructure should the proposal be approved, the Shire of York is currently unable to be represented at the SAT as it is not recognised as a Party. This significantly impacts the Shire's ability to provide viewpoints on the development proposal, and the ability for the Shire to appropriately represent and act on behalf of its community. It is clear the current planning system has woeful neglect of the community in planning matters.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to 'opt out' of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the *State Administrative Tribunal Act 2004*.



Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment to their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

Relying on the JDAP to appoint appropriate legal representation may jeopardise a local governments' standpoint being given proper consideration at the SAT proceedings. Enabling local governments the statutory right to be included as a Party would reduce that risk.

This scenario is not considered to be unique to the Shire of York and could affect many other local governments throughout the State, hence this Notice of Motion is presented to WALGA's AGM for consideration.

It is noted the State Government is about to undertake changes to the DAP Regulations as part of its [Planning Reform Agenda](#). The Shire of York considers this timely as any further suggestions on other changes to the system could be incorporated into WALGA's advocacy position on the Government's reforms.

SECRETARIAT COMMENT

Local Government has several responsibilities and functions under the current Development Assessment Panel (DAP) system. This includes receipting the application, undertaking the technical assessment of the proposal, writing the responsible authority report to be presented to the Panel with recommendations, and ensuring compliance of any proposal for the life of the development. Further, two Local Government Elected Members sit on all DAPs and vote on all matters.

Where the DAP makes a decision that is unsatisfactory to the proponent and they appeal the matter to the State Administrative Tribunal (SAT), the matter is managed by the Department of Planning, Lands and Heritage and the State Solicitors Office, as the DAP is a creature of the State.

Local Governments often seek to participate in such SAT matters as an interested third party. There is a strong argument for Local Government participation in such matters, as involvement of assessing officers and their understanding of the proposal and local planning framework can aid the SAT in their decision making.

The motion aligns with the intent of WALGA's [planning advocacy positions 6.3 Third Party Appeal rights and 6.4 Development Assessment Panels](#) in relation to both Third Party Appeal Rights and DAPs. While WALGA does not support the ongoing existence of DAPs, the advocacy position provides a number of recommended changes to the system that seek to address Local Government concerns and increase community involvement and transparency.



5.2 Land Use Policy

Shire of Moora to move:

MOTION

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.

MEMBER COMMENT

The future of the Australian agriculture sector holds tremendous potential, with the United Nations Food and Agriculture Organization (FAO) projecting a global population exceeding 9 billion by 2050, accompanied by a 75% increase in food demand compared to 2012. Expanding populations, especially in countries like China, Indonesia, and India, offer significant opportunities for Australia's agricultural exports.

IN BRIEF

- The future of the Australian agriculture sector holds tremendous potential. To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources.
- The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses.

To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources. Currently, agriculture remains the dominant land use in Australia, but its share has been declining over the years. Urbanisation, lifestyle living, mining, gas activities, and renewable technology expansion have all contributed to the reduction of productive agricultural land.

The decisions made by governments at all levels can profoundly impact the success of the agriculture sector. We must address the challenges posed by the conversion of agricultural land to other uses, such as carbon sequestration, which may hinder innovative farming practices and compromise agricultural output.

Therefore, WALGA's commitment to preserving existing agricultural land and actively engaging in strategic land use planning is crucial. We should advocate for cohesive planning frameworks that prioritize the value of agricultural land for agricultural purposes.

Background

In 2005/06, approximately 59% of Australia's land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

Issue

The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives. As such, the Shire urges WALGA to commit to a comprehensive strategic approach that actively preserves existing agricultural land from further loss to unproductive uses.

Local, state and federal governments each have responsibilities and decision-making powers that influence access to land for the agriculture sector. The responsibilities and powers are largely enshrined in planning and environmental protection laws.



The Shire of Moora urges WALGA to commit to an active policy of preserving the existing agricultural land mass from further loss to unproductive uses. The Shire encourages WALGA to actively engage in a comprehensive strategic approach that promotes the value of agricultural land in land use planning and establishes cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

Call-to-Action

The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses. Additionally, WALGA should engage in a comprehensive strategic approach to promote the value of agricultural land in land use planning and establish cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

By incorporating these suggested edits, your policy motion will become more focused, specific, and persuasive. It will provide a clearer picture of the issue at hand and the actions necessary to address it effectively. Feel free to make further adjustments as needed to align with your local government's preferences and requirements.

SECRETARIAT COMMENT

Land use planning in Western Australia relies on an interaction between the state planning framework and the local planning framework of each Local Government. The planning framework operates on the principle of 'higher law' where local planning frameworks will only be approved by the State where they are consistent with the objectives, principles and policy measures of the relevant state framework. Policy direction at the state level is generally broader, with the local planning framework expected to deliver state policy measures in more detail in a manner supported by community and in line with local context.

State Planning Policy 2.5 Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. The current state planning framework supports protecting prime agricultural land. The first objective of SPP2.5 is:

to support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

Further, policy measure 5.1b of SPP2.5 states:

The WAPC will seek to protect rural land as a state resource by retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;

The implementation of these state-wide principles occurs through the local planning framework, including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

SPP2.5 encourages Local Governments to identify priority agricultural land in their Local Planning Strategy and, with their community, set objectives and preferred development outcomes for such locations. Such a designation would then flow into a priority agriculture zone in a Local Planning Scheme, with land use permissibility and statutory provisions in line with the principles outlined in the Local Planning Strategy. Following this, a Local Government can develop Local Planning Policies to guide discretionary decision making for proposals on priority agricultural land.

WALGA [advocacy positions 6.1 Planning Principles and 6.2 Planning Reform](#) support the ability of Local Governments to retain the ability to respond to local context and characteristics through Local Planning Frameworks.



5.3 Transparency – Management Order Determinations

Shire of Carnarvon to move:

MOTION

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.**

IN BRIEF

- A review of management orders that recognises the cost impost on Local Government in managing reserves and removes the restrictions on local government to enter into commercial leases that could assist with cost recovery, is urgently needed.
- The current policies, decision-making criteria and guidelines lack transparency and appear to disadvantage local governments.

MEMBER COMMENT

The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

“Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.”¹

The use of the word “usually” is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor? The Shire of Carnarvon is seeking greater transparency on when and how this clause should be applied.

The Shire of Carnarvon has had several examples where an opportunity to recoup reserve management costs via a commercial lease has been offered, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

¹ DPLH, (August, 2023) *Crown Land Reserves*. <https://www.wa.gov.au/organisation/departments/departments-of-planning-lands-and-heritage/crown-land-reserves>



SECRETARIAT COMMENT

A number of Local Governments have recently requested WALGA advocate for the State Government to review Management Order administration, specifically management body leasing approvals.

There have been examples of DPLH delays in resolving matters that enable new, variations to or revocation of Management Orders. The Departments website provides only limited information/guidance and does not provide management bodies (Local Governments) with access to the policies, decision making criteria, procedures and guidelines applied to the administration of Management Orders.

WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land subject to Management Orders.



5.4 Regional and Remote Housing

Shire of East Pilbara to move:

MOTION

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.

IN BRIEF

- Calls on WALGA to broaden its advocacy for additional affordable housing in remote and regional areas to incentivise small business expansion and attract key workers and their families to remote and regional areas of WA.

MEMBER COMMENT

A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

SECRETARIAT COMMENT

A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state. This issue was a key finding of research undertaken by WALGA last year to review WALGA's Economic Development Framework and gain contemporary information about how Local Governments in Western Australia support economic development which involved a survey of Local Governments and a series of focus group discussions which also identified barriers and challenges for the sector.

The State Government allocated \$61.6 million in additional funding for the Government Regional Officer Housing (GROH) Program in the 2023-24 State Budget to add new supply and refurbish existing homes to assist with the attraction and retention of key workers in regional areas. WALGA is advocating for the State Government to work with Local Governments on the delivery of this investment to ensure it does not further tighten the housing market in regional WA. The Department of Communities will also spend \$1.1 million to undertake a comprehensive review and reform of the GROH program.

In recent months, State Council approved WALGA's 2023-24 Budget, which included an additional resource to progress the economic development policy agenda. Issues related to housing will be a priority for this new role. The new role is expected to commence in October 2023.



5.5 Proposed New WALGA Constitution

Executive Member to move:

MOTION

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

VOTING REQUIREMENT: SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the [Best Practice Governance Review Final Report](#).
- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 'independent' Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Attachment

- Proposed New WALGA Constitution

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*



4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council [resolved](#) by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.



The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair.</p> <p>The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc.</p> <p>The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies.</p> <p>All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.</p>
State Council	<p>26 State Council members:</p> <ul style="list-style-type: none"> • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. <p>The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).</p> <p>Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council.</p> <p>The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.</p>	<p>The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).</p> <p>State Council elects the President, Deputy President and members to the Board.</p> <p>State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process.</p> <p>State Council will meet at least 3 times per year.</p> <p>State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.</p>



Zones

<p>State Council members are not eligible to be appointed as an independent Board member.</p> <p>State Council members are elected for a two year term. There is no tenure limit for State Council members.</p>	
<p>There are:</p> <ul style="list-style-type: none"> • 5 Metropolitan Zones; and • 12 Country Zones. <p>The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.</p> <p>The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).</p> <p>The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.</p>	<p>The Zones elect members to State Council, as follows:</p> <ul style="list-style-type: none"> • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: <ul style="list-style-type: none"> ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.



Association Constitution

Adopted: 7 August 2001

Amended: 8 August 2004

6 August 2006

5 August 2007

6 August 2011

7 August 2013

3 August 2016

1 August 2018

20 September 2021

18 September 2023



Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.



1. NAME

The name of the Association is ***"Western Australian Local Government Association"***.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

"Absolute Majority" means, in relation to the Board, State Council or any General Meeting of the Association, a majority comprising enough of the Board Members, State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of voting positions of Board Members, State Council Representatives or Delegates (whether Present and voting or not);

"Annual General Meeting" means the meeting convened under clause 22 of this Constitution;

"Association" means Western Australian Local Government Association (WALGA);

"Associate Member" means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(10);

"Board" means the governing board of the Association established under clause 9;

"Board Member" means a member appointed or elected to the Board;

"Board Member Representative" means a State Council Representative elected to the Board under clause 18A or clause 19;

"Chief Executive Officer" means the Chief Executive Officer of the Association;

"Code of Conduct" means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all Board Members and State Council Representatives.

"Commissioner" means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

"Constituency" means either or both of the Country Constituency and the Metropolitan Constituency (as the case may require);

"Corporate Governance Charter" means the instrument approved by the Board and used to implement good governance policies, procedures and practices;

"Councillor" has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

"Country Constituency" means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;



“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires).

“Independent Board Member” means a person appointed to the Board under clause 9(4);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone with sub-clauses 5(5), 5(6) and 14(2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting of the Board” means one of the six scheduled meetings of the Board referred to under clause 10(1);

“Ordinary Meeting of the State Council” means one of the three scheduled meetings of the State Council referred to under clause 12(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer;



"Secretariat" means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by the Board;

"Special General Meeting" means the meeting convened under clause 23 of this Constitution.

"Special Majority" means, in relation to the Board or of any General Meeting of the Association, a majority comprising enough of the Board Members or the Delegates for the time being for their number to be at least 75% of the total number of Board Members or Delegates (whether Present and voting or not);

"Special Meeting of the Board" means any Board meeting that is not an Ordinary Meeting of the Board;

"Special Meeting of the State Council" means any State Council meeting that is not an Ordinary Meeting of the State Council;

"Simple Majority" means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the the State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of State Council Representatives or Delegates that are Present;

"State Council" means the advisory policy council established pursuant to clause 11;

"State Council Representative" means a member on the State Council elected or appointed by the Constituencies in accordance with the provisions of sub-clauses 11(1) and 11(2) (or 17(4) as applicable) as the primary representative (and not as the deputy representative);

"Transitional Provisions" means those provisions of this Constitution appearing in Schedule Three;

"WALGA" means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act; and

"Zone" means a geographically based subdivision containing Ordinary Members and incorporated within a Constituency as determined under clause 14(3) and reflected in the Register of Zone Membership referred to in sub-clause 14(9).

- (2) In this Constitution:
- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
 - (b) words meaning persons include natural persons, corporations and associations; and
 - (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;



- (g) to do all and any such other things as in the opinion of the Board may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clauses 10(6) and 12(5).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the Local Government Act including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.
- (5) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.



- (6) The Board, on application from an Ordinary Member and in consultation with State Council, may resolve to permit an Ordinary Member to be a member of an alternate Constituency. In considering any application made pursuant to this subclause, the Board shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two Constituencies. The Board may (in consultation with State Council) approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The Board from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time through a decision of the Board.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The Board or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the Board for subscriptions to be paid, unless the Board decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the Board, including such other Committees as the Board may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the Board for approval not later than 31 July prior to the financial year to which it relates.



8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the Board.
- (2) Subscription levels shall be submitted for approval by the Board together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the Board may decide having regard to all relevant circumstances.

9. THE BOARD

- (1) The Board is the governing board of the Association, responsible for the management and affairs of the Association.
- (2) The Board may exercise all of the powers of the Association except those which must, under this Constitution, be exercised by the State Council or the Members at a General Meeting.
- (3) The Board must consist of a minimum of 8 and a maximum of 11 members, comprising the following:
 - (a) The President;
 - (b) The Deputy President;
 - (c) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Metropolitan Constituency;
 - (d) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Country Constituency; and
 - (e) up to 3 eligible Independent Board Members appointed by the Board from time to time on the basis of their skills, experience or background.
- (4) In respect of the appointment of an Independent Board Member, the Board may determine its own procedures and:
 - (a) a State Council Representative is not eligible to be appointed;
 - (b) a Councillor or, subject to clause 9(4)(a), any other person is eligible to be appointed, subject to meeting any additional eligibility criteria, qualification or experience requirements determined by the Board (if any); and
 - (c) the person appointed, holds office for a term of two years from the date of their appointment, and subject to this clause and clause 9(5), is eligible for re-appointment.
- (5) An Independent Board Member may not serve as an Independent Board Member for more than four consecutive terms.
- (6) A Board Member Representative, the President and Deputy President is elected by State Council for a term as determined under clauses 16 – 19.
- (7) A deputy representative of a Zone as elected to State Council is not eligible to be elected as a Board Member Representative.
- (8) Subject to clauses 9(9) and 9(10), a Board Member Representative may not serve as a Board Member Representative for more than four consecutive terms.
- (9) A person serving as the President or Deputy President may not serve in that role for more than two consecutive terms, but for the avoidance of doubt, may serve two consecutive terms as President and two consecutive terms as Deputy President.



- (10) The Board tenure limit for a Board Member Representative is separate and in addition to the tenure limit for the role of the President or Deputy President.

10. BOARD PROCEEDINGS

- (1) The Board must meet together for the dispatch of business not less than six times in each calendar year.
- (2) Ordinary Meetings of the Board shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the Board shall be called by the Chief Executive Officer by providing notice to Board Members of the date, time, place and purpose of the meeting upon the written request of the President or at least three Board Members.
- (4) Each Board Member Present shall be entitled to exercise one (1) deliberative vote on any matter considered by the Board (including the person presiding at the meeting).
- (5) Subject to clauses 10(6), 10(7) and 29(1), any resolution put forward at a Board meeting must be passed by a majority of Board Members Present.
- (6) The following resolutions shall not be passed by the Board unless they receive an Absolute Majority of the Board and of State Council:
- (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (7) In the event of there being an equality of votes in respect of a matter considered by the Board, the person presiding at the meeting does not have a casting vote.
- (9) At any meeting of the Board, at least 50% of Board Members in office (rounded up to the nearly whole number), Present and entitled to vote shall form a quorum.
- (10) The President shall preside at all meetings of the Board.
- (11) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the Board.
- (12) In the absence of both of the President and Deputy President, or if they are unwilling or unable to preside, the Board shall choose a Board Member to preside at the Board meeting.
- (13) The Board must establish a Corporate Governance Charter.
- (14) The Board must establish a Code of Conduct to which all Board Members and State Council Representatives must comply.
- (15) Subject to this Constitution, the Board Members Present at a Board meeting may determine the procedure and order of business to be followed at the Board meeting.
- (16) The Board is responsible for establishment and review of the processes which are to be applied by the Zones to determine the election of their representatives and deputy representatives to the State Council.



