

01-005-03-0001



# North Metropolitan Zone

## Minutes

26 November 2015

# North Metropolitan Zone

Hosted by the City of Wanneroo

23 Dundobar Road Wanneroo – Phone 9405 5000

Thursday 26 November 2015. Commenced at 6:00 pm

## Minutes

### MEMBERS

### 4 Voting Delegates from each Member Council

City of Joondalup	Cr Philippa Taylor Cr Russ Fishwick Cr Christine Hamilton-Prime Cr John Logan Mr Jamie Parry, Director Governance and Strategy – non-voting delegate
City of Stirling	Cr David Boothman Mayor Giovanni Italiano JP Ms Bernadine Tucker, Manager Governance & Council Support Mr Fraser Henderson, Manager of the City Planning Business Unit – non-voting delegate Mr Laurie Crouch, Manager Community Safety – non-voting delegate
City of Wanneroo	Mayor Tracey Roberts Cr Frank Cvitan JP Cr Dominic Zappa Cr Linda Aitken Mr Mustafa Yildiz, Manager Governance and Legal – non-voting delegate
WALGA Representatives	Ms Allison Hailes, Executive Manager Planning & Community Development Ms Elle Brunson, Grant Projects Officer
DLGC Representative	Mr Gary Angel
Guest Speaker	Mr Aaron Harding, St John Ambulance
<b>APOLOGIES</b>	
City of Joondalup	Mr Garry Hunt, Chief Executive Officer – non-voting delegate Mr Brad Sillence, Manager Governance – non-voting delegate
City of Stirling	Cr David Lagan Cr David Michael Mr Stuart Jardine, Chief Executive Officer – non-voting delegate
City of Wanneroo	Cr Sabine Winton Mr Daniel Simms, Chief Executive Officer – non-voting delegate

## **ANNOUNCEMENTS**

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

## **ATTACHMENTS WITHIN THE AGENDA**

1. Minutes of previous meeting
2. Zone Status Report
3. President's Report
4. Standing Orders

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## **1. ELECTIONS**

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### **1.1 Elections of Chair and Deputy Chair of the North Metropolitan Zone**

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Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils as an attachment to a letter dated 16 September 2015.

The election for the Chairperson and Deputy Chairperson were conducted and the term set at two years expiring in November 2017, in line with the terms of State Council representatives and in sync with Local Government Elections.

The WALGA Secretariat invited nominations from the floor for the position of Chairperson for the period of 2 years, November 2015 to November 2017.

Mayor Italiano nominated Cr David Michael. The nomination was supported by Mayor Roberts.

**Cr David Michael declared elected as Chairperson of the North Metropolitan Zone for the term of 2 years, November 2015 to November 2017.**

The WALGA Secretariat invited nominations for the position of Deputy Chairperson from the floor.

Mayor Italiano nominated Cr David Boothman. The nomination was supported by Mayor Roberts.

**Cr David Boothman declared elected as Deputy Chairperson of the North Metropolitan Zone for the term of 2 year, November 2015 to November 2017.**

In accordance with a historical agreement to rotate the position of Chair, the zone agreed that it was the turn of the City of Stirling to fill the role.

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## 1.2 Elections of State Council Representatives and Deputy State Council Representatives of the North Metropolitan Zone

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Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils as an attachment to a letter dated 16 September 2015.

WALGA incorporates a 24 members State Council with its members derived from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2015 and concluding at the Ordinary Meeting of State Council two years later.

For the North Metropolitan Zone, there are three (3) representative positions on State Council and three (3) deputy representative positions. The term is from the Ordinary Meeting of State Council in December 2015 and concluding at the Ordinary Meeting of State Council in December 2017.

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

- Cr Russ Fishwick                      City of Joondalup
- Mayor Tracey Roberts JP          City of Wanneroo
- Cr David Michael                      City of Stirling
  
- **Cr Russ Fishwick                      City of Joondalup**
- **Mayor Tracey Roberts JP          City of Wanneroo**
- **Cr David Michael                      City of Stirling**

**Declared elected as State Council Representatives of the North Metropolitan Zone to the State Council for the term of 2 years, December 2015 to December 2017.**

The following written nominations were received for the positions of Deputy State Council Representative:

- Cr Frank Cvitan JP                      City of Wanneroo
- Cr John Logan                              City of Joondalup

Further nominations were called from the floor

- Cr David Boothman                      City of Stirling

No further nominations were received.

- **Cr Frank Cvitan JP                      City of Wanneroo**
- **Cr John Logan                              City of Joondalup**
- **Cr David Boothman                      City of Stirling**

**Declared elected as Deputy State Council Representatives of the North Metropolitan Zone to the State Council for the term of 2 years, December 2015 to December 2017.**

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## **2. DEPUTATIONS**

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### **2.1 Presentation to the Zone by St John Ambulance**

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Mr Aaron Harding, General Manager Enterprise Solutions, presented to the Zone regarding the work of St John Ambulance in 2015 especially the areas in which they operate that are not a part of the core ambulance service contract.

St John Ambulance are interested in developing a new health management service that will provide an end to end health and medical service with a major focus on service provision to remote and field based workers.

It's enabled by a technology platform and features integration with a range of existing St John services, new products and long term partners. This might cover health checks, EAP, return to work, injury management, mental health, development etc.

St John believe that there is a major opportunity for a more seamless approach to employee health and wellbeing in the workplace, especially in field based people management.

**Noted**

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## **3. CONFIRMATION OF MINUTES**

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### **RESOLUTION**

**Moved Mayor Tracey Roberts  
Seconded Cr Frank Cvitan JP**

**That the Minutes of the meeting of the North Metropolitan Zone held on 27 August 2015 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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## **4. DECLARATION OF INTEREST**

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Pursuant to our Code of Conduct, Councillors must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

**Nil**

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## **5. BUSINESS ARISING**

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

**Noted**

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## 6. REPORTS FROM MEMBER COUNCILS

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### 6.1 Local Government to Lobby State Government for the Regulation of Drones

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*By the City of Wanneroo*

#### **In Brief**

Remotely piloted aircraft (RPAs) or drones potentially pose a serious threat to privacy. Notwithstanding that there are numerous valid commercial uses for RPAs and drones, there is a significant risk that without regulation the use of RPAs and drones will have serious privacy implications, either intentionally, as in the case of deliberate surveillance, or inadvertently in the course of other activities like aerial photography, traffic monitoring or search and rescue. The emerging use of RPAs and drones requires the introduction of legislation as a matter of priority to protect the privacy of citizens and ensure that potential misuse by the general public, commercial operators as well as law enforcement is managed through a regulatory framework.

#### **Background**

RPAs and drones are aircraft that have no human pilot on board and are usually controlled remotely however fully autonomous drones are emerging. The industry uses a wide variety of terms for such aircraft, including remotely-piloted aircraft and systems (RPA/RPAS) and unmanned aerial vehicles and systems (UAV/UAS) however for the purposes of this report all such unmanned aerial vehicles will be referred to as "drones".

The demand for the use of drone's in Australia is rapidly increasing mainly due to technological improvements that have made drones cheaper, more capable and easier to operate. The Civil Aviation Safety Authority (CASA) estimates tens of thousands of drones are being operated by recreational users, with skills ranging from amateur to expert. CASA is particularly concerned as people with no aviation background or training are acquiring drones capable of reaching heights of 3000ft (915m) and posing a significant risk to other aircraft when operating such drones.

Currently, drones are being used for commercial purposes however many of the smaller drones are used in similar ways to model aircraft for recreational and self-entertainment purposes. There have been recent reports that more innovative uses for drones have been developed including but not limited to monitoring of bushfires, monitoring cattle remotely, and delivering medical equipment in remote areas. Even as drones are poised to revolutionise the farming, mining, science, media and other industries, they continue to pose a real threat to privacy. Aviation safety regulations (Civil Aviation Safety Regulations 1998) part 101 (CASR 101) consolidates all the rules applicable to UAVs or RPA's into one body of legislation and restricts the deployment of drones.

CASA categorises drones operation and use into two categories being commercial and civil/hobbyist use, and sets out different rules for each.

Commercial pilots and operators must undergo a certification process in order to obtain an Operator's Certificate and before any flight, commercial operators must obtain specific approval by completing a flight plan and providing copies of certificates to CASA as required.

Recreational/private operators are not subjected to the same certification regime by CASA and do not need approval before operating their drones. However the following standard drone flight/operation rules apply to recreational/private operators:

- Stay at least 30m away from people;
- Keep the drone under 400ft (121.92m);
- Not operate the drone above a large gathering of people (for example sporting events or over crowds at the beach);
- Keep the drone within sight while operating it; and
- Not operate the drone within 5km of an airport or any place where planes take off or land.

CASA can issue infringement notices for any violation of the standard drone flight/operation rules with penalties up to \$8500 for each offence. If people are put at risk or a person is seriously injured, the penalties are far more serious and are dealt with on a case by case basis.

Notwithstanding the standard drone flight/operation rules, there is limited protection for privacy of individuals as there is no restriction or regulation for drone operators and users to not monitor, record or disclose individuals private activities.

An article published by "itnews for Australian Business" on the internet on 14 July 2014 detailed that:-

*"A House of Representatives committee investigating the emerging use of drones has urged the Australian Government to introduce legislation which would protect citizens from "privacy-invasive technologies".*

*The seven-month inquiry was tasked with determining whether regulation was keeping up with the rapid adoption of emerging technologies such as unmanned aerial vehicles (UAVs). It found that drones had the potential to be misused, both by the general public as well as law enforcement operators, due to complexities and gaps in the existing regulatory framework.*

*The problem will be exacerbated as unregulated, consumer-grade remotely piloted aircraft (RPA) become cheaper and more advanced, the inquiry concluded. The committee offered a handful of "starting point" recommendations which would provide a harmonised regulatory approach to protecting Australians from "malicious drone use" while allowing the emerging industry to grow. It advised the Government introduce new laws by July 2015 which would protect Australians from intrusion into their private affairs.*

*Gaps in the Privacy Act and the Commonwealth Surveillance Devices Act, coupled with inconsistencies in various state and territory statutes currently offers limited privacy protection against invasive use of RPAs".*

<http://www.itnews.com.au/News/389628,inquiry-finds-drones-a-threat-to-citizen-privacy.aspx%20-%20ixzz3f4f2tNER>

The Commonwealth's House of Representatives Standing Committee on Social Policy and Legal Affairs (Committee), as mentioned in the extract of the article above, stated in a hearing in June 2014 that CASA was set up only to ensure the safety of flying machines and did not have the capability to ensure enforcement of the standard drone flight/operation rules because of difficulties in monitoring and policing such use. Roundtable discussions by the Committee took place in Canberra and Brisbane in February and March 2014 respectively and a number of recommendations were made - a summary is set out in **Attachment 1**.

Australia's Privacy Commissioner Timothy Pilgrim stated in an article published in the "Business Insider Australia" dated 18 February 2015 that the Privacy Act in its current form does not cover the actions of individuals operating and using drones. Where a private sector organisation or an Australian Government agency covered by the Privacy Act 1988 intends to use drone technology to collect personal information, it must do so in accordance with the Privacy Act which requires that:

- notice is given to affected individuals about the collection of their personal information;
- only using and disclosing the personal information as permitted by the Privacy Act; and
- ensuring all personal information is kept and securely stored.

The Privacy Act does not regulate individuals acting in their private capacity and therefore does not regulate recreational/private operators of drones. There is a real concern that current laws (both State and Commonwealth) do not provide a sufficient regulatory regime in respect of drone operation and use.

In the United States, the Federal Aviation Administration (FAA) is currently working on extensive new legislation set to come into effect in September 2015 detailing laws surrounding the operation of drones in the United States. Until then they have issued the following guidelines for the operation of drones for recreational purposes:-

- Maintain sufficient distance from populated areas.
- Cannot fly higher than 400 feet.
- Stay away from airports and helicopters.
- Cannot fly beyond the line of sight.
- Cannot fly a drone weighing more than 55lbs.
- Prior notice MUST be given to the airport operator and air traffic control tower when flying drones within 5 miles of an airport.

To operate a drone for non-recreational purposes in the United States, according to the [FAA](#), users must obtain a Certificate of Authorization (COAs).

There are two ways to obtain the FAA certification. Private sector operators are granted any “experimental airworthiness certificate” to do research and development, flight demonstrations and training. Public sector operators are granted a certificate usually for the purpose of law enforcement, firefighting, border patrol, disaster relief, military training, search and rescue, and other governmental operational missions. Drones are prohibited from routinely operating over densely populated areas.

Applicants for COAs request authorization online with operation proposals. The FAA then evaluates these proposals to determine whether the operation can be conducted safely. The COA defines the blocks of airspace that operators can use and includes special provisions unique to each proposed operation. COAs are issued for specific periods of time, often up to two years. An authorization usually requires coordination with an air traffic control facility and may require a transponder on the Drone depending on the airspace it will occupy. When the Drone operates outside airspace restricted from other users, a visual observer or “chase plane” is required to maintain visual contact with the Drone.

The US however has similar concerns with regard to the question of privacy and the ability for Drone operators to infringe against the Fourth Amendment which amongst other things regulate the privacy of U.S. Citizens. With the rapid advancement of technology, this entire area of law remains undefined.

### **Comment**

It is important to balance the many beneficial and appropriate uses of drone for surveillance and as a recording device, particularly by law enforcement, emergency service agencies, the media, and also in areas such as mining, agriculture, infrastructure maintenance and tourism whilst protecting the privacy of individuals. It is vital that drone use, in particular unauthorised and inappropriate aspects of drone surveillance, is subjected to effective and manageable controls, especially considering privacy and public safety issues.

A lack of uniform privacy laws across the States and that the Privacy Act has no jurisdiction over the activities of individuals means that it now incumbent on the State Governments to review their privacy regimes and surveillance legislation to protect the public from invasive technologies like drones.