11. STATE COUNCIL

- (1) The State Council is to be a policy advisory council. Members of the State Council are:
 - (a) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (Ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (Ex-officio).
- (2) The primary State Council Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones (in accordance with the procedures set out in the Corporate Governance Charter) for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their primary representatives and deputy representatives to the State Council.
- (4) A deputy representative elected from amongst the Delegates to that Zone to act in the capacity of a primary representative unable to attend a meeting of the State Council shall exercise all rights of that representative at a State Council meeting, except that a deputy representative is not eligible to be elected as a Board Member Representative.
- (5) If for any reason, a primary representative or deputy representative is unable to hold office for the full period for which the primary representative or deputy representative was appointed to State Council, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a primary representative or deputy representative. The primary representative or deputy representative so appointed shall hold office on State Council for the balance of the term of the primary representative or deputy representative originally elected.
- (6) The State Council must conduct the elections for President, Deputy President and the Board Member Representatives, from amongst State Council Representatives in accordance with the provisions in this Constitution and ensure an equal representation from the Constituencies, at the first Ordinary Meeting of State Council following the biennial Local Government elections.

12. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than three times in each calendar year.
- (2) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Council Representatives of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of State Council Representatives.
- (4) Each State Council Representative shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any Ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but



excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

- (5) Except as provided in this clause, all motions at a State Council meeting shall be passed by a Simple Majority of the State Council Representatives, or by their deputy representatives, Present and entitled to vote. The following resolutions shall not be passed by the State Council unless they receive an Absolute Majority of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (6) At any meeting of the State Council, thirteen (13) State Council Representatives Present and entitled to vote shall form a quorum.
- (7) The President shall preside at all meetings of the State Council.
- (8) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (9) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a State Council Representative to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (10) State Council shall adopt Standing Orders that will apply to all meetings.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The Board may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The Board may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the Board determines and as set out in the Corporate Governance Charter or in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the Board.
- (3) Subject to the control of the Board, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.



- (2) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.
- (3) The number of Zones shall be determined from time to time by the Board and State Council under clauses 10(6)(c) and 12(5)(c) accordingly.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (5) The term of a person who is a Delegate of an Ordinary Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the Local Government Act.
- (6) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (7) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (8) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (9) Applications for changes in membership between Zones shall be determined by the Board (in consultation with State Council). In considering such applications, the Board shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application and the views of State Council. The Board (in consultation with State Council) may approve or refuse any application, advising accordingly and including any reason therefore.
- (10) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by the Board. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (11) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.



- (12) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (13) An Associate Member of a Zone may not:
 - (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election, other than to elect the President or Deputy President, held by the Association 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) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - i. the candidate who receives the greatest number of votes; and
 - ii. the candidate who receives the next highest number of votes; and
 - iii. the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) 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.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

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 (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (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.



18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect the President from amongst the primary State Council Representatives.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected as a State Council Representative.
- (4) The Constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as President beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its State Council Representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for Deputy President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as Deputy President beyond two (2) full consecutive terms.

21. BOARD MEMBER REPRESENTATIVES

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, and the election of the Deputy President pursuant to clause 18 of this Constitution, the State Council shall elect 6 Board Member Representatives from amongst its State Council



Representatives, provided that 3 are from the Metropolitan Constituency and 3 are from the Country Constituency.

- (2) The Board Member Representatives shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for the Board Member Representatives and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Board Member Representative may seek re-election for a consecutive term.
- (4) Where a Board Member Representative seeks and is re-elected for a consecutive term, subject to clause 19(9), that person shall not hold office as Board Member Representative beyond four (4) full consecutive terms.

22. VACANCY – PRESIDENT, DEPUTY PRESIDENT AND BOARD MEMBER REPRESENTATIVES

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council Representative elected to fill a vacancy of President or Deputy President pursuant to this clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.
- (7) If a Board Member Representative is elected to fill a vacancy of President or Deputy President pursuant to this clause 19, their position as a Board Member Representative is declared vacant.
- (8) If the office of a Board Member Representative becomes vacant or if for any other reason the Board Member Representative is unable to take or hold office, then the State Council shall meet to elect from among their number a Board Member Representative who shall hold the office for the balance of the term of the Board Member Representative replaced, provided the new Board Member



Representative represents the same Constituency as the Board Member Representative who is being replaced.

- (9) A State Council Representative elected to fill a vacancy of Board Member Representative pursuant to this clause 19 shall still be eligible for election for a subsequent four (4) full consecutive terms.

23. VACATION OF OFFICE

A person shall cease or be disqualified from being a Board Member, a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) except in respect of an Independent Board Member, ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the Local Government Act;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive Ordinary Board or Ordinary State Council meetings (as applicable);
- (h) except in respect of an Independent Board Member, is a member of a Local Government that ceases to be a member of the Association;
- (i) except in respect of an Independent Board Member, is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the Local Government Act; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

24. COMMITTEES AND SUB-COMMITTEES

- (1) The Board may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
- (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a decision of the Board pursuant to sub-clause 10(6) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the Board.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the Board.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.



25. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the Board, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the Board or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the Board considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the Board is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

26. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the Board or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.



- (3) At a Special General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) Where the Board considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the Board is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

27. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a Delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the General Meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.

28. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings, Board meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting, Board meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a General Meeting, Board meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the General Meeting, Board meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting, Board meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting, Board meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.



29. AUDIT

- (1) At least once a year the Board shall cause the Association's accounts to be audited by a person or persons appointed by the Board or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

30. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the Board, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the Board may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a decision of the Board.
 - (b) The Board on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

31. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the Board and every use of that common seal must be recorded in the minutes of the Board meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer and any Board Member.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the Board from time to time decides.

32. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A Special Majority resolution at any meeting of the Board; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.



33. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the Board on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the Board meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by decision of the Board.

34. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the Board having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the Board may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the Board considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985* (WA) and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.



35. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The Board shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

36. TRANSITIONAL PROVISIONS

- (1) The Transitional Provisions shall apply in accordance with their terms as if set out in this Constitution in full.
- (2) In the case of any inconsistency between the Transitional Provisions and any other provision of this Constitution, the Transitional Provisions will prevail.
- (3) The Transitional Provisions shall have continuing force and effect in accordance with their terms.



SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- "Federal Affairs" means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- "Industrial (Labour) Relations" includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- "Legislative Review" means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- "Local Government Act matters" means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.



SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	<p>Honours Panel</p> <ul style="list-style-type: none"> Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. Overseeing the annual budget set for the Association's Honours Program. Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. Reviewing the Honours Policies and supporting documentation as deemed necessary.



SCHEDULE THREE TRANSITIONAL PROVISIONS

1. For the purposes of these Transitional Provisions:

"Effective Date" means 18 September 2023 OR the date of the Annual General Meeting at which the Members approved the amendments to this Constitution.

"Transition Date" means 6 December 2023 OR the date that the first Ordinary Meeting of State Council is held in December 2023 following the biennial Local Government elections.
2. These Transitional Provisions come into effect on and from the Effective Date.
3. With respect to those holding constitutionally recognised offices as at the Effective Date, the following provisions shall apply:
 - (a) Subject to clause 3(b) of this Schedule, the members of State Council remain in office until the day immediately before the Transition Date.
 - (b) The President and Deputy President remain in office until the newly formed State Council (as referred to in clause 4 of this Schedule) conducts its election on the Transition Date.
4. The election by the Zones for the primary State Council Representatives and deputy representatives to the State Council from amongst the Delegates to the Zones under clause 11(2) of the Constitution, shall be conducted in November 2023 to form the new State Council to take office on the Transition Date.
5. The Board is constituted at the conclusion of the elections conducted at the first Ordinary Meeting of State Council held on the Transition Date.
6. On and from the Effective Date until the close of the first Ordinary Meeting of State Council held on the Transition Date, all references to the Board, and its role, powers and functions as specified in the Constitution, are to be read as references to the State Council and may be exercised by State Council, and State Council remains the governing body of the Association during this period.
7. The Corporate Governance Charter and State Council Standing Orders in effect as at the Effective Date, remain in effect until the Transition Date. Upon the Transition Date:
 - (a) the Board is deemed to have approved the Corporate Governance Charter; and
 - (b) the State Council approves State Council Standing Orders,to apply on and from the Transition Date, as tabled at the meeting, which have been amended to be consistent with the amendments made to the Constitution and to the governance structure of the Association.



5.6 Proposed Amendments to WALGA's Constitution

Executive Member to move:

MOTION

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

VOTING REQUIREMENT: SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*



5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and
 - the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again



empower State Council to decide the number of Zones, rather than the Members at a General Meeting.

- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament "on or after the date the election writ is issued". This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).



Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
[18 September 2023]



Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association ([dissolved in August 2003](#)), the Country Urban Councils' Association ([dissolved in August 2002](#)) and the Local Government Association ([dissolved in August 2003](#)).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.



1. NAME

The name of the Association is ***“Western Australian Local Government Association”***.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

“Constituency” means the Country Constituency and the Metropolitan Constituency (as the case may require);

“Corporate Governance Charter” means the instrument approved by State Council and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;



“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting” means one of the four scheduled meetings of the State Council referred to under clause 10(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);



"Secretariat" means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by State Council;

"Special General Meeting" means the meeting convened under clause 25 of this Constitution.

"Special Majority" means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

"Special Meeting" means any State Council meeting that is not an Ordinary Meeting of the State Council;

"Simple Majority" means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

"State Council" means the governing board of the Association established pursuant to clause 9;

"WALGA" means the Western Australian Local Government Association constituted under section 9.58 of the *Local Government Act 1995*; and

"Zone" means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (d) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (e) to speak on behalf of Local Government in Western Australia;
- (f) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (i) to provide services to Local Government in Western Australia;
- (j) to promote Local Government issues of importance by involvement with national bodies;



- (k) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (l) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.



- (5) Subject to subclause (4), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or
- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (5) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The State Council or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.



- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:
- (a) 12 Councillors elected as representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (ex-officio).
- (2) Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.



- (4) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their representatives and deputy representatives to the State Council.
- (5) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
- (6) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.
- (5) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.



11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council or by their deputy representatives.
- (2) The following resolutions shall not be passed unless they receive a Special Majority of the State Council or by their deputy representatives:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- (3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.



- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by State Council.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a Delegate of a Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (6) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone



shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.

- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
 - (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election other than to elect the President or Deputy President held by the Association 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) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes, and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) 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.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

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 (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (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.



18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its Metropolitan and Country representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.



21. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

22. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive ordinary State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);



- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

23. COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

24. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.



- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

25. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.
- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

26. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.



- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the Delegates who are eligible to vote must be present to form a quorum.

27. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that-
 - (a) the General Meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

28. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

29. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.



- (3) (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
- (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

30. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

31. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a Special Majority of representatives or by their deputy representatives; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

32. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

33. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a member and another member; or



- (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

34. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.





SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- "Federal Affairs" means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- "Industrial (Labour) Relations" includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- "Legislative Review" means any review or proposed review of existing or proposed legislation whether State or Federal unless the State Council resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- "Local Government Act matters" means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.



SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	<p>Honours Panel</p> <ul style="list-style-type: none"> Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. Overseeing the annual budget set for the Association's Honours Program. Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. Reviewing the Honours Policies and supporting documentation as deemed necessary.



6. Closure

Upon the completion of business, the Chair will declare the meeting closed.



Attachment 1: AGM Association Standing Orders

1. INTERPRETATIONS

For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:

- 1.1 **"Absolute Majority"** means:
a majority of delegates of the Association whether present and voting or not.
- 1.2 **"Association"** means:
all or any part of the Western Australian Local Government Association.
- 1.3 **"Delegate or Deputy Delegate"** means:
those persons duly nominated, from time to time, to represent a Member Local Government at a meeting of the Association.
- 1.4 **"Deputy President"** means:
the Deputy President for the time being of the Association.
- 1.5 **"Meeting"** means:
an Annual or Special General Meeting of the Association.
- 1.6 **"Member Local Government"** means:
a Local Government admitted to ordinary membership of the Association in accordance with the provisions of the Constitution.
- 1.7 **"President"** means:
the President for the time being of the Association.
- 1.8 **"Simple Majority"** means:
a majority of the delegates from the Association that are present and voting.

2. CONDUCT OF MEETINGS

The proceedings and business of meetings of the Association shall be conducted according to these Standing Orders.

3. NOTICE OF MEETING

3.1 Annual General Meeting

The Chief Executive Officer of the Association shall give at least ninety (90) days notice of an Annual General Meeting to all Member Local Governments, advising of the closing date for submission of motions for inclusion on the agenda.

3.2 Special General Meeting

A Special General Meeting of the Association is to be held if a request is received by the Association President, in accordance with the requirements of the Association's Constitution. No business shall be transacted at a Special General Meeting other

than that for which the Special General Meeting was called.

- 3.3 Notice shall be given at the destinations appearing in the records of the Association.

Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.

4. QUORUM

- 4.1 The Association shall not conduct business at a meeting unless a quorum is present.

- 4.2 At any meeting of the Association greater than one half of the delegates who are eligible to vote must be present to form a quorum.

- 4.3 The Association is not to transact business at a meeting unless a quorum is present.

- 4.4 If a quorum has not been established within the 30 minutes after a meeting is due to begin then the Association can be adjourned –

- (a) by the President or if the President is not present at the meeting, by the Deputy President;
- (b) if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;
- (c) if only one delegate is present, by that delegate; or
- (d) if no delegate is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.

- 4.5 If at any time during a meeting a quorum is not present, the President shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it for some future time.

- 4.6 Notice of a meeting adjourned because of absence of a quorum is to be given to all Member Local Governments.

5. MEETINGS OPEN TO THE PUBLIC

The business of the Association shall be open to the public except upon such occasions as the Association may by resolution otherwise decide.

6. ORDER OF BUSINESS

Unless the Association should decide otherwise, the order of business at meetings of the Association, with the exception of special meetings or an adjourned meeting, shall be as follows:

- (a) Record of attendance and apologies;



- (b) Announcements;
- (c) Confirmation of minutes of previous meetings;
- (d) President's report;
- (e) Financial report for the financial year; and
- (f) Consideration of Executive and Member Motions.

7. VOTING ENTITLEMENTS

- 7.1 Each Member Local Government shall be entitled to be represented at any meeting of the Association.
- 7.2 Only eligible and registered delegates may vote.
- 7.3 A delegate shall be entitled to exercise one vote on each matter to be decided. Votes are to be exercised in person.
- 7.4 A delegate unable to attend any meeting of the Association shall be entitled to cast a vote by proxy.
- 7.5 A proxy shall be in writing and shall nominate the person in whose favour the proxy is given, which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer of the Association before the commencement of the meeting at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Member Local Government that nominated the delegate.

8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the President of such intention.

9. PRESIDENT

In the construction of these Standing Orders unless the context requires otherwise, the word "*President*" shall in the absence of the President include the Deputy President or the delegate chosen by resolution to preside at any meeting of the Association.

10. DELEGATE AND DEPUTY DELEGATE

- 10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.

- 10.2 A deputy delegate acting in the capacity of a delegate unable to attend a meeting of the Association shall exercise all rights of that delegate.

11. PRESIDENT TO PRESIDE

- 11.1 The President shall preside at all meetings of the Association, but in absence of the President, the Deputy President shall preside.

- 11.2 In the absence of the President and the Deputy President, the delegates shall choose by resolution, a delegate present to preside at the meeting.

12. SPEAKING PROTOCOL

- 12.1 Only registered delegates and members of the Association's State Council shall be entitled to speak at meetings of the Association.

- 12.2 The first person that is entitled to speak at a meeting who attracts the attention of the person presiding shall have precedence in speaking.

- 12.3 Speakers are to use the microphones supplied.

- 12.4 When addressing a meeting, speakers are to:
 - (a) rise and remain standing unless unable to do so by reason of sickness or disability;
 - (b) address the meeting through the person presiding;
 - (c) state their name and Local Government before otherwise speaking;
 - (d) refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
 - (e) refrain from using provoking or discourteous expressions that are calculated to disturb the peaceful current of debate.

- 12.5 Mobile phones shall not be switched on while the meeting is in session.

13. DEBATE PROCEDURES

- 13.1 A delegate moving a substantive motion may speak for –
 - (a) 5 minutes in his or her opening address; and
 - (b) 3 minutes in exercising the right of reply.

- 13.2 Other speeches for or against motions are to be limited to 3 minutes unless consent of the meeting is obtained which shall be signified without debate.

- 13.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.



- 13.4** As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.
- 13.5** No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.
- 13.6** The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.
- 13.7** When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.
- 13.8** No more than two delegates shall speak in succession on one side, either for or against the question before the meeting, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment may be put to the vote.
- 13.9** Notwithstanding clause 13.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put.
- Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.
- 13.10** At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the meeting, after the mover has replied.
- 14. QUESTIONS**
Any delegate seeking to ask a question at any meeting of the Association shall direct the question to the President.
- 15. POINT OF ORDER**
A delegate who is addressing the President shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.

- 16. MOTION - SUBSTANCE TO BE STATED**
A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President, shall put the motion or amendment in writing.
- 17. PRIORITY OF SPEAKERS**
If two or more delegates wish to speak at the same time, the President shall decide who is entitled to priority.
- 18. PRESIDENT TO BE HEARD**
Whenever the President signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President may be heard without interruption.
- 19. WITHDRAWAL OF MOTION**
A motion or amendment may be withdrawn by the mover with the consent of the meeting, which shall be signified without debate, and it shall not be competent for any delegate to speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 20. PRESIDENT MAY CALL TO ORDER**
The President shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.
- 21. RULING BY PRESIDENT**
The President shall decide all questions of order or practice. The decision shall be final and be accepted by the meeting without argument or comment unless in any particular case the meeting resolves that a different ruling shall be substituted for the ruling given by the President. Discussions shall be permitted on any such motion.
- 22. RESOLUTIONS**
- 22.1** Except as otherwise provided in the Association Constitution and these Standing Orders, all motions concerning the affairs of the Association shall be passed by a simple majority.
- 22.2** Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.
- 23. NO DISCUSSION**
Where there is no discussion on a motion, the President may deem the motion to be passed unless the meeting resolves otherwise.



24. PERMISSIBLE MOTIONS DURING DEBATE

- 24.1** When a motion is under debate, no further motion shall be moved except the following:
- (a) that the motion be amended;
 - (b) that the meeting be adjourned;
 - (c) that the debate be adjourned;
 - (d) that the question be now put;
 - (e) that the meeting proceed with the next item of business; or
 - (f) that the meeting sits behind closed doors.

- 24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.

- 24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).

25. RESCISSION OF RESOLUTION

- 25.1 At the same meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.

- 25.2 At a Future Meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:
- (a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
 - (b) by absolute majority, in any other case.

26. METHOD OF TAKING VOTES

The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.

27. DIVISION

The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.

28. ALL DELEGATES TO VOTE

- 28.1** At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.

- 28.2** Each delegate shall be entitled to exercise one deliberative vote on any matter considered.

29. PRESIDENT'S RIGHT TO VOTE

The President shall have a casting vote only.

30. SUSPENSION OF STANDING ORDERS

- 30.1** In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.

- 30.2** Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.

31. NO ADVERSE REFLECTION ON ASSOCIATION

A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.

32. NO ADVERSE REFLECTION ON DELEGATE

A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.

33. MINUTES

- 33.1** The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.

- 33.2** The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.

- 33.3** Copies of the minutes will be supplied to all delegates prior to the meeting.

Attachment 2: Minutes of the 2022 Annual General Meeting



Annual General Meeting Minutes

Monday, 3 October 2022

Crown Perth, Grand Ballroom



1. Apologies, Announcements, Standing Orders and Previous Minutes

The Chair declared the meeting open at 11:45am.

1.1 Record of Apologies

- Shire of Carnamah
- Shire of Jerramungup
- Shire of Kellerberrin
- Shire of Sandstone
- Shire of Three Springs

1.2 Announcements

Nil

1.3 Adoption of AGM Association Standing Orders

The AGM Association Standing Orders were contained within the Agenda.

RESOLUTION

Moved: President Cr Phillip Blight, Shire of Wagin
Seconded: Cr Karen Wheatland, City of Melville

That the AGM Association Standing Orders be adopted.

CARRIED

1.4 Confirmation of Previous Minutes

The [Minutes of the 2021 WALGA Annual General Meeting](#) were contained within the Agenda.

RESOLUTION

Moved: Cr Bronwyn Ife, Town of Victoria Park
Seconded: Cr Helen Sadler, Town of Cottesloe

That the Minutes of the 2021 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED



2. Adoption of Annual Report

The [2021-2022 Annual Report](#), including the 2021/22 Audited Financial Statements, was distributed to members separately.

RESOLUTION

Moved: Cr Frank Cvitan JP, City of Wanneroo
Seconded: President Cr Phillip Blight, Shire of Wagin

That the 2022 Annual Report, including the 2021/22 Audited Financial Statements, be received.

CARRIED

3. Consideration of Executive and Member Motions

3.1 Road Traffic Issues

Shire of Dardanup

RESOLUTION

Moved: President Cr Michael Bennett, Shire of Dardanup
Seconded: Cr Tyrrell Gardiner, Shire of Dardanup

That WALGA Advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.

CARRIED

MEMBER COMMENT

The Shire of Dardanup and its community have experienced a number of instances where preventative action was only taken after fatalities occurred on roads and intersections, despite pleas and requests from the local government, community and stakeholders.

Recent examples include the following intersections:

- Hynes Road on Forrest highway, fatalities occurred before safety concerns were addressed and speed limit reduced;
- Hynes Road on South Western Highway, fatalities occurred before safety concerns were addressed and speed limit reduced;
- South Western Highway section from Hynes Road westbound to Picton, high number of fatalities occurred before safety concerns were addressed and speed limit reduced;
- Eaton Drive numerous intersection designs, almost 10 years of traffic studies paid for by the local government as requested by Main Roads which eventually culminated in a treatment plan for all intersection that was agreed to by Main Roads South West, but rejected by Main Roads Perth



request further traffic studies delaying action and deferring addressing community and safety concerns.

SECRETARIAT COMMENT

The Commissioner for Main Roads has the authority to erect, alter or take down any road sign or traffic control signal under the provisions of Regulation 297 of the *Road Traffic Code 2000*. This authority has not been delegated to Local Governments, except under very limited conditions. To effectively manage the local road network Local Governments need to work with Main Roads WA Traffic Management Services. The issues identified in the motion are consistent with the experience of other Local Governments.

In response to advocacy from WALGA and Local Governments, Main Roads WA undertook a review of the Speed Zoning Policy and Application Guidelines in 2020. Following adoption of the new policy, 52 Local Governments that had applied one or more times to amend a speed zone completed a survey undertaken by WALGA in 2021 which found that a higher proportion of applications to reduce speed limits on local roads were rejected under the new policy than was previously the case. Local Governments highlighted that the process was slow, somewhat unpredictable and lacked feedback indicating changes are required.

The proposed motion is broadly consistent with the WALGA State Council advocacy position in relation to travel speed management;

1. That the Road Safety Council initiate the development of a comprehensive speed reform plan. That the speed reform plan be designed, to meet the various needs of metropolitan, rural and remote Western Australian communities, with the aim of improving liveability, amenity and safety.
2. That a speed reform plan incorporates:
 - a. measures to ensure that Local Governments are consulted in the process of changing speed limits on the local road network, and
 - b. processes to reduce the barriers and red tape for Local Governments seeking lower speed limits in targeted locations on local urban roads.

[September 2019 – 99.6/2019]

Main Roads WA has evolved its policy position in relation to intersection treatments in the past three years such that “roundabouts or other treatments will be preferred over traffic signalisation, unless evaluation clearly demonstrates those other solutions are unsuitable”². There have also been significant technical changes in the modelling required, including the type of software to be used to demonstrate the effectiveness of the proposed intersection treatment³. These new policies and operational requirements were introduced without adequate consideration of the long planning timeframes associated with road network development.

² Main Roads WA 2021 p13 [Traffic Signals Approval Policy](#)

³ Main Roads WA 2021 [Operational Modelling Guidelines](#)



3.2 Car Parking and Traffic Congestion Around Schools

City of Wanneroo

RESOLUTION

Moved: Cr Frank Cvitan JP, City of Wanneroo

Seconded: Cr Glynis Parker, City of Wanneroo

That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:

- 1. Reviewing car parking standards for schools;**
- 2. Ensuring sufficient land is set aside for the provision of parking on school sites;**
- 3. Reviewing the co-location of schools to avoid issues being exacerbated;**
- 4. Restricting school access from major roads;**
- 5. Developing plans to enable schools to manage school traffic;**
- 6. Develop programs to educate drivers; and**
- 7. Develop options and implement initiatives to encourage alternative modes of transport to school.**

CARRIED

MEMBER COMMENT

Background

The City of Wanneroo has for some time been concerned about traffic congestion and car parking in and around school sites. In particular, the City is concerned about the car parking and congestion issues that occur over the morning drop-off and afternoon pick-up times due to the high demand and intensity of activity over relatively short periods of time. Causes seem to range from a lack of parking availability, lack of adequate drop-off and pick-up areas and driver behaviour. The results observed by the City include illegal parking and traffic movements leading to conflict and potentially dangerous situations.

As an outer metropolitan growth council, the City of Wanneroo will continue to face the issue of car parking and traffic congestion unless measures are taken to address the increasing challenges and issues associated with schools throughout the City.

It is apparent that the issue of car parking and traffic congestion around schools is not exclusive to the City of Wanneroo. It follows that a comprehensive and coordinated approach to the problem is called for. This motion is submitted to request that WALGA take a lead role in helping bring about such a solution on behalf of all member councils.

Comment

There is a need to approach the State Government to identify and implement new approaches that can contribute to a comprehensive solution. These include:

- Reviewing parking standards for educational establishments;
- Ensuring sufficient land is set aside for the provision of parking on school sites;
- Reviewing the co-location of schools to avoid issues being exacerbated;
- Restricting school access from major arterial roads;
- Developing plans to enable schools to manage school traffic;
- Develop programs to educate drivers; and



- Develop options and implement initiatives to encourage alternative modes of transport for travel to and from school.

The City's Councillors are very concerned about the issues and are supportive of the City pursuing options to reduce the problems at existing schools and prevent them from occurring where new schools are developed. An example of the problem faced in relation to traffic and congestion has been highlighted by a Councillor. Mercy College in Koondoola is located at the intersection of two major roads (Beach Road and Mirrabooka Avenue) where it has been observed that:

- At school pick-up times, cars stop along Mirrabooka Avenue, approximately 200m before the intersection of Beach Road / Mirrabooka Avenue.
- The gate at Mercy College doesn't open until about 2:45pm. Cars are banked up from 2:30, causing significant congestion issues.
- A drop off / pick up entrance along Beach Road appears to be well managed, unlike the one on Mirrabooka Avenue.

The City has operated a school parking program to provide education, manage parking and where necessary take compliance/enforcement action. The City has also worked with the Department of Transport (DOT) *Your Move* team to help in the development of safe routes to school. Despite these efforts, issues of congestion and parking problems persist.

The City acknowledges the Department of Transport (DOT) report "*The declining rate of walking and cycling to school in Perth*" issued in November 2021. The City generally supports the conclusions and recommendations of the report and looks forward to the implementation of the actions proposed.

The City is also aware of the Department of Planning, Lands and Heritage Development Control Policy 2.4: School Sites and the draft operational Policy 2.4: Planning for School Sites. The former policy has been in place since 1998 and the issues of parking and traffic congestion have continued throughout its duration. While the draft policy discusses sufficient parking and embayments and facilities for drop-off and pick-up it does not appear to have measures in place to deal with the high demand and intensity of activity over short periods of time that deal with the resultant congestion and potentially dangerous situations. There is no requirement for schools to manage the traffic they generate.

The City of Wanneroo's observations are that the issue of car parking and traffic congestion occurs at schools in the entire Local Government area regardless of the type (public or private), age and location. That is to say that the issue has been occurring for many years and according to the DOT report has become more of an issue as the rate of walking and cycling to school has declined over the past 40 years.

There is a need for WALGA, as representative of Local Government, to lead discussions with the State Government to find a solution to the issue of parking and traffic congestion around schools.

Addressing car parking provision, driver behaviour and mode of transport can help reduce the issues occurring at schools.

The City's view is that addressing school location, improving safe pedestrian and cycle access routes, provision of safe bicycle storage facilities, ensuring sufficient car parking provision and drop-off/pick-up areas are provided, improving driver behaviour through education and mode of transport can help reduce the issues occurring in and around schools. Improved and safe pedestrian and cycle routes can lead to healthier outcomes for users and can contribute to stronger connected communities.

SECRETARIAT COMMENT

This motion outlines three key requests:



1. A wide-ranging review of standards and school location

There are two main types of schools: Public schools and private schools.

Land for public schools is required to be identified and set aside as part of the structure planning and subdivision process. Public schools are considered as public works, are not controlled by local planning schemes and are exempt from the requirement to obtain development approval. Consequently, Local Governments have limited direct control over the concerns raised in the motion for new public schools. Private schools, the demand for which usually materialises after neighbourhoods are well established, are controlled by local planning schemes and the parking standards and other requirements set out in these schemes.

Draft Operational Policy 2.4 (Western Australian Planning Commission 2020) is the primary planning policy that sets standards for new schools. This draft policy "is intended to assist in addressing issues that may arise in residential areas between schools and their surroundings particularly in respect of traffic and noise generating activities, and mitigation of impacts on existing transport network and services." The policy sets standards related to minimum number of road frontages and road types, access to active and public transport connections, and requirements to provide traffic impact assessments. The policy was drafted in 2020 and will be finalised following the review of Liveable Neighbourhoods.

Liveable Neighbourhoods is the Western Australian Planning Commission's primary policy for the design and assessment of structure plans (regional, district and local) and subdivision for new urban (predominantly residential) areas. This policy includes a component on education facilities, including particular design requirements for schools.

The finalisation of Draft Operational Policy 2.4 and current revision of Liveable Neighbourhoods provide opportunities for Local Governments and WALGA to seek amendments to these documents in accordance with member concerns.

2. Better management of traffic by schools and development of driver education programs

Driver behaviour, as well as transport mode choice, contributes to reducing the impact of traffic congestion and safety around schools.

3. Development of options and programs to alternative modes of travel to and from school

In May 2022 WALGA State Council endorsed the Draft Active Travel to School Roadmap, subject to amending Urban Environment Initiative No 1 to "Consult local governments to identify sub-regional school transport challenges and amend existing planning guidelines and develop new guidelines where gaps exist (RESOLUTION 337.4/2022).

State Council also resolved that WALGA:

- Works with the Department of Transport to finalise the Roadmap and encourage Local Government participation in the initiatives identified where these offer solutions to the local issues encountered in each area; and
- Uses the Draft Active Travel to School Roadmap to strengthen advocacy for increased funding for walking and cycling infrastructure in Western Australia by the State and Federal Government.

WALGA has some involvement with the Active Transport to School Working Group, which is led by the Department of Transport and includes representation from the Department of Education. The Department of Transport has developed a new category within the next round of WA Bicycle Network



Grants to co-fund Active Transport Officers with Local Governments. This is an evolution of the former Travel Smart Officers with the new officers having a greater role in working with schools.

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

Shire of Dundas

RESOLUTION

Moved: President Cr Laurene Bonza, Shire of Dundas
Seconded: Cr Sharon Warner, Shire of Dundas

That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.

CARRIED

MEMBER COMMENT

On 1 April 2022, the McGowan Labour Government [announced](#) it was returning up to 660 maintenance road workers back in-house to Main Roads.