### **RESOLUTION**

**Moved Mayor Tracey Roberts  
Seconded Cr Frank Cvitan JP**

**That the North Metropolitan Zone supports the position presented in this report and REQUESTS that WALGA and/or ALGA lobby both the State Government and the Commonwealth Government (as appropriate) to:**

- a. provide the necessary authority and resources to the appropriate agency to ensure that threats to behavioural privacy arising from unauthorised and inappropriate surveillance are addressed, and that the relevant laws are enacted and enforced;**
- b. develop and implement an education campaign to inform drone operators and users about privacy and air safety laws; and**
- c. undertake all futures reviews of privacy and air safety laws to consider and align with developments in technology.**

**CARRIED**



House of Representatives Standing Committee on Social Policy and Legal Affairs

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## Eyes in the sky

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Inquiry into drones and the regulation  
of air safety and privacy

July 2014 | Canberra





## Foreword

Australia's Remotely Piloted Aircraft or 'drone' industry is growing rapidly. Increasing numbers of consumers are buying and using drones, and they already play a role in a range of Australian industries, from journalism, cinematography, policing and emergency services, to agriculture, mining and scientific research. They come in a huge range of shapes and sizes, from large fixed-wing craft that look and behave much like aeroplanes right down to tiny multi-rotor helicopters weighing less than a kilogram. Drones are able to do jobs that were previously impossible, and they can reduce the cost – and the risk – of many 'dull, dirty or dangerous' jobs.

However, like any new technology, drones can be misused. They can pose a safety risk to other aircraft or to people and property on the ground, and the cameras and sensors they carry can be used to invade Australians' privacy. The challenge we face is to realise the potential of this innovative technology while protecting against its risks.

This report has surveyed the emerging issues around drone use and the adequacy of the existing regulatory framework. At a series of hearings and roundtables, the Committee heard from air safety regulators about the importance of allowing drone technology to mature so that the risk to people and property is minimised. The Committee also heard from privacy experts about the complexities and gaps in Australia's privacy laws which make it difficult to protect against privacy-invasive drone use.

Issues arising from the expanding use of drones will require sustained attention in years to come. It is the Committee's intention that the recommendations in this report serve as a starting point to adjust current privacy and air safety regimes in response to drone use. Further, the recommendations are intended to bring a more coordinated and harmonised regulatory approach to protecting Australians from malicious drone use while still permitting this dynamic new industry to grow.

I thank the Committee members for the diligence given to these serious issues and the industry groups, agencies and members of the public who assisted the Committee in this inquiry.

**Mr George Christensen MP**  
**Chair**



## **Terms of reference**

On 12 December 2013, the House of Representatives Standing Committee on Social Policy and Legal Affairs resolved in accordance with Standing Order 215 (c) to conduct the following inquiry:

*Inquiry into a matter arising from the 2012-13 Annual Report of the Office of the Australian Information Commissioner, namely the regulation of Unmanned Aerial Vehicles.*



## List of recommendations

### 3 Safety in the air

#### Recommendation 1

The Committee recommends that the Australian Government, through the Civil Aviation Safety Authority, broaden future consultation processes it undertakes in relation to remotely piloted aircraft regulations so as to include industry and recreational users from a non-aviation background.

Future consultation processes should identify and seek comment from peak bodies in industries where remotely piloted aircraft use is likely to expand such as real estate, photography, media, and agriculture, amongst others.

### 4 Drones and privacy

#### Recommendation 2

The Committee recommends that the Australian Government, through the Civil Aviation Safety Authority (CASA), include information on Australia's privacy laws with the safety pamphlet CASA currently distributes to vendors of remotely piloted aircraft. The pamphlet should highlight remotely piloted aircraft users' responsibility not to monitor, record or disclose individuals' private activities without their consent and provide links to further information on Australia's privacy laws.

### **Recommendation 3**

The Committee recommends that the Australian Government consider introducing legislation by July 2015 which provides protection against privacy-invasive technologies (including remotely piloted aircraft), with particular emphasis on protecting against intrusions on a person's seclusion or private affairs.

The Committee recommends that in considering the type and extent of protection to be afforded, the Government consider giving effect to the Australian Law Reform Commission's proposal for the creation of a tort of serious invasion of privacy, or include alternate measures to achieve similar outcomes, with respect to invasive technologies including remotely piloted aircraft.

### **Recommendation 4**

The Committee recommends that, at the late-2014 meeting of COAG's Law, Crime and Community Safety Council, the Australian Government initiate action to simplify Australia's privacy regime by introducing harmonised Australia-wide surveillance laws that cover the use of:

- listening devices
- optical surveillance devices
- data surveillance devices, and
- tracking devices

The unified regime should contain technology neutral definitions of the kinds of surveillance devices, and should not provide fewer protections in any state or territory than presently exist.

### **Recommendation 5**

The Committee recommends that the Australian Government consider the measures operating to regulate the use or potential use of RPAs by Commonwealth law enforcement agencies for surveillance purposes in circumstances where that use may give rise to issues regarding a person's seclusion or private affairs. This consideration should involve both assessment of the adequacy of presently existing internal practices and procedures of relevant Commonwealth law enforcement agencies, as well as the adequacy of relevant provisions of the Surveillance Devices Act 2004 (Cth) relating but not limited to warrant provisions.

Further, the Committee recommends that the Australian Government initiate action at COAG's Law, Crime and Community Safety Council to harmonise what may be determined to be an appropriate and approved use of RPAs by law enforcement agencies across jurisdictions.

**Recommendation 6**

The Committee recommends that the Australian Government coordinate with the Civil Aviation Safety Authority and the Australian Privacy Commissioner to review the adequacy of the privacy and air safety regimes in relation to remotely piloted aircraft, highlighting any regulatory issues and future areas of action. This review should be publicly released by June 2016.

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## 6.2 Advocacy for Legislative Change to Local Government Act 1995.

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By City of Stirling

### In Brief

Section 9.13 (6) of the *Local Government Act 1995* has been extremely problematic for local government authorities (LGA's). This section of the *Local Government Act 1995* affects all LGA's that undertake enforcement of local laws. The purpose of this report is to seek the support of the North Metropolitan Zone, to have section 9.13(6) of the *Local Government Act 1995* amended.

### Background

This proposal has emerged due to an increase in cases, which has been experienced by a number of LGA's when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) only to have the charges dismissed by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

Magistrates have then ruled that this was sufficient to establish '**proof to the contrary**', as identified in the Section 9.13(6) of the *Local Government Act 1995*, and as a result dismiss the charges. This is not only a waste of valuable Court and LGA's time, money and resources but also provides an easy option for some drivers to absolve themselves from their responsibilities and opt out of paying a modified penalty for vehicle related offences.

Below are extracts from the relevant sections of the legislation for reference which will provide a better clarity in relation to the details of this issue.

Section 9.13(6) of the *Local Government Act 1995* states:

***Unless, within 28 days after being served with the notice, the owner of the vehicle-***

- (a) informs the CEO or an employee authorised for the purposes of this paragraph as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or***
  - (b) satisfies the CEO that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed,***
- the owner is, in the absence of proof to the contrary, deemed to have committed the offence."***

### Comment

Similar recent amendments to legislation (e.g. *Litter Act 1979* and *Road Traffic Act 1974*) have been made in order to prevent vehicle owners from being absolved of any responsibility for their vehicle if they fail to provide the name and address of the driver of the vehicle at the time of an offence.

The *Road Traffic Act 1974* defines a '**responsible person**', in relation to a vehicle, as a person in whose name the vehicle is licensed at the time of the alleged offence and section 102A of that act includes the following wording:

***"a traffic infringement notice for the alleged offence may be addressed to the responsible person for the vehicle, without naming the person or stating the person's address, and may be served on the responsible person by leaving it in or upon, or attaching it to, the vehicle.***

The *Litter Act 1979* uses the same definition, of a responsible person, as the *Road Traffic Act 1974* and section 27A of the *Litter Act 1979*, which was recently amended, now includes the wording shown below.

***"a responsible person for the vehicle at that time, is to be taken to have committed the offence and may be proceeded against and is punishable accordingly."***

This revised wording allows a ‘**responsible person**’, to be taken to have committed the offence, where it cannot be established who the driver of the vehicle was at the time of the alleged offence and removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver.

It is suggested that a similar amendment be made to section 9.13(6) of the *Local Government Act 1995* in order to ensure that there is consistent enforcement in regards to vehicle related offences which are dealt with under these types of legislation.

We trust that the information provided is sufficient for your consideration and sincerely hope that the matter is progressed on behalf of all Local Governments in Western Australia.

## **RESOLUTION**

**Moved Mayor Giovanni Italiano**  
**Seconded Ms Bernadine Tucker**

**That North Metropolitan Zone request that the Western Australian Local Government Association apply to the Minister for Local Government to amend section 9.13 (6) of the *Local Government Act 1995* to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.**

**CARRIED**

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### **6.3 Impact of New Planning and Development (Local Planning Scheme) Planning Regulations 2015 on the City of Stirling’s Major Activity Centres**

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*By City of Stirling*

#### Attachments

Attachment 1 - Briefing Note on the effect of the Planning and Development (Local Planning Scheme) Regulations 2015 on the City of Stirling’s Structure Plans and Local Development Plans.

#### **Background**

In October 2015 the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) came into effect. The Regulations have made significant changes to the legal status and operation of Structure Plans and Local Development Plans (formerly called Detailed Area Plans). These changes did not form part of the version of the Regulations advertised for consultation.

Structure Plans can be complex documents and are used for urban regeneration projects as well as greenfield development. The changes will require many existing Structure Plans to be rewritten, which will delay projects and create significant additional costs.

#### **Comment**

The City of Stirling has significant concerns regarding the impact of the Regulations on Structure Plans and Local Development Plans.

The Regulations significantly reduce the weight that is afforded to adopted Structure Plans in the decision making process. Previously Structure Plans were afforded statutory weight as though they were a part of a local planning scheme, however now they are to be afforded ‘due regard’ – effectively reducing their status to an extent that their provisions cannot be enforced. This is a major change to the planning system and has removed a flexible and effective mechanism to deliver complex planning outcomes in both green field and brown field areas.

The effect of the Regulations on structure planning will be that:

- Multiple amendments will be required to local authorities planning schemes to introduce statutory provisions, affecting all local authorities, not only the City of Stirling;
- Simple changes to zoning and densities will take longer than the previous amendments to a Structure Plan;
- The planning system will become inflexible and unable to respond to market driven changes to staging plans, zoning and density changes that regularly occur, which were previously able to be dealt with via an amendment to a structure plan;
- Existing Structure Plans requiring modifications as a result of the new planning regulations may take over two years to modify and cost hundreds of thousands of dollars
- There will be a delay to development including billions of dollars' worth of investment; and
- There will be a delay in the implementation of urban consolidation.

The City of Stirling has three major Structure Plans and associated Local Development Plans at the final stages of their development, being:

- Mirrabooka Town Centre Structure Plan;
- Stirling City Centre Structure Plan; and
- Herdsman Glendalough Structure Plan.

Due to Structure Plans no longer having statutory weight, the gazettal of the Regulations renders these structure plans and local development plans and the associated works that formed their basis obsolete. The City has been advised by the Department of Planning that these three Structure Plans and associated Local Development Plans are now required to be substantially modified. This will result in delays of over two years, and additional costs of approximately \$440,000. This is in addition to the 5 – 7 years of work that has already been invested, along with approximately \$8 million of ratepayers' funds. The Mirrabooka and Stirling Structure Plans have been progressed in partnership with the Western Australian Planning Commission, which means a significant investment, both in resourcing and finances, has also been made to date from the State Government on these projects.

It is further noted that two of these Structure Plans have already had to be rewritten to the satisfaction of the Department of Planning due to changes to the state government Structure Plan Guidelines in 2012. Given these Structure Plans have been progressed over the past seven years and are in the final stages of processing, it is a significant concern to the City that they will be now be further delayed solely due to the gazettal of the Regulations introducing a statutory impediment.

The Structure Plans referred to above are nearly complete and form part of the City's urban consolidation and growth strategy. They represent a significant milestone in the implementation of long term vision of the City to facilitate urban consolidation within the City's activity centres, and were expected to release billions of dollars in private investment upon implementation.

The City requests that WALGA consider this matter, and the impact it will have on Local Governments. The City of Stirling is aware that this is a wider issue for Local Governments across the metropolitan region.

The City believes that a simple amendment to the Regulations to reinstate the statutory effect of adopted and endorsed Structure Plans and/or Local Development Plans ought to be considered by the Western Australian Planning Commission. The following actions would be welcomed by the City:

#### WAPC Review of the Regulations:

A simple modification to the Regulations to reinstate the statutory effect of adopted and endorsed Structure Plans and Local Development Plans within the Regulations or the Act should be considered by the WAPC.

The advertised version of the Regulations did not identify that Structure Plan provisions were to change, and it would appear that officers at the Department of Planning may not have understood the implications of the changes for both local authorities and the development industry.

### Secretariat comment

The Association is currently compiling a list of issues and concerns with the Local Planning Scheme Regulations (Regulations) with a view to formally raising all of these concerns with the Minister for Planning and the Department of Planning before the end of the year (a copy of the draft list is attached).

The issues relating to the Structure Planning provisions, as outlined in the City of Stirling report, are included in this document and can be expanded to include more detail about the implications on existing structure plans and those under development. It can also make specific reference to the amendment proposed by the City of Stirling.

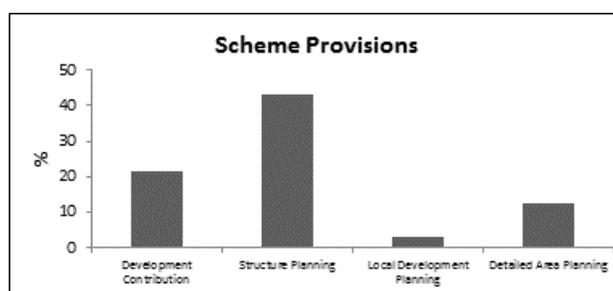
A motion to disallow the recently enacted Planning and Development Amendment Regulations (Local Planning Scheme) Regulations 2015 was moved in Parliament on the 22 October 2015 by Hon Lyn McLaren.

The attached list will be provided to relevant MPs to assist in debate on the motion, which is currently scheduled for 23 March 2016. The Association has also verbally raised the sector's concerns about the Regulations during recent meetings with Parliamentarians.

For the purposes of clarity, it should be noted that the advertised version of the Regulations did include the proposal for Structure Plans to only be given 'due regard' and the following comments were made in WALGA's submission in January 2015 (State Council Resolution 3.1/2015 ).