An interactive Q-Trip Funding Tool ([here](#)) provided by the Queensland Government, details the next four years of State Government and Local Government Partnership providing safer roads and sustainability to regional and remote Shires.

To enable the Shire of Dundas to be involved in the direction of WALGA to assist with issues impacting us directly, and other regional resource communities impacted by the related Acts and Regulations.

Given the recent State Government announcement, there is an opportunity for all Local Governments to look at this proposal from WA State Government on how this proposal to keep jobs in house within Main Roads WA and the possibility to work with local governments when contracting the required road maintenance to Local Governments (see [here](#)).

It is suggested that the Queensland Government model, which can be viewed [here](#), works well and allows Councils to recover costs for usage of plant and equipment and recoup plant costs as hire charges against activities to cover all maintenance, depreciation and operating costs for Local Governments as agreed when undertaking joint routine maintenance on State controlled roads.

It is important that when developing this type of model and contract terms to get the document standards and the WHS and the Main Roads Preferred Suppliers correct. In Queensland, Main Roads assisted with these requirements in a partnership arrangement.

If Local Governments across WA are allowed into this space and work for the State Government on a contractual basis, it could be an opportunity to increase revenue significantly, especially in remote rural areas across WA. This would help Council cover cost relating to new imposed WHS Reforms, Local Government Reforms, Auditing Requirements, and associated costs.



SECRETARIAT COMMENT

The decision by the State Government to move to in-sourcing road maintenance delivery and management provides new opportunities for Local Governments to participate in delivering maintenance and minor capital work on the State road network. Local Governments and Regional Organisations of Council have previously contracted to Main Roads WA to deliver road maintenance services. There were several reasons that Councils and Main Roads WA decided not to continue with these arrangements. The Association will need to understand the interest and capacity of Local Governments to undertake road maintenance work on the State road network, to inform engagement with the State Government.

The extent and type of road works that Main Roads WA will deliver using staff and those operations that will be delivered by contract are likely to vary in different parts of the State.

3.4 Northern Australia Beef Roads Program

Shire of Dundas

RESOLUTION

Moved: President Cr Laurene Bonza, Shire of Dundas

Seconded: Cr Sharon Warner, Shire of Dundas

That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.

CARRIED

MEMBER COMMENT

The extension to the south of the country of Roads and Beef Road Funding will be vital to get cattle to the saleyards and be competitive with their counterparts from the North who receive [Federal Funding](#) to assist them in their efforts to transport cattle.

Reliable access has always been the most significant issue facing the community and businesses operating in the remote Northern Nullarbor region and is a serious concern for those emergency service personnel who are called upon in times of crisis. The 2019-2020 bushfires which closed the Eyre Highway (effectively the gateway into WA) is an example of inaccessibility. The Trans Access Road is the only road servicing this area and has in the past been impassable for months due to flooding. This project would deliver transport efficiencies, stimulate and support economic activity, and provide a safer access road for regular users, tourists, and emergency service personnel. The Eyre highway is the number one strategic link into Western Australia. The Trans-Access Road is the only road East linking the Aboriginal Communities, remote roadhouses, and pastoral stations. Linking the two roads increases accessibility, safety, and improves the social service access between the communities on both roads. Cattle and sheep movements can be hampered when the Trans Access Road is closed, and WA freight movements (in and out) are hampered when the Eyre highway is closed, as per the bushfire season of 2020.



This road improvement will shorten the distance from 1,041 to 91.7km (within our Shire), making traffic movements more efficient, as well as safer with a better-quality formed road. The Commodities can get to market with increased certainty, safety, and more efficiently.

This is only the situation with one road and their numerous pastoral leaseholders having the same issues in Western Australia and all the southern pastoral leaseholders across Southern Australia.

See [here](#) a map showing Northern Australia Local Government Roads receiving Funding.

SECRETARIAT COMMENT

The Northern Australia Beef Roads Program was a \$100 million Federal Government investment within the \$980 million Northern Australia Roads Program, which is delivering upgrades to high priority roads in northern Australia essential to the movement of people and freight to support the North's economic development. The Northern Australia Beef Roads Program is making targeted upgrades to key roads necessary for transporting cattle to improve the reliability, productivity and resilience of cattle supply chains in northern Australia, thereby reducing freight costs and strengthening links to markets. The Federal Government announced projects to be funded in October 2016, and the program is now nearing completion.

A key feature of the Northern Australia Beef Roads Program was the active engagement with the beef industry and transport sector to identify potential projects and modelling of different scenarios by the CSIRO using the Transport Network Strategic Investment Tool (TraNSIT) to determine the benefits and assist in prioritising projects. Success in establishing a new Beef Roads Program in Southern Australia would likely require similar support and evidence. Northern Australia provides 90% of Australia's live cattle exports⁴.

The Northern Australia Program is framed around the [Our North, Our Future: White Paper](#) on Developing Northern Australia, with annual statements to Parliament on progress. It is outside of the Minister for Northern Australia responsibilities to establish funding programs in other parts of Australia.

Depending on the scale of investment required, a business case detailing the costs and benefits of the proposed upgrades will be required to underpin advocacy to State and Federal Ministers. The Hon Catherine King, Minister for Infrastructure, Transport and Regional Development of Australia is a primary decision-maker when seeking funding to respond to the identified needs.

⁴ Office of Northern Australia 2022 ([Office of Northern Australia | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)).



3.5 3D House Printing Building Compliance

Shire of Dundas

RESOLUTION

Moved: President Cr Laurene Bonza, Shire of Dundas

Seconded: Cr Sharon Warner, Shire of Dundas

That WALGA requests:

- 1. Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.**
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.**

CARRIED

MEMBER COMMENT

Australia's construction industry may be in for a shake-up, with the arrival of commercial 3D house-printing technology capable of slashing build times and costs.

On the heels of the country's first 3D-printed house – erected in three days Melbourne in January - COBOD, an international leader in the disruptive field, has partnered with Australian company Fortex to distribute its equipment.

COBOD has spearheaded the development of 3D house-printing, having sold about 50 systems featuring multifunctional construction robots across the globe since 2019. They were used to help build the first single-, two- and three-storey 3D-printed dwellings in Europe, the first 3D-printed house and school in Africa, and first wind turbine tower base.

Unfortunately, laws, codes and regulations rarely keep pace with technology. This is the case for using 3D printing to construct houses.

The Shire of Dundas Elected Members supported this motion at the [Ordinary Council Meeting on 28 July 2022](#) (item 10.1.2 WALGA AGM item – 3D Building Compliance).

Australia is currently experiencing an unprecedented housing crisis. Staff and material shortages are now affecting all industries and especially impacting critical industries like housing construction. The construction of buildings in Australia is controlled through a legislative framework that includes reference to the need to comply with the National Construction Code (NCC) and the Building Code Australia (BCA). The NCC is a uniform set of technical provisions for the design and construction of buildings and other structures, including building systems throughout Australia. In WA the NCC/BCA is called up in the *Building Act 2011* and the Building Regulations 2012. It is a statutory requirement that a building or system must be demonstrated to achieve NCC/BCA compliance. The NCC is a performance-based code, containing all performance requirements for the construction of buildings. It's built around a hierarchy of guidance and code compliance levels, with the performance requirements being the minimum level that



buildings, building elements, and systems must meet. A building will comply with the NCC if it satisfies the performance requirements, which are the mandatory requirements of the NCC. The performance requirements are also supported by general requirements. These cover other aspects of applying the NCC including its' interpretation, reference documents, the acceptance of design and construction, including related evidence of suitability/documentation, and the classification of buildings within the NCC. The key to the performance-based NCC is that there is no obligation to adopt any particular material, component, design factor or construction method. This provides for a choice of compliance pathways.

At the [National General Assembly on 19-22 June 2022](#), Motion number 100 was presented by Murray River Council NSW.

Motion number 100 Murray River Council NSW

This National General Assembly calls on the Australian Government to collaborate with local government to remove impediments within the National Construction Code Series (BCA) and associated Australian Standards, that dissuade industry from adopting 3D printing, and the Government provide instruments to incentivise private industry to develop 3D printing.

OBJECTIVE

There is mounting financial pressure on governments, with limited fiscal levers available, to slow the price trajectory of housing. Major change across any industry is difficult for profit-driven entities, especially smaller players, to orchestrate, as simply the risk is high, the financial capacity is limited, and the reward will soon be diluted across their competitors. There are investigations into housing affordability occurring in NSW already, which is commendable. Further opportunities can be harvested if the state partners with local government to review the building codes (which by default do not currently reflect the new technology).

KEY ARGUMENTS

Often the scale of the research and development required is beyond even the most affluent or well-resourced. The longer an industry has been in existence, the harder it is to change, amplified by the educational institutions and financial commitments that both have long lead times and future commitments. Furthermore, regulations (in this instance building codes and standards) are always slow to change and are often an even bigger impediment. In August 2021, the first 3D printed houses were sold in the USA. The investment in research and development in 3D printed structures over the next few years in many counties, largely driven by price pressures, government policies, international treaty obligations, but also because of the frailty of global supply chains, is profound.

Housing affordability is now becoming critical, yet the policy levers appear to be slow moving. Although it will take some time to achieve, the initial indicators are that 3D Printed houses will lower prices. Therefore, it would be prudent to adapt our rules to facilitate.

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Statutory Environment

- [National Construction Code \(NCC\)](#)

SECRETARIAT COMMENT

Changes to the National Construction Code - All components used for building work in Australia must meet certain performance and legal requirements. These requirements help ensure that buildings are safe, healthy for occupants and maintain performance over the expected life of a building. Following a building fire in Melbourne Docklands in 2014, and the cladding fire at Grenfell Tower in London in 2017 which killed 72 people, all State and Territory Building Ministers agreed to an assessment of the effectiveness of building compliance systems across Australia. The resulting Building Confidence Report, released in 2018, identified that problems exist with building product safety in Australia. Subsequently, all Building Ministers agreed to the development of a National Product Assurance Framework to strengthen building product performance requirements. A discussion paper outlining the proposed framework was released by the Australian Building Codes Board in 2021 and can be found [here](#). Any change allowing new forms of construction would require substantial evidence to be presented by industry to the Australian Building Codes Board.

Alternative construction methods such as modular buildings, buildings with pre-engineered components and Structural Insulated Panels (SIPS panels) have risen in popularity in Western Australia in recent years, partly in response to supply chain issues and labour shortages. For example, a display home was built in Mandurah from SIPS panels that was supplied and installed in 16 weeks. Strategies that seek to promote diverse housing options, supply and sustainability should consider the suite of alternative construction methods.

3.6 South West Native Title Settlement

Shire of Gingin

RESOLUTION

Moved: President Cr Wayne Fewster, Shire of Gingin

Seconded: Cr Andrea Vis, Shire of Gingin

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

CARRIED

MEMBER COMMENT

The Shire of Gingin and many other Local Governments are being requested to consider parcels of land to be allocated for transfer as part of the South West Native Title Settlement.

The Shire of Gingin has received its third request, totalling approximately 45 parcels of land, for consultation as part of this process and in each instance is provided only 40 days to provide feedback to the Department.



For each land parcel in question, which can be numerous, Council is requested to consider the following:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local Government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

The 40-day consultation does not provide any ability for Local Government to consult with the community regarding Council's support for the land transfer and as such is ignorant as to the changes in land management.

Local Governments, as part of this process, are not advised as to any intent for the future purpose of the land and/or how it is proposed to be managed into the future and this is creating angst as part of the consultation with Council. For example, it is difficult for any Local Government to approve the transfer of the land without understanding as to what purpose the land is being requested for and who will manage the area, and will it be freehold transfer? This advice may be as simple as the site is requested for cultural significance or for commercial purposes and will be administered by SWLCC as a reserve vested.

The Shire of Gingin, through consultation with the Department, have been advised that within the Shire there are an additional some 230 more locations identified for potential transfer. The Shire, and all Local Governments, should be provided this full list to be able to undertake early due diligence on the land identified.

Without knowing what other Councils are being requested to consider, the Shire requested the Department to ensure that the Shire of Gingin and other Local Governments are not being targeted due to the commercial potential for land. There should be more clarity surrounding the lands that have been requested and identified across all Local Government and this be publicly accessible.



SECRETARIAT COMMENT

Background on the South West Native Title Settlement (Settlement):

The Settlement, in the form of six Indigenous Land Use Agreements (ILUAs), is a landmark native title agreement negotiated between the Noongar people and the State Government of Western Australia (State). The Settlement officially commenced on 25 February 2021, followed by the establishment of the Noongar Boodja Trust and the appointment of Perpetual as the initial Noongar Boodja Trustee on 29 March 2021. Following commencement, as prescribed by the ILUAs, native title rights and interests were surrendered on 13 April 2021, in exchange for a negotiated package of benefits that the State is delivering.

The Noongar Land Estate is a key benefit under the Settlement and will be comprised of up to 300,000 hectares of land handed over as reserve, and up to 20,000 hectares of land transferred in freehold. The first transfers of land to create the NLE were executed by all parties on 14 July 2021. The Department of Planning, Lands and Heritage (DPLH) is the agency responsible for the delivery of the NLE, on behalf of the Minister for Lands. The NLE is intended to provide significant opportunities for the Noongar people to achieve sustainable economic, social and cultural outcomes. The land to be transferred to the NLE is primarily drawn from unallocated Crown land (UCL), unmanaged reserves (UMR) and Aboriginal Lands Trust (ALT) properties within the Settlement area and will be determined through the ILUA-prescribed land identification, assessment and eventual transfer processes managed by DPLH over the five year ILUA implementation period. This work is undertaken consultatively with the Trustee, SWALSC and a broad range of key stakeholders.

A key component of this process is the Assessment Phase, at which point DPLH consults with stakeholders, including Local Government. Consultation with Local Government in this manner is consistent with general Crown land administration requirements, where tenure matters are referred for comment under section 14 of the *Land Administration Act 1997* (LAA). Referrals to Local Governments under the Settlement request detail (if available) on the following:

- whether there are existing interests in the land parcels under consideration for inclusion in the NLE that cannot be met elsewhere;
- whether there are future proposals for the same land or land within the same general location;
- whether there are planning scheme amendments that could affect future use of the land;
- whether there are other relevant land use, land management or land development issues; and
- any other advice they may wish to provide in relation to the subject land.

WALGA asked DPLH if it would it be possible to advise each Local Government of all of the land under consideration within their area at the same time, and DPLH responded as follows:

DPLH regularly provides Local Government Authorities (LGAs) with a list of unallocated Crown land (UCL) and unmanaged reserves (UMR) that may be eligible for inclusion in the Noongar Land Estate within the boundaries of the LGA. This information is provided upon the request of the LGA, in the spirit of proactive and transparent engagement with key stakeholders.

Importantly, DPLH advise that the list provided is reflective of land under consideration at a specific point in time and may be subject to change. Further, all LGAs are advised that DPLH are progressing land through the Phases of the Noongar Land Base Strategy (Strategy) at Annexure J to ILUAs for the Settlement. The Strategy provides an agreed process to be followed and includes a five-year timeframe for the staged delivery of the full 320,000 hectare Noongar Land Estate. As a result, DPLH will likely engage with a number of the involved LGAs numerous times during the five-year period.



WALGA asked DPLH if a 3 month consultation period would be considered, and DPLH responded as follows:

Consultation with LGAs is consistent with general Crown land administration requirements, where tenure matters are referred for comment under section 14 of the LAA. The 40 day timeframe for consultation is prescribed by the Noongar Land Base Strategy (Strategy) at Annexure J to the ILUAs. The sections of the ILUA (including the Settlement Terms) can only be varied by agreement in writing that is executed by or on behalf of the State, each of the Government parties, each Regional Corporation or the relevant Native Title Agreement Group and the Central Services Corporation.

The timeframe for consultation with LGAs is outlined under the Strategy and is intended to ensure the structured delivery of State Government and Trustee for the Noongar Boodja Trust (Trustee) obligations relating to the handover of land. DPLH would also like to emphasise that the LGAs are asked to consider the change of tenure only, not a proposal for the use / development of the land.

The Strategy and therefore the activities of DPLH are consistent with best practice Crown land administration activities, though with prescribed timeframes to ensure adherence to tight project timeframes. The referral questions posed by DPLH during consultation with LGAs are intended to collect detail on what is known to apply to the land at the time of the referral, noting that detailed due diligence and site-specific investigations would need to be undertaken by the Trustee at the point of land use / land development. In the event that an LGA is unable to provide the detailed information within the 40 day timeframe, DPLH is able to discuss and possibly grant timeframe extensions on a case-by-case basis.

WALGA asked DPLH if it was possible to advise Local Governments, at the time of request, as to the intended use of each parcel of land eg cultural or economic development, and DPLH responded as follows:

This information is not provided to DPLH by the representatives of the Noongar people. Instead, the flexible reserve purpose of Noongar Social, Cultural and / or Economic Benefit and the flexibility provided by delivering freehold tenure allows for land to be used by the Trustee in line with the aspirations of the Noongar people – in accordance with the applicable statutory and policy framework. LGAs will retain standard decision-making powers relevant to the use and management of land, under the Local Planning Scheme / Town Planning Scheme and any applicable statute.

The Noongar Land Estate will be a diverse landholding across the six ILUA Areas and approximately 101 involved LGAs. The consultation process undertaken by DPLH is intended to ensure that LGAs can disclose relevant information to inform the decision-making of the Trustee as to whether or not the land should be included in the Noongar Land Estate. Decisions around whether or not land is Cultural Land, Development Land or a combination of both is for the Trustee to make in consultation with the relevant Noongar Regional Corporation after land is accepted for transfer, and may have relevance to the future management of the land. However, LGAs can safely assume that land included into the Noongar Land Estate will be used and managed in accordance with the applicable zoning.

WALGA advised DPLH that generally, a Local Government would consult with their local community about changes to the use of Local Government managed land, and that the 40 day consultation timeframe did not allow for this. DPLH responded as follows:



LGAs may elect to undertake consultation with community regarding tenure change proposals, but it is not a requirement of the Strategy nor of the State Government more broadly. DPLH recommends that the standard approach taken by LGAs for any other Crown land administration matters referred by DPLH is the example to follow.

Community consultation may be more appropriate at the point of a development proposal being submitted to the LGA by the Trustee, as all detail requested above would be known and consultation can be well-informed. It is understood that consultation with community on development proposals is commonly undertaken by LGAs before consideration of a proposal by Council.

Please be advised that UCL and UMR (and Crown land more broadly) are the jurisdiction of the Minister for Lands, and while LGAs may have a role in regulating or to an extent managing UCL and UMR, this role does not form an interest in the land or a veto power for tenure proposals over the land.

DPLH made the additional further comment:

DPLH undertakes comprehensive consultation on land under consideration for possible inclusion in the Noongar Land Estate to obtain any and all information that may be relevant to the future use and management of the land by the Trustee. This includes all relevant LGAs and key State Agencies including the Department of Mines, Industry Regulation and Safety, the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation. Service providers are also consulted on each land parcel.

All are provided with a 40 day timeframe for providing a response. At present, DPLH is actively progressing approximately 100,000 hectares of land across the six ILUA Areas through the Phases of the Strategy towards formal offer to the Trustee. The scope of this process is substantial, so the timeframes within the Strategy are critical for ensuring information collection can occur in a timely manner.

3.7 Land Offset Compensation to Local Governments

Shire of Gingin

RESOLUTION

Moved: President Cr Wayne Fewster, Shire of Gingin

Seconded: Cr Andrea Vis, Shire of Gingin

That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

CARRIED

MEMBER COMMENT



It is proposed that Councils similar to the Shire of Gingin who are having large sections of rateable land locked away due to Developer Land Offsets need to be compensated for the loss of revenue.

The Shire of Gingin recently met with the Department of Biodiversity, Conservation and Attractions (DBCA) representatives regarding this matter, and they agreed that the Shire of Gingin is being targeted due to the type of Banksia bush that is within the Shire. The Shire of Gingin is not and will not be the only Local Government targeted through this type of scheme into the future.

The issues for the Shire of Gingin, other Local Governments and future Local Governments are as follows:

1. The requirement of land offsets is currently 1/7. Being that for every acre of land required by a developer, seven acres needs to be provided as offset.
2. What is currently rateable land for the Shire is being purchased and then handed to DPIRD for management.
3. The Shire of Gingin's loss of rates on a once off may seem minimal (last year the reduction was approximately \$10,000) but accumulating every year and then compounding becomes a significant amount of future income.
4. Council still needs to maintain the assets surrounding the site, providing access and egress from the blocks for DBCA and other adjoining ratepayers.
5. The land within the Shire of Gingin is in high demand due to its proximity to the metropolitan area and intensive agriculture and horticulture is dominant.
6. DBCA receives a 7-year management payment from the Developer to manage the newly offset land which is not enough for DBCA to manage the property, yet Council receives nothing other than a negative rates bill and continuous maintenance cost.
7. Whilst the metropolitan based Developer is making large amounts of money from the development and the metropolitan Council is receiving an increased rate book, the loser in the equation is the Local Government where the land is being offset and DBCA.
8. The current amount of non-Rateable land within the Shire is in excess of 30% and growing each year.
9. The additional land that is added to DBCA requires this Department to be appropriately funded, however advice received is that DBCA is underfunded and this in turn affects Local Government in regard to land management and increased fire risk.

The Shire of Gingin is not unique with this matter, however we are being significantly affected at this current time and will be well into the future and as such, request that WALGA advocate to the State to ensure that Local Governments losing rateable land through offset purchases are properly compensated for the loss of rates and continued maintenance.

SECRETARIAT COMMENT

In Western Australia, there are many reasons for land being transferred for public purposes to the Crown. In parts of the State, these lands represent significant portions of the total Local Government area, for example Local Governments with extensive areas of National Parks and State Forest.

The State Government Offsets Register shows offset land acquisitions or land transfers to conservation within these Local Government areas: Shires of Dandaragan, Gingin, Chittering, Waroona, Harvey, Augusta-Margaret River, Cities of Bunbury, Busselton, Mandurah and in the Perth metropolitan region.

Over 50 per cent of new housing construction in the Perth and Peel region is expected to be provided through greenfield development, indicating that the issue identified by the Shire of Gingin is likely to persist.



The requirement to provide environmental offsets is legislated through the Environmental Protection Act 1986 (WA) and under Part 9 of the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth). In Western Australia, offsets are implemented through the WA Environmental Offsets [Framework](#). A [review](#) of this framework was conducted in 2019.

WALGA's comments on the review advocated for adequate resourcing to manage offset lands to address any biosecurity and bush fire risk implications and to require that Local Governments be consulted regarding any proposed offsets in their areas. These points were also raised in WALGA Submissions on the Strategic Assessment for Perth and Peel and the [WA offset metrics guidelines](#).

Under the WA [Environmental Offsets Guidelines](#), it is the responsibility of the proponent to consult all relevant stakeholders regarding offsets, particularly those directly affected, including Local Government. The Guidelines identify the Department of Biodiversity, Conservation and Attractions (DBCA) as the key stakeholder in relation to offset planning due to their role as specialist scientific advisor and manager of the State's conservation lands.

In May 2022, the State Government released the Native Vegetation Policy for Western Australia, with a five year Implementation Roadmap which includes improvements to the environmental offsets framework. This will provide WALGA with the opportunity for continued advocacy on this issue.

3.8 Review of the Rating Methodology used by the Valuer-General

Shire of Serpentine Jarrahdale

RESOLUTION

Moved: President Cr Michelle Rich, Shire of Serpentine Jarrahdale
Seconded: President Cr Wayne Fewster, Shire of Gingin

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

CARRIED

MEMBER COMMENT

The Valuer-General is an entity created under the *Valuation of Land Act 1978*. The Valuer-General forms part of Landgate's functions.

Landgate valuers conduct independent valuations of property based on the Gross Rental Values (GRVs) or and Unimproved Values (UVs) of a property.

These valuations are used by local governments, government agencies and emergency services as a basis to determine property rates, service charges and levies as well as land tax.

In Victoria, valuations are conducted using the capital improved value of a property. Capital improved value is based on the value of the land plus the buildings on it and any other capital improvements. This method may provide a more fair and equitable assessment of the value of land across various land uses in Western Australia including agriculture, residential, commercial and mining. This in turn would provide a more fair and equitable basis for local government rating.



A review of rating methodologies set in the *Valuation of Land Act 1978* would ensure that valuation methods relied upon by local government represent the most appropriate method.

SECRETARIAT COMMENT

WALGA currently does not have an advocacy position on which is the most appropriate valuation methodology.

3.9 WA Local Government Rating Model

Shire of Gingin

MEMBER MOTION

That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the Unimproved Value rate is abolished, and all properties are rated for Gross Rental Value or Capital Value.

THE SHIRE OF GINGIN WITHDREW THE MOTION

MEMBER COMMENT

The Shire of Gingin and many other Local Governments struggle to have appropriate rates raised that are adequate for the correct use of the land within the Shire that addresses the impacts that these ratepayers have on the Shire's Assets.

For example, within the Shire of Gingin, there are large numbers of Unimproved Value (UV) rated properties that have large scale infrastructure servicing significant commercial operations but are captured within the definition as a Rural Pursuit. Some of these properties have tens of millions of dollars of infrastructure but only contribute a UV valuation and an additional differential rate.

If all properties were rated Gross Rental Value (GRV) or the rates based on Capital Value (value that the land would likely sell for on the open market), all rural land would still hold an appropriate GRV/Capital Value that would not be too dissimilar to their current rates, however those that intensify their land would achieve a naturally higher GRV/Capital Value making the rating across a Shire far more equitable, easier to manage and would simplify and reduce the cost of the valuation process.

Whilst not every Council may wish to take this step, it is proposed that the Local Government has the ability to review and decide if it wishes to remove the UV rate. With the Valuer Generals' Office conducting routine valuations for both UV and GRV it would not be out of the question for the valuation to be changed to meet this process.

It is noted that within South Australia and Victoria 89% of the Local Governments use Capital Value, Tasmania is progressing to Capital Value whilst New South Wales is based on Land Value only, Northern Territory is based only on Unimproved Capital Value, Queensland is Site Value and Unimproved Value and the ACT is Unimproved Value only. It is clear that whilst there is a range of valuations across Australia there is a bias growing towards utilising Capital Value of Land.



For example, we have a location within the Shire that has a water license and two bore holes. Whilst this is the extent of the infrastructure, they pump water out 24/7 for bottling in Perth, a GRV/Capital Value would be much higher in value to Council than the minimum rates currently being received. This company has significant heavy vehicles utilising Council roads every day of the week to keep up with the demand and creates significant road maintenance issues for Council.

The impacts of water licenses within the Shire have been dramatic as they are now a strong trading commodity and have doubled the value of land with a water license, yet it is not being considered by the Valuer Generals' Office as part of the overall valuation assessment of the land. Water licenses are incredibly valuable to producers as it increases their productivity and profits from smaller properties and as water licenses are very difficult to access, as allocations are full in most areas, many are trading or selling off portions of licenses clearly showing that water licenses have an inherent value that is increasing rapidly.

Again, the Shire calls on WALGA to advocate to the Minister and Valuer Generals' Office to undertake a review of the rating system to either abolish the UV valuation or provide the ability for the Local Government to choose its rating structure.

SECRETARIAT COMMENT

WALGA currently does not have an advocacy position on which is the most appropriate valuation methodology.

3.10 Reform of the *Cat Act 2011*

Shire of Capel

RESOLUTION

Moved: Cr Rosina Mogg, Shire of Capel
Seconded: Cr Christine Terrantroy, Shire of Capel

That the WA Local Government sector requests the WA State Government prioritise reforms to the *Cat Act 2011*, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

CARRIED

MEMBER COMMENT

Background

The Western Australian State Government through the (then) Department of Local Government released a Discussion Paper (January 2011) titled *Proposal for Domestic Cat Control Legislation*.

This consultation and proposed reform process ultimately led to the *Cat Act 2011* (Cat Act) receiving Royal Assent on 1 November 2012. The Cat Act fully commenced in 2013 and was introduced to:

- provide for the control and management of cats; and
- promote and encourage the responsible ownership of cats, and for related matters.



The Department of Local Government, Sport and Cultural Industries (DLGSC) commenced a statutory review of the *Cat Act 2011* and the *Dog Amendment Act 2013* in May 2019. The review undertaken by DLGSC was tabled in the WA Parliament by the Minister for Local Government on 27 November 2019.

Findings of the Review in relation to Cat Act included:

2. Registration of cats is strongly supported. The current three options for periods of registration should remain.
3. Registration periods for cats and dogs should be the same.
4. A central registration database for cats should be explored.
5. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers — including making it obvious that it is a domestic cat that has an owner. There is strong support for this to continue with no change.
6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored — this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up-to-date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.
9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws — to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.
11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.

Outcomes from the Statutory Review were:

- The *Dog Amendment (Stop Puppy Farming) Act 2021* received Royal Assent on 22 December 2021 with the aim to:
 - to amend the Dog Act 1976 to provide for matters relating to the sterilisation and breeding of dogs and the supply of dogs to and by relevant pet shop businesses;
 - to amend the Dog Act 1976 and the Cat Act 2011 to provide for a centralised registration system; and
 - to make other amendments to the Dog Act 1976

No further amendments, nor reforms of the *Cat Act 2011* have occurred since.

Comment

Any proposed changes to cat control measures should include public consultation.

The Shire of Capel hopes the State Government prioritises reforms of the Cat Act, similar to recent reforms with the Dog Act and Animal Welfare regulations.

The Shire of Capel supports a review of current cat control measures and to look at initiatives to better protect native wildlife, along with an accompanying education campaign.

Many Local Governments throughout the State have looked at similar reforms recently, however the current Act inhibits the control of cats and their impacts on native wildlife.



Shire understands that many people in the community love cats, with reforms looking to find a balance between valued family pets and protecting our unique and in some cases, endangered native animals.

SECRETARIAT COMMENT

This is a developing issue in the sector. A number of Local Governments have already attempted to make Cat Local Laws that seek to prohibit cats from roaming, require cats to be securely kept on premises of the owner, and prohibited from being in any public place. Parliament's Delegated Legislation Committee has disallowed a number of such attempts on the grounds that the local law-making head of power in the Cat Act does not contemplate local laws to be made for these purposes.

The Committees views are summarised in this excerpt from the Annual Report 2016 (Report 89 at 5.32):

In each of these cases, the Committee considered that the relevant provisions of the local law were inconsistent with or repugnant to the provisions of the Cat Act 2011 which:

- *allow for cats to be in public places unless they do not comply with the provisions of the Act requiring registration, microchipping and sterilisation*
- *empower the making of local laws prohibiting cats in certain specified areas.*

WALGA's current advocacy position supports a review of the Cat Act that will introduce broader powers of cat control.



3.11 WALGA Best Practice Governance Review – Principles

Executive Member motion

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont
Seconded: President Cr Phillip Blight, Shire of Wagin

That:

1. The update on the Best Practice Governance Review project be noted, and
2. The principles to inform WALGA's future governance model, as follows and as per the attached *Principles* document, be endorsed:
 - a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
 - b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.
 - c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

CARRIED

Attachment

- *WALGA Best Practice Governance Review: Principles*

Background

State Council commissioned the WALGA Best Practice Governance Review in March 2022 to ensure that WALGA's governance model is contemporary and agile and maximises engagement with members.

Governance Reviews allow organisations to re-examine their membership structure, constitution, board role, board composition, governance approach and policies.

For WALGA, the Best Practice Governance Review represents an opportunity to review and reshape the governance model to ensure WALGA is well-placed to:

- Deliver strong, clear, focused, and consistent policy positions on strategic matters of the most importance to Local Governments in WA,
- Drive advocacy outcomes and impact on behalf of Local Government in WA, and the communities they serve, and
- Embed agility and responsiveness, ensuring member concerns are heard, respected, and represented in a timely, efficient, and effective manner.

There are several drivers for the review.