*Another matter which will severely impact some local governments is the effect of structure plans (clause 22 of the deemed provisions), which gives no greater effect to structure plans than to require decision makers to 'take them into account' to the extent that the structure plan is consistent with the Scheme. This is a big departure from some local schemes which suggest that zones in Structure Plans are to be taken and dealt with as if it were a scheme zone (for example Gosnells, Joondalup etc). How these new provisions will affect existing structure plans is unclear and the new provisions also question the role of a structure plan within the planning process.*

*The number of local planning schemes that will be affected by these specific provisions are shown in the following graph; 29 Schemes have detailed Development Contribution provisions, 58 Structure Planning Provisions, 4 with Local Development Planning provisions and 17 with Detailed Area Plan provisions.*



### **Schedule 2 Part 4 Structure Planning Provisions and Local Development Plan provisions**

*Members have expressed concern about the wording of these sections, particularly how local government is referred to or how they are involved in these core business processes. The WAPC should carefully consider the comments of those local governments who receive, assess and process a significant number of the Structure plans and Local Development Plans within WA. It would also be*

*preferable for the WAPC to directly liaise with the local government sector to ensure that the wording of these provisions accurately reflect the role of local government.*

## **RESOLUTION**

**Moved Mayor Giovanni Italiano  
Seconded Ms Bernadine Tucker**

**That the North Metropolitan Zone requests that WALGA lobby the Minister for Planning to amend the Planning and Development (Local Planning Scheme) Regulations 2015 as they relate to statutory effect of adopted Structure Plans.**

**CARRIED**

Attachment 1 - Briefing Note on the effect of the Planning Regulations on the City of Stirling's Structure

## **BRIEFING NOTE ON THE EFFECT OF THE PLANNING REGULATIONS ON THE CITY OF STIRLING'S STRUCTURE PLANS AND LOCAL DEVELOPMENT PLANS**

- All of the City of Stirling's current Structure Plans and Local Development Plans have, with the introduction of the new Regulations, become legally unsustainable.
- Over the last 7 years, the City has progressed the Herdsman Glendalough, Stirling City Centre and Mirrabooka documents to the point where they were, prior to the gazettal of the Regulations, at the final stages of processing.
- All documents must now be completely re-written, resulting in delays of up to 2 years. Costs will be in the hundreds of thousands of dollars to amend these documents.
- All other existing endorsed Structure Plans and Local Development Plans are also likely to be legally unsustainable and require re-writing.
- The documents all become legally unsustainable due to the lack of statutory enforceability of mandatory provisions as required by the previous Guidelines. This will result in:
  - All mandatory provisions to be included within the relevant Local Planning Scheme;
  - This will generate a significant amount of work given that each structure plan will require between 2 to 4 amendments to bring it into line with the new Regulations.
  - Will make simple changes to zoning of land in development areas inflexible, costly and not meet market timelines;
  - Amendments to Schemes will take up to 2 years compared with 3 to 4 months for minor zoning changes under Structure Plans under the previous regulations; AND
- The required changes to documentation are unclear due to inconsistent advice being provided by officers of the Department of Planning. Such advice is also in some instances in conflict with various provisions of the Regulations and other statutory documents like the Model Provisions and the Residential Design Codes.

### **KEY CITY OF STIRLING PROJECT ISSUES**

#### **1. Herdsman Glendalough Area:**

- Structure Plan prepared in accordance with 2012 WAPC Guidelines, advice from the Department of Planning advertised in April 2015.
- The structure plan is supported by a LDP for whole precinct – a concept supported by Department of Planning officers for a similar project at Scarborough Beach Road West.
- Structure Plan and Local Development Plans have now become legally unsustainable. In addition the Department of Planning have advised that the documents will have to be re-written to be consistent with the Regulations.
- The City has been advised that four separate Scheme amendments will be required to achieve the same outcome as that which would have previously been achieved through the simple adoption of the structure plan as currently drafted:
  - a) The creation of a 'Development zone' to facilitate the preparation of the Structure Plan;
  - b) A 'basic' amendment to facilitate the reservation of additional roads and POS;
  - c) A 'standard' amendment to create new zones e.g. Transitional Industry; and
  - d) A 'complex' amendment to facilitate a Development Contributions Scheme.

- The costs of additional work, which has not yet been fully scoped, are likely to exceed \$140,000.
- Delay in endorsement in excess of 2 years.

## **2. Mirrabooka Town Centre:**

- Amendment No. 29 to create a Development zone was gazetted on 16 September 2014.
- The Structure Plan and Detailed Area Plan were adopted by Council on 17th March 2015. The documents were referred to the WAPC for endorsement on 16 April 2015, however these have since been stalled at the state level.
- The Mirrabooka Structure Plan and Local Development Plan have now become legally unsustainable. In addition, the Department of Planning have advised that the documents will have to be re-written to be consistent with the Regulations. The City is instructed that two separate Scheme amendments are required:
  - a) A 'basic' amendment to facilitate the reservation of additional roads, POS and other mandatory provisions; and
  - b) A 'standard' amendment to create new zones to bring in line the land use table with the Scheme.
- The costs of additional work, which has not yet been fully scoped, are likely to exceed \$130,000.
- Delay in endorsement in excess of 2 years.

## **3. Stirling City Centre Structure Plan**

- Amendment No. 1 to create a Development zone was gazetted on the 2 September 2014.
- The draft Structure Plan was advertised in 2011, and adopted by the Council on 9 December 2014. The structure plan was referred to the WAPC for endorsement in January 2015, however has since been stalled at the state level.
- Local Development Plans have been adopted by the City and the Commission for 3 precincts.
- The Structure Plan and Local Development Plans have now become legally unsustainable. In addition the Department of Planning have advised that the documents will have to be re-written to be consistent with the Regulations. The City is instructed that two separate Scheme amendments are required:
  - a) A 'basic' amendment to facilitate the reservation of additional roads and POS; and
  - b) A 'standard' amendment to create new zones to bring in line the land use table with the Scheme.
- The costs of additional work, which has not yet been fully scoped, are likely to exceed \$170,000.
- Delay in endorsement in excess of 2 years.

#### **WHAT CAN BE DONE TO ADDRESS THESE ISSUES?**

The City respectfully suggests that the following should be considered:

**a) Review of the Regulations:**

A simple modification to the Regulations to reinstate the statutory effect of adopted and endorsed structure plans and/or local development plan within the Regulations or the Act should be duly considered.

This would holistically address the issues for all local governments, private sector and affected landowners, whilst minimising the amount of work required to be undertaken by local governments and the Department of Planning in assessing and endorsing these documents and the innumerable amendments that it will generate. It will also keep the planning system flexible and adaptable to market changes.

**b) Project Prioritisation and Streamlined Processes:**

The WAPC review their workload and prioritise projects that directly implement the stated objectives of Perth and Peel @ 3.5 million. The WAPC should provide direct officer assistance (via the Department of Planning) on major infill development projects that deliver substantial increases in dwelling yield, employment opportunity and public amenity within existing activity centres. Ensure a Director level officer is assigned to enable prioritisation within the Minister's Office to expedite the finalisation of the framework (inclusive of any scheme amendments) and reducing the cost burden to the local government and the affected landowners.



## Local Planning Scheme Regulations

### What's Good....

1. *Scheme Amendments* - Improvements to local planning scheme amendment processes to introduce three tracks, where 'risk based' tracking provides for basic and standard applications to be dealt with faster ie basic, standard and complex amendments.
2. *Timeframes* - WAPC have been allocated timelines within which to determine the different types of Scheme amendments and structure plans etc
3. *Scheme Review process* - A 5 year 'health check' of the Scheme instead of a full review to be undertaken in 5 years. Scheme are now expected to be reviewed every 10 years, which is more appropriate given the major resource requirements to undertaken this work.
4. *Incidental land uses* - Reintroduction of the 'I' Incidental land use into zoning tables.
5. *Timeframes for Referral Agencies* - Clause 66 of the deemed provisions, giving referral agencies 42 days to respond to a development application.
6. ....

### What could be problematic...and needs to be investigated.

1. *User ability of the Scheme* - the Department of Planning (DoP) have advised that the clause numbers for the deemed provisions are unable to be modified for the incorporation into a Scheme. DoP recommend that should the local authorities wish to incorporate the deemed provisions into a Scheme they should form part of a schedule. Questioning the user ability of this approach and would prefer for the deemed provisions (including any supplementary provisions) to be fully integrated into the Scheme text for ease of reference for the use of local authorities, developers, consultants and the community.
2. *Delegation arrangements* - One of the key issues arising out the Regulations is in relation to delegations of power. The deemed provisions of the Regulations include new clauses relating to delegations of power which override our existing local planning scheme clauses relating to this. As our existing delegations refer specifically to our local planning scheme clauses, we need to amend our delegations to refer to the new clauses under the deemed provisions. Only discovered the need for this recently through informal discussions with the Department of Planning and as such are going to be in a position where we have no delegated authority for at least a month to determine, refer or advertise any development applications. This will result in delays in the planning process which is likely to frustrate many applicants. Many other local governments are likely to be in a similar position but may not be aware of this. Disappointed that we were not alerted to the need for this earlier and believe that this should have been addressed in the Department's information sessions to local government.
3. *Clause 34 of the Model Provisions* states that additional site and development requirements as specified in Clauses 32 and 33 can be varied in the circumstances listed. But there does not seem to be any other mention of the ability to vary development requirements that are not listed in Clauses 32 and 33. Clauses 32 and 33 themselves appear to be intended for additional requirements that apply to specific land parcels or areas rather than general development requirements that apply to most of or all of the scheme area. Generally speaking, 95% of all DA applications will require discretion for something. It is not common for a DA to comply in every little respect. The common discretions sought for non-residential include parking, setbacks, height, plot ratio etc. Most DAP meeting minutes should have pics and discussion of variations sought and whether the variations are OK or not. There are more variations probably for

residential development. It is very, very difficult to have one set of design standards that are appropriate for every lot of land, not matter how good the planners are. That's why discretion (flexibility) is so important.

4. *Exemption for Signage* "of a class specified in a local planning policy or local development plan". No mention is made to whether the signage is required to be compliant with the requirements of such a policy or plan – possibly a drafting error? Local Governments have local laws which control signage, but have been advised by the Department of Local Government that amenity provisions cant be included. In some instances, local governments may have a policy for the town centre areas which lists types of signs which are not supported. By listing these signs, the Policy provides for an exemption from Development Application. As the Local Laws are very restrictive in application, they are still written law which needs to be abided by.
5. *Heritage properties* – interior cultural significance is required to be addressed in Heritage Schedules. Most existing Heritage Schedules do not assess interior spaces and they only come into consideration in the consideration of Development Applications – local government will have to work with this in the interim by amending their Heritage Schedule to make reference to the listing including the internal spaces until such time as a formal reassessment is undertaken as part of the consideration of a Development Application.
6. ....

#### **What must be fixed....**

1. *Single House Exemption* - Over 40 LG's are concerned with the way that the single house exemption clause is worded, Clause 61. Just requiring the single house exemption connected to the 'deemed to comply' provisions of the RCodes has created a major loophole where local government's streetscape and amenity local planning policies are null and void. This Clause must be amended to include development requirements that exist in Scheme provisions and local planning policies. An Urgent amendment to clause 61(1)(c) is required, as follows: -

*'(c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed to comply requirements of the R-Codes and any development requirements set out under this Scheme unless the development is located in a place that is – ....'*

2. *Minor structures Exemptions* - Suggest that clause 61(1)(d) also needs to be amended in the same way to address poor quality minor residential development ie. Situations like flat roof carports and patios (compliant with the R-Codes) being constructed in front of character dwellings; colorbond outbuildings being built in front or to the side of dwellings and being incompatible. In relation to the amended wording for clause 61(1)(d) (and (c) as per comments above, it is suggested that the exemption needs to be further extended to specifically refers to LPPS also, as not all LPPS and/or Design Guidelines necessarily form part of the Scheme.
3. *Single House Exemption and 'Development Zones'*

The majority of residential land in new areas is zoned 'urban development' under our scheme, with the 'residential' zoning being applied through the structure plan. The 'urban development' zone is not in our zoning table, meaning that a single house would be considered a 'D' use which would mean each single house requires a DA, regardless of whether or not it complies with the 'deemed to comply' provisions. We can't apply a blanket exemption to single houses in the urban development zone through the scheme as some of this land is intended for 'service industrial', 'commercial', or 'business' use which is identified through the structure plan. The Department has advised that the 'residential' zone applied under the structure plan is indicative, and the solution would be to create a local planning policy which provides that a single house is exempt in the

urban development zone where a structure plan identifies the area as a future residential zone and the development complies with the deemed to comply provisions of the R-Codes. This seems a long-winded way to manage the process and creates an unnecessary administrative burden on the local government.

4. *Demolition of Single houses* - Concerns relating to the exemption for demolition of single houses from the need for planning approval and the impact that this may have on places of potential cultural heritage significance (Clause 61(1)(e) Approval not required for the demolition of a single house). This exemption does not apply to places on the Heritage List however the Heritage List doesn't include places which are proposed as having cultural heritage significance. Previously the Local Government has advocated for inclusion of these places within the Heritage List consistent with the approach taken with the State Heritage Register which progresses listings from an interim to a permanent registration. Does this relate to both single dwellings currently being used and previously design to be used for human habitation (eg. Original house converted to office)? DoP advice indicates that original single residential houses now being used as an office, could be demolished without needing a Planning Approval
5. *Connection to SPP requirements* - There is a need for further clarity on how to ensure planning discretion over single residential dwellings that are proposed on lots that have been identified as potentially subject to coastal erosion or coastal inundation. SPP 2.6 now obliges management authorities to identify hazard areas and show due regard for this information in the amendment and development of schemes, and the assessment of development applications. However there is very little clarity in the regs on how to achieve this, despite this being a state level issue, i.e. any inclusion in a scheme to ensure discretion over single residential dwellings would require state level approval yet there's not guidance available on how to achieve this. Further, the use of special control areas to ensure discretion is inflexible to the refinement of coastal hazard areas as new information (such as revised sea level rise scenarios), data (such as detailed marine bathymetry, beach profiles, etc) and resources (for collecting data and improving certainty in the hazard projections) becomes available. The City of Karratha's recent removal of their inundation SCA from their scheme, apparently endorsed by the DoP, is an example of this. State level guidance, through the regs or some other means that accompanies the regs (amendments to MST or a model local planning policy) is highly desirable and would ensure a uniformed approach across the state.
6. The above commentary can also be applied to properties that are located in an RCoded area, but maybe subject to bushfire, flooding, Airport ANEF standards, transport noise policy's or SCA's, require referral to Main Roads, subject to buffers or over ground water protection areas. If the State is relying on these matters to be pick up in the proposed 'Verification Form', then the Association has some major reservations with this approach, as in the next point.
7. *Form 6 'Verification' Form* - The new proposed 'Single House Verification Certificate' (Form 6) stipulates in the small print, the following information: -

*The verifier is to ensure they have reviewed all documents related to development approval for single houses relevant to the local planning framework, including the R Codes, local planning scheme, regulations and any planning instruments (including local planning policies) prepared under that scheme which relate to the development of single houses. The verifier should also be aware and check that in some circumstances, including a special control area, flood-prone area or bush-fire prone area, no exemption may apply.*

At the bottom of the 'Single House Verification Certificate' it also specifies that the verifier accepts all risk in completing the form, however, the form does not indemnify the local government sector, only the WAPC or other department or agency of the State. This should be addressed prior to the form being used by any verifier. The Single House Verification Certificate is to be completed but it is unclear whether the person is independent of the applicant to ensure that they don't have a conflict of interest. If for example, the builder who is the applicant, completes the form and also lodges an application for Building Permit, there could be a conflict of interest. But if the certificate is completed by an independent person then there would be no conflict of interest.