WALGA's [Corporate Strategy 2020-2025](#) identifies the governance model as a key enabler of performance, with the following description: *We have contemporary governance and engagement models.*



Member and stakeholder feedback from a range of sources over several years has highlighted dissatisfaction with the governance model. Specifically, feedback relates to:

- **Structure** – WALGA's governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back.
- **Responsiveness** – there is a perception among members and stakeholders that WALGA's governance model is slow and bureaucratic in an environment that requires agility.
- **Prioritisation and focus** – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests.
- **Transparency and accountability** – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes.
- **Zones** – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA's membership believes that Zones are not as representative, strategic nor effective as they potentially could be.

Legislative reforms could also impact WALGA's governance arrangements. The Minister for Local Government's reforms to the *Local Government Act 1995* propose to remove WALGA from being constituted under the Local Government Act. Secondly, the Review of WA's *Industrial Relations Act 1979* provides an opportunity for WALGA to be constituted as a registered employer organisation, which would enable WALGA to make applications in its own right on behalf of the sector.

Following several reviews and amendments, the Best Practice Governance Review also represents an opportunity to ensure alignment between WALGA's governance documentation. In addition, State Council resolved in September 2021 for amendments to the Constitution to be developed to deal with matters related to State Councillors' candidature for State or Federal elections.

To undertake the Best Practice Governance Review, State Council appointed a Steering Committee comprising the following members:

President Cr Karen Chappel JP	WALGA President (Chair)
Cr Paul Kelly	WALGA Deputy President
President Cr Phil Blight	Country State Councillor
Mayor Carol Adams OAM	Metropolitan State Councillor
President Cr David Menzel, Shire of Wyndham East Kimberley	Country Elected Member
Mayor Albert Jacob, City of Joondalup	Metropolitan Elected Member
Andrew Sharpe, City of Albany	Country Chief Executive Officer
David MacLennan, City of Vincent	Metropolitan Chief Executive Officer
Nick Sloan	WALGA Chief Executive Officer

The Steering Committee is supported by consultants PwC and WALGA officers, Tony Brown, Executive Director Member Services, Tim Lane, Manager Corporate and Association Governance, and Kathy Robertson, Executive Officer Governance.

The Steering Committee has met five times to late August and has:

- Endorsed terms of reference and an overarching project plan
- Considered the 2019 review including previous deliberations and outcomes
- Commissioned and considered work on comparator membership-based advocacy organisations:



- Australian Hotels Association (AHA)
 - Australian Medical Association (AMA)
 - Chamber of Minerals and Energy (CME)
 - Chamber of Commerce and Industry (CCI)
 - Pharmacy Guild of WA
- Reviewed governance models of Local Government Associations in other States and New Zealand:
 - Local Government New South Wales (LGNSW)
 - Municipal Association of Victoria (MAV)
 - Local Government Association of Tasmania (LGAT)
 - Local Government Association of South Australia (LGASA)
 - Local Government Association of Queensland (LGAQ)
 - Local Government Association of the Northern Territory (LGAT)
 - Local Government New Zealand (LGNZ)
- Adopted a timeline for the way forward including member consultation and engagement, and
- Endorsed principles to be presented to the membership at the 2022 Annual General Meeting as per this agenda item.

SECRETARIAT COMMENT

Supported by State Council, the Steering Committee is putting forward principles to this Annual General Meeting to gauge member support for progressing the Best Practice Governance Review to the development of potential options for member consultation and engagement.

The principles put forward by the Steering Committee and endorsed by State Council at their 22 August 2022 Special Meeting, will guide the development of potential models for member consultation.

As per the attached Principles document, the three principles – Representative, Responsive and Results Oriented – comprise three or four components, component descriptions and governance implications.

Embedded in the governance implications are considerations for potential changes as well as principles that will be adhered to in the development of model options.

For instance, the principles propose that WALGA's governing body will:

- Maintain equal metropolitan and country representation,
- Continue the practice of electing the President from and by the governing body, and
- Facilitate responsive decision making with clear processes for members to influence policy and advocacy.

Potential models may be considered by the Steering Committee, and subsequently State Council and WALGA members, that could:

- Potentially lead to a reduction in the size of the governing body,
- Consider alternative election arrangements to the governing body, and
- Consider alternative arrangements to the existing Zones.

Following consideration of the principles at the 2022 Annual General Meeting, as per this item, an extensive consultation and engagement process will be undertaken with members on potential governance model options.

The consultation and engagement process will be undertaken during October, November, and December 2022. Feedback from member submissions, workshops, and discussions will inform a final report to be considered at February 2023 Zone meetings and subsequently, the March 2023 State Council meeting.



Constitutional amendments will then be prepared for consideration by State Council followed by the broader membership at the 2023 Annual General Meeting. As per WALGA's Constitution, amendments to the Constitution require endorsement by a 75 percent majority at both State Council and a general meeting of members.

The principles are put forward for member consideration.

Item 3.11 – Attachment: WALGA Best Practice Governance Review Principles

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of Local Government members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils	The governing body will maintain equal country and metropolitan local government representation
		Size	An appropriate number of representatives oversees WALGA's governance	Potential reduction in the size of the overarching governing body
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making	WALGA's governance model facilitates responsive decision making
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances	WALGA's governance model is agile and future proofed for external changes
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members



3.12 Special Urgent Business

Two items of Special Urgent Business were submitted to the meeting for consideration.

3.12.1 Abandoned Shopping Trolleys

City of Cockburn

RESOLUTION

Moved: Mayor Logan Howlett JP, City of Cockburn

Seconded: Cr Tarun Dewan, City of Cockburn

That the members agree that the following item of Special Urgent Business relating to Abandoned Shopping Trolleys be considered.

ABSOLUTE MAJORITY DECISION REQUIRED

CARRIED BY ABSOLUTE MAJORITY

MEMBER COMMENT

Many Local Governments (particularly metropolitan and regional areas) in Western Australia and other parts of Australia continue to experience abandoned shopping trolleys in suburbs adjacent to shopping centres.

While some local governments have introduced various policies, it remains as an issue for communities where shopping trolleys are left abandoned in their neighbourhoods.

The owners of supermarkets respond in different ways to the collection of these shopping trolleys or not all, even those that are known as national retailers.

Local Governments increasingly are collecting these trolleys, impounding them, charging a fee to the retailer to collect them, and in some cases are left to dispose of the shopping trolleys to scrap merchants when they remain uncollected.

RESOLUTION

Moved: Mayor Logan Howlett

Seconded: Cr Tarun Dewan

That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.

CARRIED



3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

City of Gosnells

RESOLUTION

Moved: Cr Sarah Patterson, City of Gosnells

Seconded: Cr David Goode JP, City of Gosnells

That the members agree that the following item of Special Urgent Business relating to Mandatory Superannuation for Elected Members in Band 1 and 2 Councils be considered.

ABSOLUTE MAJORITY DECISION REQUIRED
CARRIED BY ABSOLUTE MAJORITY

MEMBER COMMENT

The exclusion of superannuation for Elected Members has significant financial implications for young Elected Members and disproportionately for women.

Minister Carey this morning expressed his support for mandatory superannuation for Local Government Elected Members in Band 1 and Band 2 Councils. Minister Carey acknowledged financial implications are cost prohibitive for Band 3 and Band 4 Local Governments. Which is why, we ask for the support of mandatory superannuation for Bands 1 and 2 and voluntary for Bands 3 and 4.

RESOLUTION

Moved: Cr Sarah Patterson, City of Gosnells

Seconded: Cr David Goode JP, City of Gosnells

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

CARRIED

4 Closure

The Chair declared the meeting closed at 12:43pm.



Attachment 3: Action Taken on Resolutions of the 2022 AGM

Resolution	Comment / Update
3.1 Road Traffic Issues That WALGA advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.	<p>This resolution was referred to the Infrastructure Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>The Infrastructure Policy Team resolved:</p> <p><i>That efforts to increase the importance given to Local Government knowledge regarding traffic issues be deferred for consideration in mid-2023 after a clear Local Government advocacy position on speed management is developed and endorsed.</i></p> <p>This matter is central to the new Speed Management Policy adopted by State Council in May 2023. Implementation strategy being considered.</p>
3.2 Car Parking and Traffic Congestion Around Schools That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to: <ol style="list-style-type: none"> 1. Reviewing car parking standards for schools; 2. Ensuring sufficient land is set aside for the provision of parking on school sites; 3. Reviewing the co-location of schools to avoid issues being exacerbated; 4. Restricting school access from major roads; 5. Developing plans to enable schools to manage school traffic; 6. Develop programs to educate drivers; and 7. Develop options and implement initiatives to encourage alternative modes of transport to school. 	<p>This resolution was referred to the Infrastructure Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>The Infrastructure Policy Team resolved:</p> <p><i>That WALGA uses its role at the Safe Active Travel to School Working Group to advocate for these outcomes and provide advice back to the Local Government sector.</i></p> <p>The Working Group has representation from the Departments of Transport, Education and Health, the Road Safety Commission, IPWEA, Main Roads, PTA and WALGA. The Group has met three times and is grappling with the issue raised at the 2022 AGM. WALGA will continue to advocate and engage on these issues and provide advice back to the sector.</p>



<p>3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA</p> <p>That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.</p>	<p>This resolution was referred to the Infrastructure Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>The Infrastructure Policy Team resolved:</p> <p><i>That the opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network be explored in discussion with Main Roads WA.</i></p> <p>The proposal has been referred for discussion to the State Road Funds for Local Government Advisory Committee.</p>
<p>3.4 Northern Australia Beef Roads Program</p> <p>That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.</p>	<p>This resolution was referred to the Infrastructure Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>The Infrastructure Policy Team resolved:</p> <p><i>That the Association write to the Goldfields Esperance Regional Road Group identifying the issue raised and invite them to consider whether they may partner with other organizations such as Meat and Livestock Australia, the Pastoral and Graziers Association and the Regional Development Commission and RDA to develop a business case to fund roads critical to the southern pastoral beef industry.</i></p>
<p>3.5 3D House Printing Building Compliance</p> <p>That WALGA requests:</p> <p>1. Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to</p>	<p>This resolution was referred to the People and Place Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>The People and Place Policy Team considered the motion at a meeting held on 3 May 2023, and resolved to:</p> <ul style="list-style-type: none"> • Note the recommendations of the Goldfields Esperance Country Zone; • Note that housing affordability is now becoming critical and that legislative reforms are required to support compliance pathways for new building technologies;



<p>consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.</p> <p>2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.</p>	<ul style="list-style-type: none"> • <i>Note that 3D printing as a building method can currently be approved through the performance pathway in the National Construction Code; and</i> • <i>Request that WALGA continue to engage with Department of Mines, Industry Regulation and Safety - Building and Energy on the issue of building reform in Western Australia that includes efficient and effective regulation to support quality, safe and environmentally friendly buildings that are cost efficient.</i>
<p>3.6 South West Native Title Settlement</p> <p>That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.</p>	<p>This resolution was referred to the People and Place Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>WALGA wrote to Anthony Kannis, Director General of Department of Planning, Lands and Heritage (DPLH) requesting:</p> <ul style="list-style-type: none"> • A full list of potential land parcels that will be eligible for transfer as part of the Southwest Native Title Settlement to enable Local Governments to undertake early due diligence on the identified land, • The consultation timeframe is increased for consideration of parcels of land for transfer from 40 days to 90 days (3 months) <p>A response was received from DPLH on 28 April 2023 advising that:</p> <ul style="list-style-type: none"> • DPLH regularly provides Local Governments with a list of UCL and UMR under consideration for inclusion in the Noongar Land Estate and the lists are reflective of land under consideration at a specific point in time and may be subject to change, so Local Governments are encouraged to contact DPLH to obtain this information as needed. • The timeframe cannot be extended to 90 days due to yearly obligations of the State and Trustee (Noongar Boodja Trust) and the deadline for the delivery of the Noongar Land Estate. • DPLH does not require a decision from council for land under consideration in the Noongar



	<p>Land Estate and any public consultation undertaken is at the discretion of the Local Government.</p> <ul style="list-style-type: none"> Local Governments retain their decision-making powers for the use, management and development of all land included in the Noongar Land Estate, under the statutory and policy framework applicable to all land in WA.
<p>3.7 Land Offset Compensation to Local Governments</p> <p>That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.</p>	<p>This resolution was referred to the Environment and Waste Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>WALGA continues to advocate on this issue, including through engagement in the implementation of the Native Vegetation Policy for Western Australia, in particular the Government's commitment to undertake a broad, strategic and economic evaluation of environmental offsets and to improve the environmental offsets framework in line with recommendations of the WA environmental offsets framework review and consultation on a National Environmental Offsets Standard later in 2023.</p>
<p>3.8 Review of the Rating Methodology used by the Valuer-General</p> <p>Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.</p>	<p>This resolution was endorsed for action by State Council at its December 2022 meeting.</p> <p>A letter was sent to the Minister for Lands (with a copy also sent to the Minister for Local Government).</p> <p>WALGA recently received a response from the Minister for Local Government. In the response, the Minister noted that a review of the rating and taxing valuation methodology was recently undertaken by the Western Australian Treasury Corporation, on the instructions of the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Western Australian Land Information Authority (Landgate). The review found that the existing system of Unimproved Value (UV) and Gross Rental Value (GRV) rating produce an appropriate outcome in terms of financial equity for ratepayers. Consequently, the State Government does not intend to make any changes to the rating system at this time.</p> <p>Nevertheless, the Minister recognised that there are cases of rating inequity related to the uneven application of UV and GRV as the basis of rates in some districts, particularly where there has been ongoing urban development or where multiple uses of land occur on individual properties. In those cases,</p>



	Local Governments should regularly review the appropriate basis of rates and submit applications to change the basis of rating where appropriate.
3.10 Reform of the <i>Cat Act 2011</i> That the WA Local Government sector requests the WA State Government prioritise reforms to the <i>Cat Act 2011</i>, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.	<p>This resolution was endorsed for action by State Council at its December 2022 meeting.</p> <p>A letter has been sent to the Minister for Local Government on this issue.</p>
3.11 WALGA Best Practice Governance Review – Principles That: <ol style="list-style-type: none"> 1. The update on the Best Practice Governance Review project be noted, and 2. The principles to inform WALGA's future governance model, as follows and as per the attached <i>Principles</i> document, be endorsed: <ol style="list-style-type: none"> a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies. b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders. c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services. 	<p>This resolution was noted by State Council at its December 2022 meeting.</p> <p>Following the endorsement of the Principles by Members, the Best Practice Governance Review Steering Committee put forward five model options (including the current model) for WALGA's governance structure. These options were circulated to Members in the form of a Consultation Paper. Members engaged with the Paper and 99 provided a submission, representing 71% of WALGA's membership. Model 1 (being the introduction of a new Board above the existing State Council and Zone structure) and the current model were the two most strongly supported models.</p> <p>The Steering Committee considered the submissions, along with supplementary research undertaken by Ipsos, and agreed on a recommendation to State Council to endorse changes to WALGA's governance structure in line with a revised version of Model 1. In March, State Council resolved to further engage Members on the details of the proposed model. When State Council met again in May, they considered the additional Member feedback on the proposed model and resolved that two sets of constitutional changes be developed for consideration by State Council in July to be put to Members at the 2023 Annual General Meeting.</p> <p>State Council resolved by special majority at the July meeting to put two versions of the Constitution to Members:</p>



	<ol style="list-style-type: none"> 1. The first being a new Constitution, giving effect to an alternate governance model, and 2. The second being a marked-up version of the current Constitution, retaining the existing governance model of WALGA, with necessary changes. <p>Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.</p>
3.12.1 Abandoned Shopping Trolleys That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.	<p>This resolution was referred to the Governance and Organisational Services Policy Team for further advocacy work by State Council at its December 2022 meeting.</p> <p>At the May 2023 meeting, State Council endorsed the following advocacy position:</p> <p><i>The Local Government Sector advocates for State Government to consult with the Sector and prioritise legislative reforms that require retailers to contain shopping trolleys within shopping centre property boundaries, inclusive of enforcement and modified penalty mechanisms that are a realistic economic imperative for retailers to comply with containment requirements.</i></p> <p>The <u>Advocacy Positions Manual</u> was updated accordingly.</p> <p>Correspondence was sent to the Minister for Local Government advocating for legislative reforms to require retailers to contain shopping trolleys within their property boundary.</p>
3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional	<p>This resolution was noted by State Council at its December 2022 meeting. At the same meeting, State Council resolved as follows:</p> <p>That WALGA:</p> <ol style="list-style-type: none"> 1. advocates for superannuation to be required to be paid to Elected Members of Local



payment of superannuation for Band 3 and 4 Councils.	<p>Governments in Salaries and Allowances Tribunal (SAT) Band 1 and Band 2; and</p> <p>2. supports the position that superannuation payments to Elected Members of Local Governments in SAT Band 3 and Band 4 should be optional and determined by Council.</p> <p>Correspondence was subsequently sent to the Minister for Local Government on this issue and the Advocacy Positions Manual was updated.</p>
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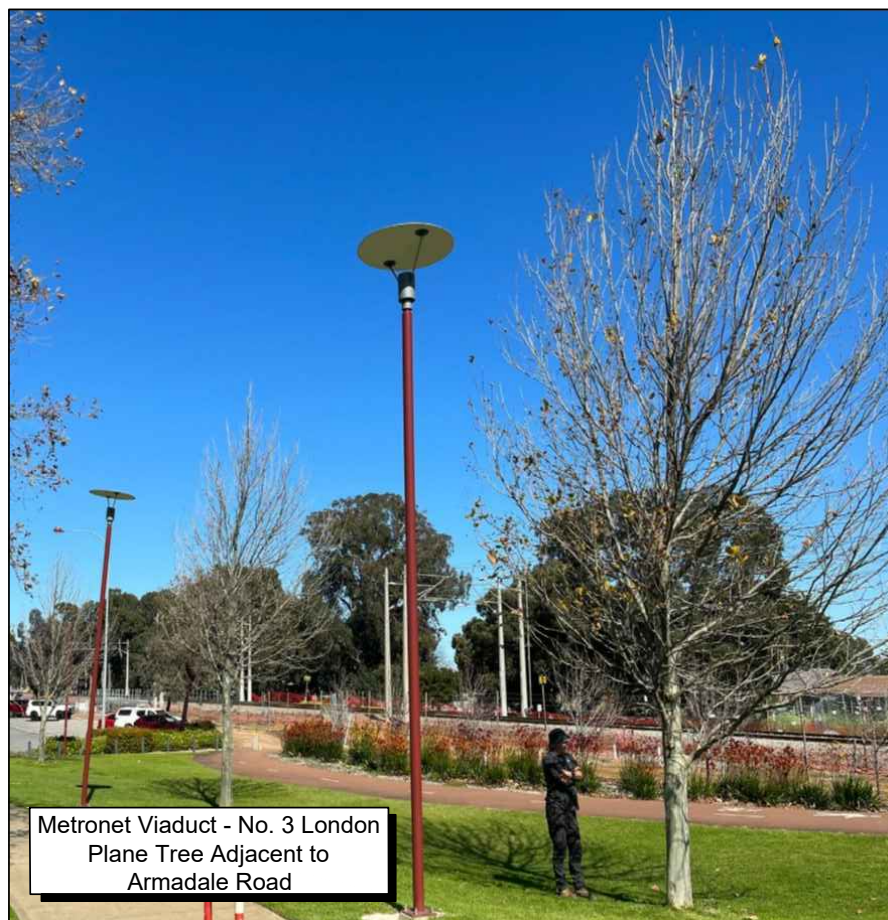
Armadale Rail Extension

Plane Trees and Pear Trees in Vicinity of the
Railway and Armadale Road



SCALE 1 : 750

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).



Perth Rail Extension

Plane Trees and Pear Trees in Vicinity of the
Midway and Armadale Road

Perth Rail Extension

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).



Metronet Viaduct - No. 4 London
Plane Tree Adjacent to
Armada Road

Perth Rail Extension

Plane Trees and Pear Trees in Vicinity of the
Perth Rail Extension and Armada Road

Perth Rail Extension - 11 September 2023

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).

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Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).



ORDINARY MEETING OF COUNCIL
MONDAY, 28 AUGUST 2023

MINUTES

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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 28
AUGUST 2023 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Butterfield, declared the meeting open at 7.00 pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Deputy Mayor, Cr K Busby
Cr J Keogh
Cr K Kamdar
Cr S Peter JP
Cr M S Northcott
Cr M J Hancock
Cr G J Smith
Cr S S Virk
Cr G Nixon
Cr S J Mosey

Minnawarra Ward
River Ward
Ranford Ward
Ranford Ward
Palomino Ward
Heron Ward
Minnawarra Ward
Lake Ward
Hills Ward
Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr P Sanders

Executive Director Development Services

Mr M Andrews

Executive Director Technical Services

Mrs S Van Aswegen

Executive Director Community Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 10

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr E J Flynn and Cr P A Hetherington

APOLOGIES:

Apology received from Cr M Silver

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 14 AUGUST 2023.

MOVED Cr M S Northcott that the Minutes of the Ordinary Council Meeting held on 14 August 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT
DISCUSSION**

1. Mayor's Announcements

Tuesday 15 July 2023

- Attended a meeting with representatives from the Dept of Homes Affairs to discuss changes to immigration for New Zealanders, which may substantially increase our numbers of conferees for Citizenship Ceremonies.

Wednesday 16 July 2023

- Attended the South East Corridor Councils Alliance (SECCA) meeting held at the City of Gosnells.
- Attended the 77th Independence Day celebration of India at the Indian Community Centre in Willetton.

Thursday 17 August 2023

- Chaired the Local Emergency Management Committee (LEMC) meeting held at the City of Armadale.

Friday 18 August 2023

- Attended a regular meeting with the CEO and Yaz Mubarakai MLA, Member for Jandakot to discuss local issues.
- Spoke at the It's Yates Springtime at Araluen 2023 opening event at the Araluen Botanic Park.

Saturday 19 August 2023

- Attended a regular interview at Heritage FM to discuss all things in the City of Armadale.
- Attended an ONAM celebration with the Malayali Association of Perth, at the Serbian Centre in Maddington.

Monday 21 August 2023

- Presented a prize to the winners of Habitat Links 2023. This year's winners were Kelvin and Emma Wright of Bedfordale.
- Attended a regular meeting with the CEO to discuss local issues.

Tuesday 22 August 2023.

- Attended the new mural painted by the Armadale Society of Artists on the old Water Corporation Station house. Alison Snell designed it and members of the ASA helped paint the mural.

Wednesday 23 August 2023

- Attended the Tenth Anniversary of The Fathering Project the Government House in the City. Councillor Paul Hetherington had organised the event in his capacity with the Fathering Project and was in attendance.
- Councillor John Keogh stood in as Deputy for me at the South East Metro Zone Meeting.

Thursday 24 August 2023

- Met with the owner and new journalist of the Examiner Newspaper.

Friday 25 August 2023

- Hosted a home school group in the Council Chambers and talked about a day in the life of the Mayor for the City of Armadale.
- Attended the launch of the video produced by the Armadale Society of Artists about their experiences painting the Water Corp pumping station, at their headquarters in the Arena. Cr Smith and Cr Mosey were also in attendance.

Saturday 26 August 2023

- Hosted a community meeting with approximately 140 people, to provide information on a Structure Plan regarding proposed development along Clifton St (North), Kelmscott. Cr John Keogh, Deputy Mayor, Cr Kerry Busby, Cr Scott Mosey and Cr Gary Smith also in attendance.

Monday 28 August 2023

- Attended a regular catchup with the CEO and Deputy Mayor to discuss local issues.

**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN
GIVEN – WITHOUT DISCUSSION**

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 21 August 2023.

MOVED Cr M J Hancock that the report be received.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation D22/8/23 - Development Application for Railway Station and Public
Realm Upgrades in Armadale City Centre

MOVED Cr M J Hancock

That Council:

- A) Recommend that the Western Australian Planning Commission approve the development application for Railway Station and Public Realm Upgrades within Planning Control Area No.164 pursuant to section 116 of the *Planning and Development Act 2005* subject to the following conditions and advice:**

1. Amended architectural plans showing:

- a. A second public access point at the southern end of the railway station building;
- b. Inclusion of additional built-form or integral public art elements that emphasize the location of the building's public access points;
- c. The bus interchange canopy being better integrated into the overall station/viaduct structure;
- d. Any roof mounted infrastructure and servicing equipment on the Bus interchange and train station shall be screened from public view
- e. in order to improve weather protection of the station platforms:
 - The provision of additional vertical elements to the west of each platform, to provide protection from the low-angled afternoon sun; and
 - Extension of the roof canopies in the north-south direction.

being submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and Office of the Government Architect, prior to the commencement of relevant building works on the Station. Once approved, the plan is to be implemented in its entirety.

2. The 'urban lounge' seating being removed from behind the Armadale RSL Hall and replaced with turf or an alternative form of landscaping that will not impede visual surveillance being submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale.
3. The landscaping plans and related plans being amended to remove the proposed youth area and junior playground from the landscape plans from the development application and project (as identified on the attached plan), with only limited stabilisation and amenity works (e.g. mulch, turf, fencing, etc.) being undertaken as part of the project in this area to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.
4. The 'urban lounge' seating being removed from between the SER building and TAFE buildings and replaced with turf or an alternative form of landscaping that will not impede visual surveillance, to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.
5. Detailed plans being prepared and implemented for widening and the relocation of the Commerce Avenue pedestrian traffic lights and crossing as part of the new pedestrian movement system to the Station - 'Welcome Place' on the eastern side of the station building, to the satisfaction of the Western Australian Planning Commission and on the advice of the City of Armadale.
6. A sun and shadow study being done to the satisfaction of the Western Australian Planning Commission and on the advice of the City of Armadale, to determine if there will be sufficient light under the viaduct to support turf for the dog off-leash park; if that study determines that there is not sufficient light or a suitable alternative material an alternative activation use/facility should replace the dog off-leash park, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Armadale.
7. A Schedule of Materials and Finishes showing design treatments and artwork being applied to the viaduct and piers which shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and the Government Architect, prior to the commencement of operations. Once approved, the plan is to be implemented in its entirety.
8. A revised Public Art Plan being submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale and MetroNet office. Once approved, the plan shall be implemented in its entirety. The revised Public Art Plan shall include:
 - An appropriate engagement process with the City's officers and Councillors, this has been requested for some time based on the lessons learnt through the Denny Avenue Level Crossing Removal project at Kelmscott;
 - The provision of public art on the eastern side of the viaduct as it crosses Armadale Road, as advised in Advice Note No.6 of the WAPC's

decision for the railway viaduct. The City's preference is for that provision to make use of the funding allocated to the Youth Area under the current revision of the Public Art plan.

9. A revised Tree Retention Strategy shall be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Tree Retention Strategy is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.
10. The 'Urban Forest Edge' areas which are being planted out to replace trees removed by this project and achieve its canopy replacement targets should be maintained in perpetuity and not redeveloped as 'possible ultimate carpark' or 'future development opportunity'.
11. A detailed revised Landscape Plan shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of operations. The Landscape Plan should include a suitable water supply for ongoing irrigation of the landscaping proposed within the public realm, other than scheme water. Once approved, the Landscape Plan is to be implemented in its entirety.
12. A revised Construction Management Plan shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.
13. A revised Traffic Management Plan shall be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and Main Roads prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.
14. A revised Drainage Management Plan shall be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the City of Armadale, prior to the commencement of operations. The revised Drainage Management Plan shall include:
 - The shallow linear v-drains which are proposed to convey stormwater from the viaduct columns to drainage basins being replaced with pipework or another form of treatment which will not interfere with the form or function of the public realm as proposed and effective use of the area in the future – the outcome of these changes will influence the City's advice on accepting management of drainage areas;
 - The modification of the proposed drainage network within the application area and the proposed basin under the viaduct abutting Armadale Road to ensure that the drainage network in the development application does not contribute towards an unsatisfactory outcome in the proposed event space extension abutting Armadale Road;

Once approved, the revised Drainage Management Plan is to be implemented in its entirety.

15. All accessible structures within three metres of ground level which are the subject of this application are to be applied with an anti-graffiti coating or other agreed treatment to the satisfaction of the Western Australian Planning Commission on the advice of City of Armadale.
16. A Universal Access and Inclusion Assessment shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale outlining how the design will respond to the use of public spaces, grade differences and movement /distances between station waiting platforms, parking areas, bus interchange, pedestrian network and all public realm areas. Once approved, the Universal Access and Inclusion Assessment is to be implemented in its entirety, including any identified remedial measures to the satisfaction of the Western Australian Planning Commission and on the advice of the City of Armadale.
17. A Crime Prevention through Environmental Design (CPTED) Assessment outlining how the design response will mitigate the risk of crime and anti-social behaviour for the station, parking areas, bus interchange, pedestrian network and all public realm areas. The CPTED Assessment shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale. Once approved, the CPTED Assessment is to be implemented in its entirety, including any identified remedial measures to the satisfaction of the Western Australian Planning Commission and on the advice of the City of Armadale.
18. A Detailed Movement Network Plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of relevant building works. The Detailed Movement Network Plan is to respond to the movement of all areas of the public realm, station, bus interchange, parking areas and the wider pedestrian/cycling network abutting the area. Once approved, the plan is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.
19. The proposed bin storage area abutting Commence Avenue being located, screened and appropriately managed to ensure that it does not impact pedestrians using the path network along Commence Avenue and within the site to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.
20. A Signage and Way-Finding Plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale. The Signage Way-Finding Plan is to correspond to the Detailed Movement Network Plan and address all the public realm areas in addition to the station, station entries, parking areas and bus interchange and assist with locating important sites within the Armadale CBD. Once approved, the Signage and Way-Finding Plan is to be implemented in its

entirety prior to the commencement of station operations and maintained thereafter by the proponent to the satisfaction of the Western Australian Planning Commission.

21. All storage areas, bin stores, external fixtures and building plant, including air-conditioning units and solar panels associated with the bus interchange office building and the station waiting platforms, shall be located so as to minimise any visual impacts, and shall be screened from view from streets, public spaces and adjacent properties to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.
22. A revised Lighting Plan shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale, prior to commencement of relevant building works. The Lighting plan is to address all public realm areas, abutting pedestrian crossings, station (external façade treatment and internally), parking areas and the bus interchange. The Lighting Plan is to also correspond to the Detailed Movement Network Plan, Signage and Way-Finding Plan, the CPTED Assessment and Public Art Plan. Once approved, the plan is to be implemented in its entirety thereafter to the satisfaction of the Western Australian Planning Commission.