Another failing of this proposed system, is that the verification form and information provided by any 'Verification Certificate' will still need to be checked by a local government, both the planning aspects as well as the other legislative requirements.

As the form is only 'recommended' to be used by 'a reasonably appropriately qualified person' with a list of professions and there is no accreditation process being proposed, there is therefore no competency check of the proposed 'verifier'.

Local Government, as they currently do, will need to check that all Planning, Health and Engineering requirements have been addressed prior to issuing the Building Permit.

There must be a requirement that the owner signs the Verification Certificate so that they are aware of the certificate's content and also take responsibility for the submission of this certificate. This aligns with the process within the Planning and Development Act, which requires an owner's signature on the Planning application, therefore, if the 'single house exemption' and the Form is being created under the requirements of the *Local Planning Scheme Regulations* and the *Planning and Development Act 2005*, then the form must be signed by the owner, rather than relying on a 'verifier' to indicate that they have just advised the owner somehow.

The requirement for the owner's signature is not to add red tape, but to ensure that the owner is aware that they are seeking a process outside of the Building Act, and that if anything goes wrong then they are ultimately responsible for the consequences of this application. This is particularly important, given that the verifier's certificate only 'recommends' that the verifier has Personal Indemnity insurance.

It is likely that the Instant Start initiative will result in local governments having to take additional compliance action against builders/applicants/owners on a regular basis, in relation to work that doesn't comply with the requirements of both Planning, Health and Engineering requirements as well as the National Construction Code. This will be resource intensive and costly for both local governments, industry and ultimately the building owner.

Appendix One outlines the changes to the proposed Verification Form that must be undertaken

8. *Structure planning* - Numerous local governments current Structure Plans and Local Development Plans have, with the introduction of the new Regulations, become legally unsustainable, due to the lack of statutory enforceability of mandatory provisions as required by the previous Guidelines. A simple modification to the Regulations to reinstate the statutory effect of adopted and endorsed structure plans and/or local development plan within the Regulations or the Act should be duly considered. This would holistically address the issues for all local governments, private sector and affected landowners, whilst minimising the amount of work required to be undertaken by local governments and the Department of Planning in assessing and endorsing these documents and the innumerable amendments that it will generate. It will also keep the planning system flexible and adaptable to market changes. It is the Association's understanding that the development industry has also raised some concerns with these changes, and the ability of the Department of Planning assess and approve the structure plans submitted.
9. *Additional Forms* - as part of the introduction of the new Regulations several new forms are required as outlined in Clause 86 of the Deemed Provisions: -
  - Application for Development Approval;
  - Additional Information for Development Approval for Advertisements;
  - Notice of Public Advertisement of Planning Approval;
  - Notice of Determination on an Application for Development Approval
10. *MRS Form 1* is still required - in addition to the Application for Development Approval form. This means that all applications will require at least two forms and DAP applications or signage applications will require three forms! This additional red tape and bureaucracy appears to be counter intuitive to the aim of the planning reforms i.e stream lining the planning process! It is recommended that the MRS Form 1 replace the Application for Development Approval Form within the deemed provisions.

11. *Project Prioritisation and Streamlined Processes*: The WAPC review their workload and prioritise projects that directly implement the stated objectives of Perth and Peel @ 3.5 million. The WAPC should provide direct officer assistance (via the Department of Planning) on major infill development projects that deliver substantial increases in dwelling yield, employment opportunity and public amenity within existing activity centres. Ensure a Director level officer is assigned to enable prioritisation within the Minister's Office to expedite the finalisation of the framework (inclusive of any scheme amendments) and reducing the cost burden to the local government and the affected landowners.

12. *Clause 79 of the deemed provisions*.

Clause 79 provides:

"79. Entry and inspection powers

(1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.

(2) An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required –

a) enter any building or land in the Scheme area; and

b) inspect the building or land and anything in or on the building or land."

This clause is similar to the City's Town Planning Scheme No.2 clause 8.1.2, which has been superseded by Clause 79 of the deemed provisions:

"8.1.2 An employee of the Council authorised by the Council may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed."

The City's designated officers authorised to enter property in the above regard were recently denied entry by the occupants. Upon seeking legal advice on the ability to enter the property the following matters became apparent:

- The Planning and Development Act 2005 does not contain any power of entry.
- Clause 79 of the deemed provisions section that includes 'any assistance as reasonably required' does not authorise a police officer to assist.
- By contrast an authorised person, under the Building Act can request a police officer to assist (see Section 103(3)).
- The Local Government Act 1995 can't be used to obtain a Warrant as this is not an action authorised.
- There is no ability for the City to enter property under clause 79 when entry has been denied by the occupants or owners.
- If the WA Police gain entry under their legislation the authorised City Officers may be able to enter the premises with them.
- If the City's Building or Health legislation includes stronger grounds to enter this may also be a way to gain entry.

The City has been left with no immediate recourse on the matter when entry has been denied, other than perhaps through the Supreme Court, which would be an extreme measure in the circumstance. As it stands, it appears that the City can't undertake its investigations into breaches of Town Planning Scheme No.2, when entry is denied. Neither the Act or Regulations have contemplated what to do in the circumstance. Possible solution is to seek legislative change to have development compliance authorisation to access land and buildings under Clause 79 when access has been denied in a similar circumstance to clauses 103-109 of the Building Act 2011.

13. ....

## Appendix One – Verification Form

Clause 61(5) of City / Town / Shire of **[INSERT NAME]** .....  
Local Planning Scheme No **[INSERT NO]** .....

Form 6

### Single House Verification Certificate – Development Approval Not Required

Verifier Details	
Name:	
Address:	
Phone:	
Email:	
Qualification:	

Property Details		
Lot No:	House / Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol No.	Folio
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

I **[INSERT NAME]** hereby verify that:

The development is a Single House that meets the deemed-to-comply provisions of the R-Codes and does not otherwise require development approval under the City / Town / Shire of **[INSERT NAME]** ..... Local Planning Scheme No. **[INSERT No.]**.....

I am aware and have advised the Owner on [DATE] that the construction of a development other than in accordance with the provisions of a town planning scheme is an offence under s.218 of the Planning and Development Act 2005, the maximum penalty for which is a fine of \$200,000, and in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Dated this        day of        20

Signature: \_\_\_\_\_

*Please Note –*

*It is recommended this form be completed having regard to policies of the Western Australian Planning Commission and the Department of Commerce (WA), concerning the 'Instant Start' program. The verifier is to ensure they have reviewed all documents related to development approval for single houses relevant to the local planning framework, including the R Codes, local planning scheme, regulations and any planning instruments (including local planning policies) prepared under that scheme which relate to the development of single houses. The verifier should also be aware and check that in some circumstances, including a special control area, flood-prone area or bush-fire prone area, no exemption may apply.*

*It is also recommended this form be completed by a reasonably competent person with requisite professional indemnity insurance, having adequate technical qualifications and experience, including by:*

- a registered building practitioner;
- a registered building surveyor practitioner;
- a registered architect;
- an engineer registered on the National Professional Engineers Register; or
- a Planning Practitioner

*The verifier who completes this form accepts all risks that the information contained is correct. Neither the Western Australian Planning Commission, nor any department or agency of the State, accepts any responsibility if the Verification of Exemption is incorrect or to an unacceptable standard of competence.*



**Single House Verification Certificate**  
Planning and Development (Local Planning Schemes)  
Regulations 2015

1

### **Recommended changes to the 'Single House Verification' form: -**

*It is recommended this form be completed having regard to policies of the Western Australian Planning Commission and the Department of Commerce (WA), concerning the 'Instant Start' program. The verifier is to ensure they have reviewed all documents related to development approval for single houses relevant to the local planning framework, including the R Codes, **RMD Codes**, local planning scheme, regulations and any planning instruments (including local planning policies, **Detailed Area Plans/Local Development Plans**) prepared under that scheme which relate to the development of single houses. The verifier should also be aware and check that in some circumstances, including a special control area, flood-prone area or bush-fire prone area, **heritage list or Heritage area, Special Rural and Special Residential zones** no exemption may apply.*

*It is also recommended this form be completed by a reasonably competent person **[Comment: Should be mandatory by a stipulated list of qualified persons]** with requisite professional indemnity insurance, having adequate technical qualifications and experience, including by:*

- a registered building practitioner; **[Comment: Disagree. Not experienced on matter.]**
- a registered building surveyor practitioner;
- a registered architect; **[Comment: Disagree. Possibly not experienced on matter.]**
- an engineer registered on the National Professional Engineers Register; or **[Comment: Disagree. Not experienced on matter.]**
- a Planning Practitioner

*The verifier who completes this form accepts all risks that the information contained is correct. **The verifier must obtain Professional Indemnity Insurance to cover providing the wrong advice.** Neither the Western Australian Planning Commission, nor any department or agency of the State, **nor Local Government** accepts any responsibility if the Verification of Exemption is incorrect or to an unacceptable standard of competence.”*

**[Other comment: Bushfire Management – The verifier will likely not assess Bushfire Attack Level (BAL) criteria and therefore the construction requirements will not be in the design once the house construction has already commenced]**

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

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

Items 5.1 and 6.6 were excised for further comment.

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### **Item 5.1 Local Government Rating**

The North Metropolitan Zone supported the removal of recommendation 2, with the amended matter for decision to reflect the following:

#### **RESOLUTION**

**Moved Cr Russ Fishwick  
Seconded Cr Christin Hamilton–Prime**

**That WALGA:**

- 1. Endorse the attached “Rate Capping: Policy Statement” expressing opposition to rate capping;**
- 2. Advocate to the Minister for Local Government to:**

- a. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth *Aged Care Act 1997*; and,
- b. Either
- i. Amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,
  - ii. Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates

**CARRIED**

## **RESOLUTION**

**Moved Cr Frank Cvitan JP  
Seconded Cr Christine Hamilton–Prime**

**That the North Metropolitan Zone support all remaining items within the December 2015 State Council Agenda en bloc.**

**CARRIED**

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## **Item 6.6 – Local Laws and Parliamentary Process**

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## **RESOLUTION**

**Moved Cr Russ Fishwick  
Seconded Cr Christine Hamilton–Prime**

**The North Metropolitan Zone requests that WALGA address the issues raised in the paper discussed at the June 2015 meeting of the Zone.**

**CARRIED**

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## **8. EXECUTIVE REPORTS**

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### **8.1 President's Report to the Zone**

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Mayor Roberts and Ms Allison Hailes presented the President's Report. Report was distributed with the Agenda.

**Noted**

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

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**Noted**

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### **8.3 Department of Local Government and Communities Representative Update Report.**

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Department of Local Government and Communities representative, Mr Gary Angel, updated the Zone on DLGC issues.

In light of the changes to the Local Government Act, Mr Jamie Parry requested that WALGA discuss the development of a declarations template / software with DLGC to ensure consistency.

**Noted**

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## **9. BUSINESS**

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### **8.1 Notice of Meetings 2016**

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*By Margaret Degebrodt, Zone Executive Officer*

A schedule of the proposed meeting dates for the North Metropolitan Zone 2016 was prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the North Metropolitan Zone for 2016 required adoption by delegates. As with previous years, the venue for each meeting has been rotated amongst Members.

**NOTICE OF MEETINGS  
NORTH METROPOLITAN ZONE MEETING  
2016**

<b>Zone Meeting Dates Thursday</b>	<b>Time</b>	<b>HOST COUNCIL</b>	<b>State Council Meeting Dates 2016</b>
<b>25 February</b>	Thursday 6.00 pm	Joondalup	Wednesday 2 March
<b>28 April</b>	Thursday 6.00 pm	Stirling	Regional – Murchison 6 May
<b>30 June</b>	Thursday 6.00 pm	Wanneroo	Wednesday 6 July
<b>25 August</b>	Thursday 6.00 pm	Joondalup	Regional – Avon-Midland 9 September
<b>24 November</b>	Thursday 6.00 pm	Stirling	Wednesday 7 December

### **RESOLUTION**

**Moved Cr Dominic Zappa  
Seconded Cr Frank Cvitan JP**

**That the 2016 proposed schedule of meetings for the North Metropolitan Zone be adopted.**

**CARRIED**

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## **8.2 Presentation from the Australian Bureau of Statistics (ABS) – February 2016**

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The Australian Bureau of Statistics (ABS) is continuing preparations for Australia's 17th National Census of Population and Housing to be held on Tuesday 9th of August 2016. For the first time, this Census will use a digital-first approach with a new, more sustainable and efficient process.

The ABS has published the [Census of Population and Housing: Nature and Content, Australia \(cat. no. 2008.0\)](#) which provides details on the plans for the 2016 Census, including details of each topic and how they will be collected in the Census. Further information will also be available on the ABS website: <http://www.abs.gov.au/>

In the coming months the ABS will also be working with a range of stakeholders to ensure strong community support for the Census.

### **RESOLUTION**

**Moved Cr Philippa Taylor  
Seconded Cr Russ Fishwick**

**That the Australian Bureau of Statistics be invited to present at the next meeting of the North Metropolitan Zone to be held 25 February 2016.**

**CARRIED**

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## **10. OTHER BUSINESS**

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The North Metropolitan Zone agreed to include a table of contents with the North Metropolitan Zone Agenda.

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## **11. DATE, TIME AND PLACE OF NEXT MEETING**

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**That the next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 25 February 2016 at the City of Joondalup.**

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## **12. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7.06pm.



# **SUMMARY MINUTES**

## **STATE COUNCIL MEETING**

# December 2015

## **NOTICE OF MEETING**

Meeting No. 7 of 2015 of the Western Australian Local Government Association State Council held at WALGA, 170 Railway Parade, West Leederville on Wednesday, 2 December 2015 beginning at 4:13pm.

### **1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS**

#### **1.1 Attendance**

Chairman	President of WALGA	Cr Lynne Craigie
	Deputy President of WALGA	Mayor Tracey Roberts JP
	North Metropolitan Zone	
Members	Avon-Midland Country Zone	Cr Darren Slyn
	Central Country Zone	President Cr Philip Blight
	Central Metropolitan Zone	Cr Janet Davidson OAM JP
		Mayor Heather Henderson
	East Metropolitan Zone	Cr Sue Bilich
		Cr Catherine Ehrhardt (Deputy)
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	President Cr Ken Clements
	Kimberley Country Zone	Cr Chris Mitchell
	Murchison Country Zone	Cr Simon Broad
	North Metropolitan Zone	Cr Russ Fishwick JP
		Cr David Michael
	Northern Country Zone	President Cr Karen Chappel
	Peel Country Zone	Cr Wally Barrett
	Pilbara Country Zone	Mayor Kelly Howlett
	South East Metropolitan Zone	Mayor Henry Zelones OAM JP
		Cr Fiona Reid
	South Metropolitan Zone	Mayor Carol Adams
		Cr Doug Thompson
		Mayor Logan Howlett
	South West Country Zone	President Cr Wayne Sanford
Ex-Officio	Local Government Managers Australia	Mr Ian Cowie (Deputy)
Secretariat	Chief Executive Officer	Ms Ricky Burges
	Deputy Chief Executive Officer	Mr Wayne Scheggia
	EM Environment & Waste	Mr Mark Batty
	EM Governance & Organisational Services	Mr Tony Brown
	EM Finance & Marketing	Mr Zac Donovan
	EM Planning & Community Development	Ms Allison Hailes
	EM Infrastructure	Mr Ian Duncan
	EM Business Solutions	Mr John Filippone
	Manager Governance	Mr James McGovern
	EO Governance & Organisational Services	Ms Ana Fernandez
	EO Governance & Organisational Services	Ms Fiona Cohen

#### **1.2 Apologies**

	East Metropolitan Zone	Cr Darryl Trease
Ex-Officio	The Rt Hon Lord Mayor of the City of Perth	Ms Lisa Scaffidi
	Local Government Managers Australia	Mr Jonathan Throssell

## **OBSERVERS**

- Deputy State Councillors

## **MEETING ASSESSMENT**

I invite Ms Ricky Burges to undertake a meeting assessment at the conclusion of the meeting.

## **ANNOUNCEMENTS**

Nil

## **2. MINUTES OF THE PREVIOUS MEETINGS**

### **2.1 Minutes of September 2015 State Council Meeting**

**Moved: Cr Janet Davidson**  
**Seconded: Cr David Michael**

**That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on September 2015 be confirmed as a true and correct record of proceedings.**

**RESOLUTION 117.7/2015**

**CARRIED**

### **2.1.1 Business Arising from the Minutes of September 2015**

Nil

## **3. DECLARATION OF INTEREST**

Pursuant to our Code of Conduct, the following State Councillors declared an interest:

- Cr Karen Chappel – Items 5.13 & 5.13.1 Selection Committee, Item 6.5 City of Perth Bill
- Cr Phillip Blight - Item 5.13 Selection Committee

## **PAPERS**

State Councillors have been distributed the following papers under separate cover:

- President's Report (previously emailed to your Zone meeting)
- Item Selection Committee Minutes;
- Item Interview Report Independent Member LGSIS
- Item Finance & Services Minutes;
- CEO's report to State Council

## **4. EMERGING ISSUES**

Nil

## 5. MATTERS FOR DECISION

### 5.1 Local Government Rating (05-034-02-0015 TL)

#### WALGA RECOMMENDATION

That WALGA:

1. Endorse the attached “Rate Capping: Policy Statement” expressing opposition to rate capping;
2. Advocate for a review of the rate billing process with the intention of establishing consistency with the State Government’s water rates billing process; and,
3. Advocate to the Minister for Local Government to:
  - a. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the *Commonwealth Aged Care Act 1997*; and,
  - b. Either
    - i. Amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,
    - ii. Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.

<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported

#### CENTRAL METROPOLITAN ZONE

In State Council Item 5.1 ‘Local Government Rating’, delete Recommendation 2.

#### NORTH METROPOLITAN ZONE

That WALGA:

1. Endorse the attached “Rate Capping: Policy Statement” expressing opposition to rate capping;
2. Advocate to the Minister for Local Government to:
  - a. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the *Commonwealth Aged Care Act 1997*; and,
  - b. Either
    - i. Amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,

- ii. Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.

#### **AVON MIDLAND COUNTRY ZONE**

That the Zone support the recommendation to State Council and that the WA Local Government Association be requested to investigate, as an alternative to rate capping, the option of local governments being required to set any rate increases at no greater than the amount specified within their corporate business plan/long term financial plans.

#### **EAST METROPOLITAN ZONE**

That item 5.1(1) is amended to read “Endorse the attached “Rate Capping: Policy Statement” and develop a campaign strategy to support the policy position expressing opposition to rate capping.”

That item 5.1(2) is not supported.

That 5.1(3) is endorsed as it reads in the December 2015 State Council Agenda.

#### **SOUTH EAST METROPOLITAN ZONE**

In principal support for the attached policy statement, requesting WALGA to remove the words ‘rate capping’ from the policy statement.

#### **SECRETARIAT COMMENT**

- *Majority of Zones support WALGA Recommendation.*
- *The Secretariat is investigating alternatives to Rate Capping including the resolution of the Avon-Midland Country Zone.*
- *State Council resolved to consider a campaign strategy against rate capping at its September 2015 Meeting.*

**Moved: Cr Doug Thompson**  
**Seconded: Cr Chris Mitchell**

**That WALGA:**

1. **Endorse the attached “Rate Capping: Policy Statement” expressing opposition to rate capping;**
2. **Advocate for a review of the rate billing process with the intention of establishing consistency with the State Government’s water rates billing process; and,**
3. **Advocate to the Minister for Local Government to:**
  - a. **Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; and,**
  - b. **Either**
    - i. **Amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,**
    - ii. **Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.**

**AMENDMENT**

**Moved: Cr Fiona Reid  
Seconded: Mayor Henry Zelones**

**Amend recommendation 1 as follows;**

- 1. Endorse the attached “Rate Setting: Policy Statement” expressing opposition to rate capping or any externally imposed limit on Local Government’s capacity to raise revenue as appropriately determined by the Council.**

**CARRIED**

**AMENDMENT**

**Moved: Cr Russ Fishwick  
Seconded: Mayor Heather Henderson**

**That recommendation 2 be deleted.**

**CARRIED**

**The motion as amended now reads:**

**That WALGA:**

- 1. Endorse the attached “Rate Setting: Policy Statement” expressing opposition to rate capping or any externally imposed limit on Local Government’s capacity to raise revenue as appropriately determined by the Council.**
- 2. Advocate to the Minister for Local Government to:**
  - a. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth *Aged Care Act 1997*; and,**
  - b. Either**
    - i. Amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,**
    - ii. Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.**

**MOTION AS AMENDED PUT AND CARRIED**

**RESOLUTION 118.7/2015**

**5.2 Policy Options to Increase Elected Member Training (05-034-02-0015 TL)**

**WALGA RECOMMENDATION**

That:

1. WALGA continue to promote Elected Member training and development opportunities;
2. The secretariat develop:
  - a. A best practice Council Induction Guide; and
  - b. A template Elected Member Training and Development Policy.
3. WALGA adopts a formal policy position that opposes legislative change that:
  - a. Requires candidates to undertake training prior to nominating for election; or,
  - b. Incentivises Elected Member training through the fees and allowances framework; or,
  - c. Mandates Elected Member training.
4. Notwithstanding WALGA's opposition to mandatory Elected Member training, if such a regime becomes inevitable, WALGA seek to ensure that it;
  - a. Only applies to first time Elected Members;
  - b. Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
  - c. Applies appropriate Recognition of Prior Learning (RPL);
  - d. Requires training to be completed within the first 12 months of office; and
  - e. Applies a penalty for non-compliance of a reduction in fees and allowances payable.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**CENTRAL METROPOLITAN ZONE**

In State Council Item 5.2 'Policy Options to Increase Elected Member Training':

- (a) Delete Recommendation 3 and replace with:  
"WALGA adopts a formal policy position that supports and incentivises Elected Member training"; and
- (b) Delete Recommendation 4.

## **EAST METROPOLITAN ZONE**

That part (c) is removed from item 5.2(3), so it reads:

“WALGA adopts a formal policy position that opposes legislative change that:

- a. Requires candidates to undertake training prior to nominating for election; or
- b. Incentivises Elected Member Training through the fees and allowances framework.”

That item 5.2(4) be amended to read:

Notwithstanding WALGA’s opposition to mandatory Elected Member training, if such a regime becomes inevitable, WALGA seek to sure that it;

- a. Only applies to first time Elected Members;
- b. Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
- c. Applies appropriate Recognition of Prior Learning (RPL);
- d. Requires to be completed within the first 24 months of office; and
- e. Applies a penalty for non-compliance of a reduction in fees and allowances payable.

## **SECRETARIAT COMMENT**

*Majority of Zones support the WALGA Recommendation.*

**Moved: Cr Fiona Reid**  
**Seconded: Cr Phillip Blight**

**That:**

- 1. WALGA continue to promote Elected Member training and development opportunities;**
- 2. The secretariat develop:**
  - a. A best practice Council Induction Guide; and**
  - b. A template Elected Member Training and Development Policy.**
- 3. WALGA adopts a formal policy position that opposes legislative change that:**
  - a. Requires candidates to undertake training prior to nominating for election; or,**
  - b. Incentivises Elected Member training through the fees and allowances framework; or,**
  - c. Mandates Elected Member training.**
- 4. Notwithstanding WALGA's opposition to mandatory Elected Member training, if such a regime becomes inevitable, WALGA seek to ensure that it;**
  - a. Only applies to first time Elected Members;**
  - b. Utilises the Elected Member Skill Set as the appropriate content for mandatory training;**
  - c. Applies appropriate Recognition of Prior Learning (RPL);**
  - d. Requires training to be completed within the first 12 months of office; and**
  - e. Applies a penalty for non-completion of a reduction in fees and allowances payable.**

#### **AMENDMENT**

**Moved: Cr Janet Davidson**  
**Seconded: Mayor Heather Henderson**

- (a) Delete Recommendation 3 and replace with:  
"WALGA adopts a formal policy position that supports and incentivises Elected Member training"; and**
- (b) Delete Recommendation 4.**

**LOST**

**THE ORIGINAL MOTION WAS PUT AND CARRIED**  
**RESOLUTION 119.7/2015**

<b>5.3 State Budget Submission 2016-17 (05-088-03-0001 PS)</b>
--

**WALGA RECOMMENDATION**

**That the Association's State Budget Submission 2016-17 be endorsed.**

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**PEEL ZONE**

That the Peel Zone requests \$2 million be allocated in the Association's State Budget 2016-17 to control Cotton Bush and Patterson's Curse on State Government land.

**Moved: Cr Wally Barrett**

**Seconded: Cr Karen Chappel**

**That the Association's State Budget Submission 2016-17 be endorsed with an additional request for \$2 million per annum for five years for the control of Cotton Bush and Patterson's Curse on State Government land holdings.**

**RESOLUTION 120.7/2015**

**CARRIED**

**5.4 Submission to the Select Committee into the Scrutiny of Government Budget Measures on Infrastructure Financing (05-088-03-0001 PS)**

**WALGA RECOMMENDATION**

**That the Association's submission to the Select Committee into the Scrutiny of Government Budget Measures on Infrastructure Financing be endorsed.**

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Karen Chappel**

**Seconded: Mayor Henry Zelones**

**That the Association's submission to the Select Committee into the Scrutiny of Government Budget Measures on Infrastructure Financing be endorsed.**

**RESOLUTION 121.7/2015**

**CARRIED**

## 5.5 Infrastructure WA Advisory Group (05-001-03-0018 ID)

### WALGA RECOMMENDATION

That WALGA:

1. maintain observer status with the Infrastructure WA Advisory Group provided that there is no direct financial cost.
2. Urge the State Government to lead a consultative, transparent process to develop a coherent and comprehensive infrastructure plan for Western Australia.

Avon Midland Country Zone	WALGA Recommendation Supported
Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	WALGA Recommendation Supported
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	No Meeting Held Prior to State Council Meeting
Murchison Country Zone	Meeting Held Prior to State Council Agenda Distribution
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Agenda Not Considered
South East Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

### SOUTH METROPOLITAN ZONE

With an amendment to point 2 of the recommendation to read as follows:

2. Urge the State Government to lead a consultative, transparent process to develop a coherent and comprehensive infrastructure plan for Western Australia that includes participation of appropriate community groups with a State Wide focus and Local Government.

**Moved: Cr Wally Barrett**

**Seconded: Cr Doug Thompson**

That WALGA:

1. maintain observer status with the Infrastructure WA Advisory Group provided that there is no direct financial cost.
2. Urge the State Government to lead a consultative, transparent process to develop a coherent and comprehensive infrastructure plan for Western Australia that includes participation of appropriate community groups with a State Wide focus and Local Government.

**RESOLUTION 122.7/2015**

**CARRIED**

**5.6 West Australian State CCTV Strategy Consultation (05-019-03-0009 JH)**
**WALGA RECOMMENDATION**

That the proposed Memorandum of Understanding (MOU) between the Minister for Police and WALGA (as a participant on behalf of Local Governments) “for the provision of a coordinated State CCTV network that allows data sharing between owners of CCTV cameras facing public areas to enhance the safety and security of the Western Australian community” be endorsed.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Fiona Reid**

**Seconded: Cr Darren Slyns**

That the proposed Memorandum of Understanding (MOU) between the Minister for Police and WALGA (as a participant on behalf of Local Governments) “for the provision of a coordinated State CCTV network that allows data sharing between owners of CCTV cameras facing public areas to enhance the safety and security of the Western Australian community” be endorsed.