ADVICE NOTES

1. The applicant is advised that this is a development approval under the *Planning and Development Act 2005*. It is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all the relevant laws. All requirements under Ministerial Statement 1183 under Section 45 of the *Environmental Protection Act 1986* are still a requirement of the Office of the Environmental Protection Authority.
2. All development should comply with the provisions of the Building Code of Australia, *Health Regulations*, *Public Building Regulations* and all other relevant *Acts*, *Regulations* and Local Laws, including obtaining any relevant permits and licenses. Additional approvals/licenses may be required to ensure compliance with State Government environmental legislation.
3. In regard to Condition 1c, the bus interchange is to be amended to provide a visual connection with the train station design by using similar architectural design language and materials. Consideration should also be given to an extension of the canopy over the train station entry, to assist in creating the prominent entry statement for the station.
4. In regard to Condition 9, the Tree Retention Strategy is to address;
 - Works within a Tree Protection Zone (TPZ) being done under the supervision of an arborist, rather than the guidance of an arborist;
 - The Tree Retention Strategy reverting back to the estimated 72% of canopy being likely to be able to be retained, in accordance with

Condition 5 and Advice Note 4 of the Stage 1 Development Approval, rather than the current 65% proposal; and

- **The landscape plans demonstrating that the planting of replacement trees will be sufficient to achieve the canopy targets which have been set.**
- 5. In relation to Condition 11, the Landscape Plan shall include the relocation of trees, re-use of trees that have been felled, and the planting of new trees within the adjoining road reserve and rail reserve in accordance with the numbers and sizing specified in the Tree Retention Strategy and shall address:**
- **An amended scope to include any tree loss/replacement on the adjoining section of Commerce Avenue;**
 - **A report addressing the application of CPTED principles to all landscaped public realm areas within the project scope;**
 - **Provision of a suitable and sustainable irrigation water supply, and after a water source is secured and agreed to, revised irrigation construction plans are to be submitted for approval. The revised irrigation construction drawings shall indicate separate systems where irrigation is to be a City asset or a PTA asset. The irrigation system shall cover establishment and long term irrigation for the proposed landscape works within the viaduct area, including north of Armadale Road and south of Church Avenue;**
 - **Detailed plans illustrating responses to grade differences and transitions;**
 - **Landscaping of the drainage swales under the railway viaduct;**
 - **Additional trees to be incorporated for shade canopy and in the car park drainage swales;**
 - **Deep soil locations for shading trees;**
 - **Modification and redesign of the shallow linear v-drains under the viaduct as required by Condition 14 - revised Drainage Management Plan;**
 - **Planting specifications to include a plant legend including botanical and common names, and the quantity of each species: the City has concerns about some of the planting mixes and expect this to be refined in consultation with the City;**
 - **Cross-sections for car park drainage swales to include drainage function, plant species, and kerbing;**
 - **Hard Landscaping/Furniture palette, specification and locations: the City is undertaking upgrade works to the adjacent Jull Street Mall and it would be preferable if the proposed palette coordinated, or created a subtle transition between those two spaces. More armrests, backrests and mini tables should be considered, as the current palette limits the potential for longer term activation of the spaces. Furniture also needs to be considered in line with the City's Access and Disability Inclusion Plan, which says that armrests and backrests are critical. The City has**

maintenance concerns about the likelihood of the concrete wall/seating set being subject to graffiti, the inclusion of recycling bins where the City does not have a program to separate recycling from general waste in this sort of collection, and the use of compacted summerfines as it is not an acceptable material.

- **Relocation of urban lounge seating to the bus interchange and the pickup/drop off waiting area to the south of the station;**
 - **Fencing specification and location: the City has concerns about the lack of vehicle access control around the edges of the public realm, to limit unwanted vehicle access and also to enable maintenance access. The design should also consider ongoing management, to provide agreed access paths for PTA to maintain the viaduct structure without negative impacts on the installed landscaping. Bollards, access gates and defined trafficable maintenance pathways should be indicated on the drawings for discussion;**
 - **Maintenance of landscape areas including expected level of service; requirements for watering, weeding, mowing and other service regimes required to maintain soft landscape assets;**
 - **Details of irrigation systems including detailed specifications and drawings;**
 - **Aeration of soil with the aim of supplying oxygen to the soil and preparing the soil to support plants;**
 - **Ripping of the site to mitigate the impact of construction processes prior to establishment to promote the best chance of survival for seeds and plantings in the first year;**
 - **Use of Additives and soil conditioners to aerate and provide drainage;**
 - **Vertical mulching.**
 - **An assets and maintenance register of all hard landscaping assets, including detailed specifications and drawings;**
 - **A plan identifying the provision of public toilets and/or services infrastructure to service toilets, mobile or modular tenancies and locations for food trucks within the public realm.**
 - **Consistent with the Movement Network Plan, all pedestrian upgrades within abutting road reserves should be shown on the Landscape Plan.**
- 6. In relation to Condition 12, the revised Construction Management Plan is expected to include the site-specific management, mitigation and monitoring measures to manage the issues of surface water, groundwater, vegetation and flora, geotechnical conditions, acid sulfate soils, aboriginal heritage, noise, vibration, dust and lighting or other matters as agreed by the environmental authorities and/or in consultation with the City of Armadale and the WAPC. In addition, the Construction Management Plan is to address, but not be limited to, the following site specific matters:**
- **A staging plan;**
 - **Storage of materials and equipment;**
 - **Delivery of materials or equipment to the site;**
 - **Parking arrangements for contractors and subcontractors;**

- **Waste management;**
- **Emergency evacuation plan;**
- **Dust management;**
- **Hours of operation, timeframes and responsibility for tasks identified;**
- **Consultation and communication strategy; and**
- **Any other matters likely to impact on surrounding properties and public areas**

Construction Management Plans may be provided for separate works packages (i.e. forward works) prior to their commencement, provided each management plan contains an overview of staging and the relationship between works packages.

- 7. In regards to Condition 16, the Universal Access and Inclusion Assessment is to address, but not be limited to, the inclusion of a Changing Place, the suitable distance required to travel between universal parking bays and the station waiting platforms, and explore mitigation measures required and whether a second public entry to the south would be sufficient to resolve this issue.**
- 8. In regard to Condition 18 the Detailed Movement Network Plan shall include the following but not be limited to:**
 - a. Ensuring effective management of conflict points between cyclist, pedestrians and vehicles through the site and the abutting road reserves.**
 - b. Integration and upgrades to existing pedestrian crossings within the abutting road reserves that prioritises pedestrian and cyclist movement in order to provide safe movement, improve wayfinding and provide visually effective transitions between the site, road reserves and the Jull Street Mall.**
 - c. New median crossings within the abutting road reserves to provide for safe pedestrian movement from Fourth Road, William Street and the north side of Tudor Road.**
 - d. Footpath network through the site to better respond to pedestrian movement from Fourth Road, William Street and north side of Tudor Road.**
 - e. Schedule of Materials and Finishes including details of local road treatments within the extent of works; and**
 - f. all median crossings and islands should allow for tree planting and be paved.**
- 9. In regard to Condition 19, the bins should be located in a way to improve pedestrian connectivity with William Street by widening the path running along the southern façade of the SER building. The bin pick up should also be appropriately managed so that it minimises impact on pedestrian movement and vehicle parking. These changes should also be reflected on the Landscape Plans and Movement Network Plan.**

10. In regard to Condition 22, the Lighting Plan shall address but not be limited to the other following matters:

- a. Highlighting the station's viaduct fins in a way that promotes movement through the use of different coloured lights and or pulsing patterns.**
- b. Overpass lighting at Armadale Road, Forrest Road and Church Avenue.**
- c. Lighting all the areas under the viaduct, all public realm areas, significant retained trees, parking areas, footpath network and bus interchange;**
- d. Promoting safety and wayfinding;**
- e. Providing visual interest;**
- f. Place activation;**
- g. Lighting network controls (i.e. the ability to control lighting by zone and/or lighting asset type); and**
- h. Public Art Plan.**

B) Advise PTA/MetConnx that the following matters are required to be addressed:

- 1. The City's advice on the development application and previous advice that a Memorandum of Agreement (MOA) or similar legal agreement is required to be prepared which establishes a framework by which maintenance of all assets created by this project shall be defined and agreed, addressing matters including (but not limited to):**
 - Adoption principles to outline a clear process and minimum asset standards required for the adoption of assets with the intent to avoid the creation of any orphaned assets;**
 - Define and agree a clear delineation of asset ownership and associated responsibilities such as funding including term and defects liability, ownership, access, operational management and maintenance;**
 - The whole-of-life costing of all assets proposed to be maintained by the City supported by the transparent detail of cost estimation;**
 - Clearly denoting the areas and assets under responsibility of the PTA and those under the responsibility of the City, and any mechanisms applied;**
 - Asset data required to enable handover and process;**
 - Maintenance requirements and schedules to enable long term planning; and**
 - Separation of systems – asset ownership will have flow on implications with the design of systems such as irrigation and electrical, ensuring systems are set up to run independent of each other depending on the asset owner.**
- 2. As previously discussed with PTA, the City is requesting the proposed youth area design/works and junior playground be removed from the development application and project, with only limited stabilisation and amenity works (e.g. mulch, turf, fencing, etc.) being undertaken as part of the MetroNet Project. It is requested that the funds dedicated to the originally proposed works be transferred to the City to contribute towards the funding and construction of regional-level, integrated youth and adventure area. The City**

would then take the lead in advocating and organising funding to deliver a regional-level, integrated youth and adventure area in this location. This approach of minimal interim works (especially works that would be abortive) is similar to the regional level nature play proposed to the south, where the project is currently proposing to provide turf, pending the City securing funding and delivering the regional level nature play area.

- C) Advise the State Government that the BRE project needs to make a considered effort to locate a groundwater supply for the proposed landscaping and should one not be found, investigate alternate long term options such as stormwater harvesting or a Managed Aquifer Recharge scheme before reverting to the use of scheme water. At an ongoing cost per year of \$60k for a scheme water connection this is likely an unsustainable cost and would impact any future request for the City to manage these areas.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

Recommendation D23/8/23 - Pedestrian Access Way (PAW) Between Lots 164 and 49
Cohuna Drive, Armadale

MOVED Cr M J Hancock

That Council:

1. Submit a written request and closure report to the Department of Planning, Lands and Heritage (DPLH) for the permanent closure of the Pedestrian Access Way (PAW) located at Lot 100 Cohuna Drive, Armadale.
2. Advise the abutting landowners and the Department of Planning, Lands and Heritage that the closure is subject to:
 - a) The City being granted a drainage easement over the land, at no cost to the City, in respect of its storm water drain pipe currently located in the PAW.
3. In the event that the Department of Planning, Lands and Heritage does not support the closure, the matter of non-closure of the PAW be referred to the attention of the Technical Services Directorate in respect of maintenance, lighting and other improvement works that may be required to assist in managing the impacts of the PAW.
4. Advise the applicant(s) and submitter(s) of Council's decision.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

Recommendation D24/8/23 - Proposed closure of portion of Southampton Drive Road Reserve in Piara Waters

MOVED Cr M J Hancock

That Council:

1. **Authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of a portion of Southampton Drive road reserve as identified on the attached Location Plan, subject to the land being included as a new Crown Reserve for “Public Recreation” and any costs incurred to relocate and/or easements required by ATCO being met by the applicant.**
2. **Advises the applicant of its decision.**

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith, Cr Virk, Cr Mosey, Cr Nixon

10.2 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 22 August 2023.

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith, Cr Virk, Cr Mosey, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CS33/8/23 - List of Accounts Paid - June 2023

MOVED Cr K Busby

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund

Accounts paid totalling \$15,620,492.70 on cheque numbers 205 to 218, transactions 9238 to 10406 and Payrolls dated 14 June and 28 June 2023.

Credit Card

Accounts Paid totalling \$5,079.18 for the period ended June 2023.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith, Cr Virk, Cr Mosey, Cr Nixon

Recommendation CS34/8/23 - Statement of Financial Activity - June 2023

MOVED Cr K Busby

That Council pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 (Financial Activity Statement Report) accept the Statement of Financial Activity for the twelve (12) month period ended 30 June 2023; and:

- 1. Note that there are reportable actual to budget material variances for the period and this report is preliminary only for the end of June**
- 2. Note the \$120.90 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**
- 3. Approve an amendment to the 2022/23 Annual Budget to transfer the following funds to reserves:**
 - a. Decrease the capital budget for the removal of Railway Ave Footpath/Cyclepath totalling \$2,990,000**
 - b. Decrease the grants received budget by \$2,245,000**
 - c. Increase the transfer to the Projects Rolled Over Reserve by \$745,000**
 - d. Decrease the capital budget for the removal of Ranford Rd PSP (Balannup to Tonkin) totalling \$1,295,300**
 - e. Decrease the grants received budget by \$636,500**
 - f. Increase the transfer to the Projects Rolled Over Reserve by \$658,800**
 - g. Decrease the Capital Budget for Public Art by \$57,000**
 - h. Increase the transfer to the Community Art Reserve by \$57,000**

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL**

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

Recommendation CS35/8/23 - Financial Year 2023/24 - Carry Forwards

MOVED Cr K Busby

That Council:

- 1. Pursuant to Section 6.8 of the Local Government Act 1995, AMENDS* the 2023/24 capital budget as follows:**
 - (i) Increasing the Capital Expenditure budget to include the items listed in Attachment 1 totalling \$24,052,290**
 - (ii) Increasing the Developer Contributions Recognised and Developer Contributions Reserve Fund Transfer budget by \$208,900**
 - (iii) Increasing the Capital Contributions budget and POS and Trust Transfers by \$122,180**
 - (iv) Increasing the Transfer from the Infrastructure Project Contributions Reserve Budget by \$724,050**
 - (v) Increasing the Transfer from the Asset Renewal Reserve Budget by \$2,782,300**

- (vi) Increasing the Transfer from the Waste Management Reserve Budget by \$2,040,790
- (vii) Increasing the Transfer from the Future Projects Funding Reserve by \$777,790
- (viii) Increasing the Transfer from the Project Funds Rolled Over Reserve by \$461,290
- (ix) Increasing the Transfer from the Plant and Machinery Reserve by \$1,719,050
- (x) Increasing the Loans Received Budget by \$2,990,000
- (xi) Increasing the Grants Received Budget by \$9,390,140; and
- (xii) Increasing the Proceeds from Sale Budget by \$842,000
- (xiii) Increasing the Opening Balance of the FY23 Annual Budget by \$2,044,800 – the equivalent of the Municipal Funds Carried Forward.

	CFwd FY24	DCP	POS & Trust	Reserve	Loans	Grants	Sale Proceeds.	Municipal
⊕ Buildings	7,639,930			1,487,610	2,939,000	2,642,000		571,320
⊕ Parks and Reserves	3,142,210		122,180	724,050		1,470,780		825,200
⊕ Pathways	196,050			180,000				16,050
⊕ Roads	5,813,470	208,900				5,277,360		327,210
⊕ Drainage	2,237,290			2,237,290				
⊕ Other Infrastructure	258,480			116,480				142,000
⊕ Waste Infrastructure	1,447,790			1,447,790				
⊕ Furniture and Equipment	163,020							163,020
⊕ Plant & Machinery	3,154,050			2,312,050			842,000	
Grand Total	24,052,290	208,900	122,180	8,505,270	2,939,000	9,390,140	842,000	2,044,800

2. Pursuant to Section 6.8 of the Local Government Act 1995, AMENDS* the 2023/24 Operating Expenditure budget as follows:
 - (i) Increasing the Operating Expenditure budget to include the items listed in Attachment 2 totalling \$3,695,960
 - (ii) Increasing the Grants Received (Recognised) Budget by \$775,820; and
 - (iii) Increasing the Opening Balance of the FY24 Annual Budget by \$2,920,140 – the equivalent of the Municipal Funds Carried Forward.

	CFwd FY24	DCP	POS & Trust	Reserve	Grants	Sale Proceeds.	Municipal
⊕ CEO Admin	415,480						415,480
⊕ Human Resources	329,000						329,000
⊕ Tourism	58,720						58,720
⊕ Design	119,610						119,610
⊕ Health	16,040						16,040
⊕ Planning	529,850						529,850
⊕ Asset Lifecycle	151,500						151,500
⊕ Environment	1,264,990				413,610		851,380
⊕ Local Studies	9,500						9,500
⊕ Development Services Admin	50000						50,000
⊕ Communications	175520						175,520
⊕ Community Services Admin	18780						18,780
⊕ Community Development	410350				362,210		48,140
⊕ Community Planning	146620						146,620
Grand Total	3,695,960				775,820		2,920,140

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL**

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

Recommendation CS36/8/23 - Corporate Business Plan - Annual Review - 2023/24

MOVED Cr K Busby

That Council, in accordance with Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*, adopts the 2023/24-2026/27 Corporate Business Plan as presented in the attachment to this Report.

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL**

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CEO2/8/23 - Councillors Information Bulletin - Issue No 13/2023

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 13/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hancock, Cr Smith,
Cr Virk, Cr Mosey, Cr Nixon

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

1 City Boundaries (Cr Shanavas Peter)

That the matter of a review of the City's boundaries be referred to the Corporate Services Committee.

2 Armadale Day (Cr Shanavas Peter)

That the matter of Armadale Day celebrations be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.14pm

MINUTES CONFIRMED THIS 11 SEPTEMBER 2023

MAYOR