**RESOLUTION 123.7/2015**

**CARRIED**

**5.7 Interim Submission – Building Commission’s Discussion Paper about ‘Instant Start’ (05-015-01-0003 VJ)**

**WALGA RECOMMENDATION**

That WALGA:

1. Strongly oppose the ‘Instant Start’ concept as it is not based on any policy foundation and has inherent risks and potential liability for Local Government; and
2. Endorse the interim submission to the Building Commission on the Discussion Paper ‘Instant Start’ that sets out WALGA’s concerns.

<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**AVON MIDLAND COUNTRY ZONE**

The meeting recommended that the Zone support the recommendation to State Council but notes that part (1) of the recommendation refers to ‘Instant Start’ not being based on any policy foundation and urges State Council to be sure that this is in fact the case when considering the recommendation.

**Moved: Cr Chris Mitchell**

**Seconded: Mayor Henry Zelones**

That WALGA:

1. Strongly oppose the ‘Instant Start’ concept as it is not based on any policy foundation and has inherent risks and potential liability for Local Government; and
2. Endorse the interim submission to the Building Commission on the Discussion Paper ‘Instant Start’ that sets out WALGA’s concerns.

**RESOLUTION 124.7/2015**

**CARRIED**

**5.8 Interim Submission to WA Planning Commission – Draft Liveable Neighbourhoods (05-047-02-0007 VJ)**

**WALGA RECOMMENDATION**

That WALGA endorse the interim submission to the WA Planning Commission on the draft Liveable Neighbourhoods document.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Chris Mitchell**  
**Seconded: Mayor Heather Henderson**

That WALGA endorse the interim submission to the WA Planning Commission on the draft Liveable Neighbourhoods document.

**RESOLUTION 125.7/2015**

**CARRIED**

**5.9 Revised Draft State Planning Policy 3.7: Planning in Bushfire-Prone Areas (05-024-02-0056 CG)**

**WALGA RECOMMENDATION**

That WALGA:

1. note the feedback provided by the Association to the WA Planning Commission concerning the revised draft SPP3.7 Planning in Bushfire-Prone Areas.
2. Request that the Minister for Planning and the WA Planning Commission release the revised draft document for public consultation.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Catherine Ehrhardt**  
**Seconded: Cr Karen Chappel**

That WALGA:

1. note the feedback provided by the Association to the WA Planning Commission concerning the revised draft SPP3.7 Planning in Bushfire-Prone Areas.
2. Request that the Minister for Planning and the WA Planning Commission release the revised draft document for public consultation.

**RESOLUTION 126.7/2015**

**CARRIED**

**5.10 Interim Submission to the WA Planning Commission: Peel Region Scheme Floodplain Management Policy (05-036-03-0028 CG)**

**WALGA RECOMMENDATION**

That WALGA endorse the interim submission to the WA Planning Commission regarding the draft Peel Region Scheme Floodplain Management Policy.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Wally Barrett**  
**Seconded: Mayor Henry Zelones**

That WALGA endorse the interim submission to the WA Planning Commission regarding the draft Peel Region Scheme Floodplain Management Policy.

**RESOLUTION 127.7/2015**

**CARRIED**

**5.11 Interim Submission on the Heritage Bill 2015 (05-036-03-022 NH)**
**WALGA RECOMMENDATION**

That WALGA endorse the interim submission to the Heritage Bill 2015.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

Moved: Cr Chris Mitchell  
 Seconded: Cr Fiona Reid

That WALGA endorse the interim submission to the Heritage Bill 2015.

**RESOLUTION 128.7/2015**

**CARRIED**

**5.12 Interim Submission on the Emissions Reduction Fund Safeguard Mechanism  
(05-028-03-0016 LS)**

**WALGA RECOMMENDATION**

That WALGA endorse the interim submission to the Commonwealth Department of the Environment relating to the Emissions Reduction Fund Safeguard Mechanism.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Central Metropolitan Zone</b>	WALGA Recommendation Supported
<b>East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	WALGA Recommendation Supported
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Supported
<b>Great Eastern Country Zone</b>	WALGA Recommendation Supported
<b>Great Southern Country Zone</b>	WALGA Recommendation Supported
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Supported
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Peel Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

**Moved: Cr Karen Chappel**  
**Seconded: Mayor Kelly Howlett**

That WALGA endorse the interim submission to the Commonwealth Department of the Environment relating to the Emissions Reduction Fund Safeguard Mechanism.

**RESOLUTION 129.7/2015**

**CARRIED**

**MATTERS FOR CONSIDERATION BY STATE COUNCILLORS  
(UNDER SEPARATE COVER)**

---

**5.13 Selection Committee Minutes (01-006-03-0011 MD)**

Cr Chappel, Cr Blight declared an interest left the meeting 4.40pm

**Moved: Cr Doug Thompson  
Seconded: Cr Wayne Sanford**

**That the recommendations from the Selection Committee meeting minutes dated 18 November 2015 be endorsed by State Council.**

**RESOLUTION 130.7/2015**

**CARRIED**

**Moved: Cr David Michael  
Seconded: Cr Janet Davidson**

**To rescind the resolution.**

**RESOLUTION 131.7/2015**

**CARRIED**

**Moved: Cr Wally Barrett  
Seconded: Cr Doug Thompson**

**That the recommendations from the Selection Committee meeting minutes dated 18 November 2015 relating to the appointment for the LGIS Board, WAPC, and South West Regional Planning Committee be endorsed by State Council.**

**RESOLUTION 132.7/2015**

**CARRIED**

Cr Chappel, Cr Blight returned to the meeting at 4.45pm.

**Moved: Cr Wally Barrett  
Seconded: Cr Doug Thompson**

**That the recommendation from the Selection Committee relating to the Swan River Trust be endorsed.**

**AMENDMENT**

**Moved: Mayor Henry Zelones  
Seconded: Cr Chris Mitchell**

**The three names recommended to the Swan River Trust Board be Cr McPhail, Cr Trease and Mayor Pickard.**

**CARRIED**

**THE MOTION AS AMENDED WAS PUT AND CARRIED**

**RESOLUTION 133.7/2015**

Cr Thompson, Cr Sanford, Cr Reid, Mayor L Howlett, Mayor Adams, Cr Fishwick, Mayor Roberts recorded as voting against the motion.

Cr Chappel declared an interest and left the meeting at 5.00pm.

#### **5.13.1 Selection Committee Interview Report Non-Metropolitan Member LGIS**

**Moved: Cr Wally Barrett**  
**Seconded: Mayor Carol Adams**

**That the recommendation from the Selection Committee Interview Panel to appoint Cr Paul Omodei to LGIS as Non-Metropolitan Member be endorsed.**

**RESOLUTION 134.7/2015**

**CARRIED**

Cr Chappel returned to the meeting at 5.12pm.

#### **5.14 Interview Report Independent Member LGIS (01-006-03-0011) MD**

**Moved: Cr Doug Thompson**  
**Seconded: Cr Chris Mitchell**

**That the recommendation from the WALGA Interview Panel to appoint Peter Forbes to LGIS as Independent Member be endorsed.**

**RESOLUTION 135.7/2015**

**CARRIED**

#### **5.15 Finance & Services Committee Minutes (01-006-03-0006 TB)**

**Moved: Mayor Kelly Howlett**  
**Seconded: Cr Karen Chappel**

**That the Minutes of the Finance and Services Committee meeting held 25 November 2015 be endorsed.**

**RESOLUTION 136.7/2015**

**CARRIED**

## **6. MATTERS FOR NOTING / INFORMATION**

**6.1 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)**

**WALGA RECOMMENDATION**

That State Council note the resolutions of the Municipal Waste Advisory Council at its 19 August 2015 meeting.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
<b>Great Southern Country Zone</b>	WALGA Recommendation Noted
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Cr Fiona Reid**  
**Seconded: Mayor Carol Adams**

That State Council note the resolutions of the Municipal Waste Advisory Council at its 19 August 2015 meeting.

**RESOLUTION 137.7/2015**

**CARRIED**

<b>6.2 Update on Energy Efficient Street Lighting (05 028 04-0006 LS)</b>
---

**WALGA RECOMMENDATION**

That State Council note WALGA's work to date on energy efficient street lighting, and WALGA's next steps in this area.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
<b>Great Southern Country Zone</b>	WALGA Recommendation Noted
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Cr Catherine Ehrhardt**  
**Seconded: Cr Wally Barrett**

That State Council note WALGA's work to date on energy efficient street lighting, and WALGA's next steps in this area.

**RESOLUTION 138.7/2015**

**CARRIED**

**6.3 Successful Advocacy for Faster Native Vegetation Clearing Permit Processing Times (05-095-03-0001 JB)**

**WALGA RECOMMENDATION**

That State Council notes the content of this report on Native Vegetation Clearing Permit Processing Times.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
<b>Great Southern Country Zone</b>	WALGA Recommendation Noted
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Cr Doug Thompson**  
**Seconded: Cr Phillip Blight**

That State Council notes the content of this report on Native Vegetation Clearing Permit Processing Times.

**RESOLUTION 139.7/2015**

**CARRIED**

<b>6.4 Local Government Audits (05-068-02-0001 WFS)</b>
---

**WALGA RECOMMENDATION**

That the report on the proposal for the Office of the Auditor General to be responsible for Local Government audits be noted.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
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<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
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<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Cr Doug Thompson**  
**Seconded: Cr Karen Chappel**

That the report on the proposal for the Office of the Auditor General to be responsible for Local Government audits be noted.

**RESOLUTION 140.7/2015**

**CARRIED**

<b>6.5 City of Perth Bill (05-034-01-0015 TL)</b>
---

**WALGA RECOMMENDATION**

**That State Council note this update in relation to the City of Perth Bill 2015.**

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
<b>Great Southern Country Zone</b>	WALGA Recommendation Noted
<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

Cr Chappel declared an interest as a member of the Local Government Advisory Board and left the room 5.05pm.

**Moved: Cr Doug Thompson**  
**Seconded: Mayor Carol Adams**

**That State Council note this update in relation to the City of Perth Bill 2015.**

**RESOLUTION 141.7/2015**

**CARRIED**

Cr Chappel returned to the meeting at 5.15pm.

<b>6.6 Local Laws and the Parliamentary Process (05-034-01-0007 JMc)</b>
--

**WALGA RECOMMENDATION**

That State Council note the report on Local Laws and the Parliamentary Process.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
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<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Cr Wayne Sanford**  
**Seconded: Cr Chris Mitchell**

That State Council note the report on Local Laws and the Parliamentary Process.

**RESOLUTION 142.7/2015**

**CARRIED**

<b>6.7 Parliamentary Committee Review, Development Assessment Panels (05-047-01-0016 CG)</b>
--

**WALGA RECOMMENDATION**

That State Council note the Association's letter to the Standing Committee on Uniform Legislation and Statutes concerning the Committee's Review of the Planning and Development (Development Assessment Panels) Regulations 2011.

<b>Avon Midland Country Zone</b>	WALGA Recommendation Noted
<b>Central Country Zone</b>	WALGA Recommendation Noted
<b>Central Metropolitan Zone</b>	WALGA Recommendation Noted
<b>East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Gascoyne Zone</b>	WALGA Recommendation Noted
<b>Goldfields Esperance Country Zone</b>	WALGA Recommendation Noted
<b>Great Eastern Country Zone</b>	WALGA Recommendation Noted
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<b>Kimberley Zone</b>	No Meeting Held Prior to State Council Meeting
<b>Murchison Country Zone</b>	Meeting Held Prior to State Council Agenda Distribution
<b>North Metropolitan Zone</b>	WALGA Recommendation Noted
<b>Northern Country Zone</b>	WALGA Recommendation Noted
<b>Peel Zone</b>	WALGA Recommendation Noted
<b>Pilbara Zone</b>	WALGA Agenda Not Considered
<b>South East Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South Metropolitan Zone</b>	WALGA Recommendation Noted
<b>South West Country Zone</b>	WALGA Recommendation Noted

**Moved: Mayor Heather Henderson**  
**Seconded: Cr Wally Barrett**

That State Council note the Association's letter to the Standing Committee on Uniform Legislation and Statutes concerning the Committee's Review of the Planning and Development (Development Assessment Panels) Regulations 2011.

**RESOLUTION 143.7/2015**

**CARRIED**

## **7. ORGANISATIONAL REPORTS**

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### **7.1 Key Activity Reports**

#### **7.1.1 Report on Key Activities, Environment and Waste (01-006-03-0017 MJB)**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Doug Thompson**

**That the Key Activities Report from the Environment and Waste Unit to the December 2015 State Council meeting be noted.**

**RESOLUTION 144.7/2015**

**CARRIED**

#### **7.1.2 Report on Key Activities, Governance and Organisational Support (01-006-03-0007 TB)**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Doug Thompson**

**That the Key Activities Report from the Governance and Organisational Services Unit to the December 2015 State Council meeting be noted.**

**RESOLUTION 145.7/2015**

**CARRIED**

#### **7.1.3. Report on Key Activities, Infrastructure (05-001-02-0003 ID)**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Doug Thompson**

**That the Key Activities Report from the Infrastructure Unit to the December 2015 State Council meeting be noted.**

**RESOLUTION 146.7/2015**

**CARRIED**

#### **7.1.4 Report on Key Activities, Planning and Community Development (01-006-03-0014 AH)**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Doug Thompson**

**That the Key Activities Report from the Planning and Community Development Unit to December 2015 State Council meeting be noted.**

**RESOLUTION 147.7/2015**

**CARRIED**

#### **7.2 Policy Forum Report (01-006-03-0007 TB)**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Doug Thompson**

**That the report on the key activities of the Association's Policy Forums to the December 2015 State Council meeting be noted.**

**RESOLUTION 148.7/2015**

**CARRIED**

**7.3 President's Report**

**Moved: Cr Karen Chappel  
Seconded: Mayor Tracey Roberts**

**That the President's Report for December 2015 be received.**

**RESOLUTION 149.7/2015**

**CARRIED**

**7.4 CEO's Report**

**Moved: Mayor Tracey Roberts  
Seconded: Cr Chris Mitchell**

**That the CEO's Report for December 2015 be received.**

**RESOLUTION 150.7/2015**

**CARRIED**

**7.5 LGMA President's Report**

LGMA Deputy President, Mr Ian Cowie presented an LGMA update.

**Noted**

## **8. ADDITIONAL ZONE RESOLUTIONS**

---

**Moved: Cr Fiona Reid**  
**Seconded: Mayor Henry Zelones**

That South East Metro Zone motion regarding WA whole of Government Open Data Policy and City of Perth Act be discussed.

### **RESOLUTION 151.7/2015**

**CARRIED**

**Moved: Mayor Logan Howlett**  
**Seconded: Cr Janet Davidson**

That the additional Zone Resolutions from the December 2015 round of Zones meetings as follows be referred to the appropriate policy area for consideration.

### **RESOLUTION 152.7/2015**

**CARRIED**

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## **GASCOYNE ZONE**

---

### ***Incorporation of 'HECS/HELP Discount into WALGA'S Future Tax Submissions to the Federal Government (Economics)***

That the Gascoyne Zone requests WALGA to adopt a policy position supporting HECS/HELP discounts as per Recommendation 16 of *Pivot North, Inquiry into the Development of Northern Australia: Final Report*, by the Joint Select Committee on Northern Australia (2014), which states:

*The Committee recommends that the Australian Government allow graduates to have some or all of their Higher Education Loan Program debt written-off in return for living and working in locations deemed remote for a significant period of time, such as five years.*

### ***Proposed Local Government Emergency Management Resource Sharing MOU (Community & Development)***

That WALGA coordinate the development of an Emergency Management Recovery Resource Sharing M.O.U across Western Australian Local Governments.

---

## **SOUTH METROPOLITAN ZONE**

---

### ***Local Government Elections (Governance)***

That the WALGA secretariat be requested to provide an update on Local Government elections and online voting. A report to be prepared for a future Zone meeting.

### ***Local Investment in Industry (Environment & Waste)***

That WALGA provide a report for the Zone on Local Government investment into industries that invest in coal and develop guidance for Local Governments wishing to move towards more ethical and environmental responsible investment options.

---

## **NORTH METROPOLITAN ZONE**

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### ***Local Government to Lobby State Government for the Regulation of Drones (Governance)***

That the North Metropolitan Zone supports the position presented in this report and requests that WALGA and/or ALGA lobby both the State Government and the Commonwealth Government (as appropriate) to:

- a. provide the necessary authority and resources to the appropriate agency to ensure that threats to behavioural privacy arising from unauthorised and inappropriate surveillance are addressed, and that the relevant laws are enacted and enforced;

- b. develop and implement an education campaign to inform drone operators and users about privacy and air safety laws; and
- c. undertake all futures reviews of privacy and air safety laws to consider and align with developments in technology.

***Advocacy for Legislative Change to Local Government Act 1995 (Governance)***

That North Metropolitan Zone request that the Western Australian Local Government Association apply to the Minister for Local Government to amend section 9.13 (6) of the *Local Government Act 1995* to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

***Impact of New Planning and Development (Local Planning Scheme) Planning Regulations 2015 on the City of Stirling's Major Activity Centres (Planning & Community)***

That the North Metropolitan Zone requests that WALGA lobby the Minister for Planning to amend the Planning and Development (Local Planning Scheme) Regulations 2015 as they relate to statutory effect of adopted Structure Plans.

---

**SOUTH WEST COUNTRY ZONE**

---

***Volunteer Bush Fire Brigades – Training Pathways - DFES (Planning & Community)***

That the South West Zone of WA Local Government Association:

Require the Executive Officer write to the WA Local Government Association to request that State Council:

- a) Seek feedback from all rural Local Governments in Western Australia to assess if this is a state wide issue that is impacting on volunteer bush fire brigades; and
- b) Refer this matter to the Fire and Emergency Services Commissioner to have the training for structural fires placed further down or removed from the list of prerequisites so that volunteer bush fire fighters can receive the training that they need to be effective and safe bush fire fighters, with the possibility of developing their skills as structural fire fighters later on in their careers if that is their choice.

***Asset Valuations and Depreciation (Governance)***

The WALGA be requested to lobby the Minister for Local Government and the Department of Local Government and Communities (DLGC) to initiate a standardised approach to the way asset valuation and depreciation expense is applied across the WA Local Government sector. This includes but is not limited to the following:

A common methodology or framework being established to consistently identify and determine “fair value” of Local Government assets;

A common methodology or framework being established to determine consistently how and at what rate various asset types are depreciated; and

A review of the way asset ratios are applied by the Department of Local Government and Communities as an indicator of current and future viability.

***Compulsory Competitive Tendering (Governance)***

That WALGA be advised the Zone strongly opposes the the introduction of Compulsory Competitive Tendering (CCP) were it ever to be considered. (WALGA item 5.1)

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**CENTRAL COUNTRY ZONE**

---

***Planning and Development (Local Planning Schemes) Regulations 2015 – Shire of Wagin (Planning & Community)***

1. That the report be noted with WALGA and Vanessa Jackson, Policy Manager, Planning and Improvement being complimented on their approach to addressing this matter.
2. The Zone Executive Officer continue to monitor the progress of this issue.

---

## **PILBARA COUNTRY ZONE**

---

### ***Mining Camps (Planning & Community)***

That WALGA State Council support the PRC's policy position and promote via a many channels as possible.

---

## **SOUTH EAST METROPOLITAN ZONE**

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### ***Local Government Road Funding (Infrastructure)***

To ensure accountability and effectiveness in the allocation and monitoring of road funding to Local Governments, each Local Government should support the procedures of the State Road Funds to Local Government Agreement and appoint an elected member to their respective sub groups within the Metropolitan Regional Road Group.

### ***Western Australia whole of Government Open Data Policy and City of Perth Act (Governance)***

That the Western Australian Local Government Association in consultation with the Local Government sector, Department of Local Government and Communities other relevant stakeholders (e.g. Landgate) collaborate in the development of Local Government guidelines in relation to transparency, accessibility and accountability with respect to the Western Australia Whole of Government Open Data Policy and the relevant disclosure requirements associated with the Local Government Act.

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## **PEEL COUNTRY ZONE**

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### ***Meeting with the Minister for Planning (Planning & Community)***

That WALGA be requested to arrange a meeting with the Minister for Planning to meet with the Mayor, Shire Presidents and relevant technical officers to discuss issues of concern affecting the Peel Region and in particular the Strategic Assessment of the Perth Peel Region.

### ***Cotton Bush – Shire of Murray (Environment)***

That WALGA be requested to arrange a meeting with the Minister for Environment to meet with the Mayor, Shire Presidents and relevant technical officers to discuss the increasing problem of Cotton Bush in the Peel Region.

## **9. MEETING ASSESSMENT**

Ms Ricky Burges provided feedback as to the effectiveness of the meeting.

## **10. DATE OF NEXT MEETING**

That the next meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, ONE70 Railway Parade, West Leederville, on Wednesday, 2 March 2016 commencing 4pm.

## **11. CLOSURE**

There be no further business the President declared the meeting closed at 5.42pm.



# MINUTES

**ORDINARY COUNCIL MEETING**

**TIME: 5.30PM**

**THURSDAY 3 DECEMBER 2015**

**TOWN OF VICTORIA PARK**

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*Winning Back Waste*

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park*



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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

*The Chairperson declared the meeting open at 5.30pm*

**2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**Councillor Attendance**

Cr R Fishwick JP (Chairperson)	City of Joondalup
Cr D Boothman (Deputy Chairperson)	City of Stirling
Cr J Adamos	City of Perth
Cr J Carey	City of Vincent
Cr R Driver	City of Wanneroo
Cr A Guilfoyle	City of Stirling
Cr S Jenkinson	City of Stirling
Cr C Mac Rae	Town of Cambridge
Cr V Maxwell	Town of Victoria Park
Cr D Newton JP	City of Wanneroo
Cr M Norman	City of Joondalup
Cr S Proud ( <i>arrived at 5.41pm</i> )	City of Stirling

**Apologies**

Nil

**Leave of Absence**

Nil

**Absent**

Nil

**MRC Officers**

Mr B Callander (Chief Executive Officer)  
Ms A Slater-Cartwright (A/Director Corporate Services)  
Ms L Nyssen (Executive Support)

**MRC Observers**

Nil

**Member Council Observers**

Mr N Ahern (City of Perth)  
Mr W Bow (Town of Victoria Park)  
Mr C Colyer (Town of Cambridge)  
Mr M Littleton (City of Stirling)  
Mr M Hamling (City of Joondalup)  
Mr A Murphy (City of Joondalup)

**Visitors**

Nil

**Members of the Public**

Nil

**Press**

Nil

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**3 DECLARATION OF INTERESTS**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

*The Chairperson wished councillors and staff a safe and happy Christmas and New Year.*

*The Chairperson advised that he and the CEO will be attending a meeting with the Minister for Local Government to discuss his views on regional council reform. Councillors will be advised of the outcome of the meeting.*

*The Chairperson advised that practical completion has been issued for the composters' replacement project at the Resource Recovery Facility (RRF) and that delivery of the rubbish to the RRF will recommence in the next few weeks.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 ORDINARY COUNCIL MEETING – 5 NOVEMBER 2015**

The Minutes of the Ordinary Council Meeting held on 5 November 2015 have been printed and circulated to members of the Council.

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting of Council held on 5 November 2015 be confirmed as a true record of the proceedings.**

**RESOLVED**

**Cr Maxwell moved, Cr Jenkinson seconded  
That the recommendation be adopted.**

*CARRIED UNANIMOUSLY (11/0)*

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<b>9 CHIEF EXECUTIVE OFFICER REPORTS</b>
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<b>9.1</b>	<b>FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2015 AND 31 OCTOBER 2015</b>
<b>File No:</b>	<b>FIN/5-05</b>
<b>Appendix(s):</b>	<b>Appendix No. 1 Appendix No. 2 Appendix No. 3</b>
<b>Date:</b>	<b>18 November 2015</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### **SUMMARY**

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

### **BACKGROUND**

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

### **DETAIL**

The Financial Statements attached are for the months ended 30 September 2015 and 31 October 2015 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2015 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

The results for the year ended 30 June 2015 have not yet been audited and as a result, some adjustments are still likely to be processed through the accounts.

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Summary of results for the period ended 31 October 2015

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	95,596	102,502	(6,906)
Tonnes – Others	5,561	7,577	(2,016)
<b>TOTAL TONNES</b>	<b>101,157</b>	<b>110,079</b>	<b>(8,922)</b>
	\$	\$	\$
Revenue – Members	14,605,995	15,714,722	(1,108,727)
Revenue – Other	2,307,049	2,290,891	16,158
<b>TOTAL REVENUE</b>	<b>16,913,044</b>	<b>18,005,613</b>	<b>(1,092,569)</b>
Expenses	13,845,469	14,012,820	167,351
Profit on sale of assets	2,331	-	2,331
Loss on sale of assets	-	6,900	6,900
<b>NET SURPLUS</b>	<b>3,069,906</b>	<b>3,985,893</b>	<b>(915,987)</b>

Commentary

Member tonnes for the 4 months to October 2015 are tracking 7% behind budget. All member councils with the exception of the City of Stirling are tracking behind budget for processable waste. Non-processable variances can partly be explained by bulk/verge collection timings, which should be picked up later in the year. Trade and casuals are 36% behind budget due mainly to the drop in trade customers.

This translates into a reduced revenue for the four months, which is partially offset by savings in expenditures and the landfill levy.

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2015 and 31 October 2015, respectively, be received.**

**RESOLVED**

**Cr Boothman moved, Cr Driver seconded  
 That the recommendation be adopted.**

*CARRIED UNANIMOUSLY (11/0)*

<b>9.2</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2015 AND 31 OCTOBER 2015</b>
<b>File No:</b>	<b>FIN/5-05</b>
<b>Appendix(s):</b>	<b>Appendix No. 4 Appendix No. 5</b>
<b>Date:</b>	<b>18 November 2015</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

**SUMMARY**

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

**COMMENT**

The lists of payments for the months ended 30 September 2015 and 31 October 2015 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 20 August 2015, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

<b>Months Ended</b>	<b>Account</b>	<b>Vouchers</b>	<b>Amount</b>
30 September 2015	General Municipal	Cheques	\$5,433.13
		EFT	\$4,597,085.68
		DP	\$285,532.73
		Inter account transfers	<u>\$2,500,000.00</u>
		<b>Total</b>	<b>\$7,388,051.54</b>
31 October 2015	General Municipal	Cheques	\$22,742.30
		EFT	\$4,909,563.58
		DP	\$617,757.10
		Inter account transfers	<u>\$800,000.00</u>
		<b>Total</b>	<b>\$6,350,062.98</b>

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2015 and 31 October 2015 be noted.**

**RESOLVED**

**Cr Maxwell moved, Cr Newton seconded  
 That the recommendation be adopted.**

*CARRIED UNANIMOUSLY (11/0)*

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<b>9.3</b>	<b>MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGIC WORKSHOP DATES FOR 2016</b>
<b>File No:</b>	<b>COR/10-02</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>18 November 2015</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings and Strategy Workshops for 2016.

### **BACKGROUND**

The Mindarie Regional Council is required to schedule Council meetings for the forthcoming calendar year and in doing so, also sets the date and time for its Strategy Workshops.

### **DETAIL**

In setting the dates for next year consideration is given to the following:

- The six Council meetings be held in the 2016 calendar year.
- The fourth meeting needs to be held in July 2016 to accommodate the swearing in of Councillors, and the appointment of Chairman and Deputy Chairman. This assumes that current rules will still apply.
- The meeting scheduled for December needs to be held relatively early in the month to accommodate other commitments of the festive season.
- The Tamala Park Regional Council meeting dates for 2016 need to be considered.
- The WALGA Metropolitan Zone meeting dates for 2016 need to be considered.
- Meetings need to be scheduled taking into account the availability of Member Councils Chambers.

In addition to the above, it is considered important that the Councillors, member council representatives on the Strategic Working Group and MRC management have the ability to meet throughout the year on an informal basis to discuss the MRC's strategic direction.

### **Programme of Meetings**

Given the above, the proposed schedule of Council meetings for 2016, commencing at 5.30pm, is as follows:

- Ordinary Council Meeting - 18 February 2016 (City of Joondalup)
  - Ordinary Council Meeting – 14 April 2016 (City of Wanneroo)
  - Ordinary Council Meeting – 7 July 2016 (City of Stirling)
  - Ordinary Council Meeting – 1 September 2016 (City of Vincent)
  - Ordinary Council Meeting – 27 October 2016 (City of Perth)
  - Ordinary Council Meeting - 1 December 2016 (Town of Victoria Park)
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The Strategy Workshops for 2016 will be held directly after the following council meetings:

- 18 February 2016
- 1 September 2016

### **STATUTORY ENVIRONMENT**

Part 12 (1) and (2) of the Local Government (Administration) Regulations 1996 requires local government to issue public notice of its meeting dates at least once per year stating:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

S.1.7 of the Local Government Act 1995 prescribes local public notice as:

“1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
  - (a) published in a newspaper circulating generally throughout the district; and
  - (b) exhibited to the public on a notice board at the local government’s offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
  - (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

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### **COMMENT**

The proposed schedule for Ordinary Council meetings for 2016 is now submitted for approval. In addition it is recommended that the Council endorse the scheduling of the two Strategy Workshops directly following on from the Council meetings in February and September.

### **VOTING REQUIREMENT**

Simple Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That the Council:**

1. **adopt the following schedule for Ordinary Council Meetings for 2016, commencing at 5.30pm:**
  - **Ordinary Council Meeting - 18 February 2016 (City of Joondalup)**
  - **Ordinary Council Meeting – 14 April 2016 (City of Wanneroo)**
  - **Ordinary Council Meeting – 7 July 2016 (City of Stirling)**
  - **Ordinary Council Meeting – 1 September 2016 (City of Vincent)**
  - **Ordinary Council Meeting – 27 October 2016 (City of Perth)**
  - **Ordinary Council Meeting - 1 December 2016 (Town of Victoria Park) and**
2. **issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.**
3. **adopt the following schedule for the two Strategy Workshops for 2016 as follows:**
  - **18 February 2016; and**
  - **1 September 2016**

### **RESOLVED**

**Cr Norman moved, Cr Guilfoyle seconded  
That the recommendation be adopted.**

*CARRIED UNANIMOUSLY (11/0)*

*Cr Proud arrived at 5.41pm*

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<b>9.4</b>	<b>ADOPTION OF THE 2015 ANNUAL REPORT</b>
<b>File No:</b>	<b>COR/9-05</b>
<b>Appendix(s):</b>	<b>Appendix No. 6 Appendix No. 7</b>
<b>Date:</b>	<b>18 November 2015</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe</b>

#### **BACKGROUND**

The Mindarie Regional Council (MRC) is required to prepare an annual report in accordance with Section 5.53 of the Local Government Act 1995.

The annual audit of the Financial Statements for the financial year ended 30 June 2015 has been completed and the Financial Report has been considered by the Audit Committee.

The Annual Report, which includes the Financial Statements, is presented for consideration by Council.

The Annual Report for a Financial Year is to be accepted by the Local Government no later than 31 December after that Financial Year.

#### **DETAIL**

The Annual Report includes the audited Financial Report for the financial year. The Auditor, in accordance with the Local Government (Audit) Regulations 1996 Sections 10.2 and 10.3 is required to issue an audit report after the completion of the annual audit that expresses an opinion on the financial position and results of the operations of the local government for each financial year. If it considers it necessary the auditor may prepare a management report and present the report to the Chairperson, the CEO and the Minister.

The Auditor has completed the audit of the MRC and has issued an unqualified audit opinion in respect of the year ended 30 June 2015.

In addition the Auditor has prepared an interim management letter and an audit completion letter which outline their observations in relation to the MRC's internal controls. In total 12 observations were tabled and represent minor control improvements. The observations were tabled with the Audit Committee for discussion.

The Audit Committee met on 12 November 2015 to consider the Financial Statements for the year ended 30 June 2015 and have recommended that these be adopted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

A copy of the Financial Statements is included at **Appendix 6**.

The Annual Report of the MRC, which includes the Financial Statements considered by the Audit Committee as mentioned above, has been prepared and will be distributed under separate cover.

The MRC, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual Financial Statements a signed

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Statement of Declaration by the Chief Executive Officer after this report has been audited in accordance with the Local Government Act 1995. This declaration is included in the Annual Report at **Appendix 7** which will be distributed under separate cover.

## **STATUTORY ENVIRONMENT**

Relevant Extracts from the Local Government Act 1995

### *“5.53. Annual reports*

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
  - (a) *a report from the mayor or president; and*
  - (b) *a report from the CEO; and*
  - [(c), (d) deleted]*
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
  - (f) *the financial report for the financial year; and*
  - (g) *such information as may be prescribed in relation to the payments made to employees; and*
  - (h) *the auditor’s report for the financial year; and*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
    - (i) *the number of complaints recorded in the register of complaints; and*
    - (ii) *how the recorded complaints were dealt with; and*
    - (iii) *any other details that the regulations may require;**and*
    - (i) *such other information as may be prescribed.*

*[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]*

### *5.54. Acceptance of annual reports*

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

### *5.55. Notice of annual reports*

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

### *7.9. Audit to be conducted*

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to*
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*which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*

- (a) the mayor or president; and*
- (b) the CEO of the local government; and*
- (c) the Minister.”*

Relevant Extracts from the Local Government (Audit) Regulations 1996

*“10. Report by auditor*

- (1) An auditor’s report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) The report is to give the auditor’s opinion on —*
  - (a) the financial position of the local government; and*
  - (b) the results of the operations of the local government.*
- (3) The report is to include —*
  - (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
  - (b) any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
  - (c) details of whether information and explanations were obtained by the auditor; and*
  - (d) a report on the conduct of the audit; and*
  - (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
    - (i) the asset consumption ratio; and*
    - (ii) the asset renewal funding ratio.*
- (4A) In subregulation (3)(e) —*

**asset consumption ratio** has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2);

**asset renewal funding ratio** has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2).
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor’s report.”*

**POLICY IMPLICATIONS**

Not applicable.

**COMMENT**

The Annual Report for the MRC has been prepared in accordance with the requirements of Local Government Act 1995 and applicable Australian Accounting Standards.

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### **AMENDMENTS**

There have been no amendments made to the Financial Statements presented to the Audit Committee.

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

That the Council:

1. notes the recommendation of the Audit Committee meeting held on 12 November 2015 to adopt the Financial Report for the year ended 30 June 2015;
2. adopts the Annual Report for the year ended 30 June 2015, which includes the Financial Report detailed in 1. Above;
3. notes the recommendation of the Audit Committee meeting held on 12 November 2015 to appoint Ms Gayle Rogers as an external audit committee member for a further two year term which would expire at the end of April 2018; and
4. appoints Ms Gayle Rogers as an external audit committee member for a further two year term which would expire at the end of April 2018.  
*(Absolute Majority Required)*

### **RESOLVED**

Cr Boothman moved, Cr Driver seconded  
That the recommendation be adopted.

*CARRIED UNANIMOUSLY (12/0)*

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<b>9.5</b>	<b>MINDARIE REGIONAL COUNCIL STRATEGIC ACTION PLAN</b>
<b>File No:</b>	<b>COR/2-04</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>19 November 2015</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe</b>

## **BACKGROUND**

On 20 June 2013, the Mindarie Regional Council (MRC) endorsed a Strategic Community Plan 2013/14 – 2033/34 (Plan) setting a Vision as ‘*Winning Back Waste*’ with the focussed intention of increasing the level of diversion of waste from landfill in line with the waste hierarchy of ‘*Avoid, Reduce, Reuse, Recycle, Dispose*’.

The Plan defines the vision and sets objectives for the MRC over the next twenty years. The Executive Summary of this plan reads as follows:

*“The Mindarie Regional Council is one of Western Australia’s largest waste management authorities assisting its member councils, mainly situated in Perth’s northern corridor, deal with their waste. The MRC recognises that waste does have a value as a resource and is committed to managing waste in line with the waste hierarchy and in a way sensitive to the environment and future generations.*”

*The MRC’s Strategic Community Plan 2013/14 – 2033/34 ‘Winning Back Waste’, constitutes not only the consolidation of the MRC as a leader in the industry, but also hails a new direction. The Plan articulates a shared vision for waste management in the Region and shows how the MRC can deliver environmentally sustainable waste management for its communities.*

*Waste management is changing. Although landfilling is still seen as an important part of the industry, the focus is moving toward resource recovery and other higher order activities that minimise waste. The goal is to treat waste and offer solutions as high up on the waste hierarchy as practicable.*

*This Plan creates a new vision for the MRC, ‘Winning Back Waste’ and with this a focus in achieving improved waste outcomes for the region, which focus on:*

- Reducing the amount of waste being generated*
- Increasing resource recovery*
- Diversion from landfill*

*The MRC as an organisation, although formed to accept waste on behalf of the member councils, more than just accepts waste. It promotes and works with its member councils to achieve improved waste outcomes throughout the region. This may include solutions that don’t involve delivering waste to MRC facilities. Any waste produced in the MRC’s regional boundaries therefore needs to be considered in any strategic discussion.*

*Difficult and uncertain times have resulted in the strategies of this plan initially being relatively modest with major initiatives being delayed until some clarity is given to enable the MRC to confidently move forward in achieving its vision. This plan and its associated supporting documents however are dynamic, being reviewed on a regular basis and being flexible enough to accommodate change.*

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Population growth in the Region will see the amount of waste being generated increase significantly, even with waste minimisation strategies being implemented. To deal with this waste a progressive approach to waste management will be required, including:

- New approaches
- New infrastructure
- New attitudes and behaviours

This will result in challenges to the MRC as an organisation and the MRC as a region, as the right balance between social, economic and environmental outcomes is sought. However with challenges comes opportunity. The MRC needs to grasp these opportunities and focus on ‘Winning Back Waste’.”

The following table represents the indicative dates that new infrastructure will be required to ensure that the MRC maintains the necessary service levels to its member councils and go a long way in meeting the Waste Authority’s Strategy in diverting waste from landfill.



The vision expressed in the Plan is in line with the Waste Authority’s “Creating the right environment” strategy document which it published in March 2012. As part of this strategy, the Waste Authority set targets for the level of Municipal Solid Waste (MSW) that it expected to be diverted from landfill as 50% by 2015 and 65% by 2020.

**DETAIL**

Since its adoption, the Strategic Community Plan has been used to plan the future of the MRC. A number of strategy sessions have been held with the Councillors, Member Council Chief Executive Officers and Member Council Executives/Directors who are

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members of the Strategic Working Group (SWG). The SWG is a group formed by the MRC designed to ensure that the member councils are aware of ongoing strategic and operational issues. The group also provide invaluable input into the positioning of the MRC as it aligns itself to the new strategic direction set in the Plan.

Given that the waste diversion performance for the MRC's region is currently in the low 40% range, the MRC engaged Hyder Consulting to evaluate various options and strategies that might assist the MRC in helping shift the diversion rate to 65% or greater.

#### Infrastructure Requirements

The Hyder report confirmed that in order to achieve a waste diversion rate of over 65% the following infrastructure would be needed:

1. Transfer Station/s
2. Landfill
3. Resource Recovery Facility (RRF)
4. Materials Recovery Facility (MRF)
5. Greens Processing Facility
6. Bulk waste sorting shed
7. Waste to Energy Facility

Notably, of the scenarios and options reviewed, only the two which contemplated a Waste to Energy plant as part of the mix achieved the 65% waste diversion target; in fact, with Waste to Energy plants in the infrastructure mix, an estimated waste diversion rate of in excess of 86% was expected.

#### Waste Precincts

At the same time as the MRC was conducting this work, the Waste Authority committed to developing a Waste and Recycling Infrastructure Plan for the Perth Metropolitan and Peel Region. To facilitate this process, a Strategic Waste Infrastructure Planning Working Group (SWIPWG) was created.

A copy of the SWIPWG's report to the Minister has recently been released and is available in full at:

[http://www.wasteauthority.wa.gov.au/media/files/documents/SWIPWG\\_Investigation\\_Report.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/SWIPWG_Investigation_Report.pdf)

The report promotes the idea of waste precincts. The report asserts that:

*'Land available for development of waste facilities in Perth and Peel is limited and should be used as efficiently as possible. Grouping compatible waste facilities together through the use of waste precincts could have many potential benefits, including; land use efficiency, flexibility, coordination and staging, buffer efficiency and protection, transport efficiency, business/employment opportunities, consistency with WAPC and Department of Planning objectives and long-term security/stability.'*

Notably both Tamala Park and the MRC's Neerabup sites are identified in the report as being of key strategic importance for potential future waste precincts.

Off the back of the recommendations of the Hyder Report and the SWIPWG report, the MRC is advocating for the creation of a waste precinct in the northern suburbs.

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The current thinking is that the waste precinct would be most ideally located within close proximity to the existing RRF site and would provide accommodation to a Waste to Energy plant, a MRF and a bulk waste sorting shed. Then intention is that the MRC would own the land and put the ownership, construction and operation of the aforementioned facilities out to public tender, rather than seeking to operate them in-house.

Co-locating these facilities will significantly reduce the transport costs associated with the waste and are likely to make the approvals process easier, with to respect environmental concerns regarding buffer zones, sensitive receptors, etc.

In addition, waste products from one facility may well be the perfect feedstock for another of the facilities and these will be able to be easily transferred from one facility to another on the precinct. A further benefit would revolve around power generation and consumption, where power generated from one facility is used beneficially to power the operation of another facility.

#### Regional Waste Characterisation Study

In order to design and construct waste processing facilities that are going to operate as effectively as possible over the medium to long term, it is critically important that the MRC has accurate information regarding the composition of the waste the proposed facilities are being designed for.

A waste characterisation study or waste audit will provide this valuable information and it is absolutely essential that this be conducted before any meaningful progress is made on any of the other fronts/work streams under discussion.

The Administration are proposing that this work needs to be undertaken as soon as possible, with the initial cost of the work being funded through the half yearly budget review process.

#### Community Engagement

The MRC recognises that the creation of such a precinct, and particularly one involving a Waste to Energy plant, may cause some concern within the community and it is to this end that the MRC is proposing that it undertake a comprehensive community engagement process. This will allow the MRC to gauge the community reaction before it proceeds with detailed project development with regard to the precinct.

The MRC would look to appoint an external company to facilitate this community engagement, the initial costs of which would be funded through the half year budget review.

#### Refinement of the Hyder Report

The Hyder Report and its recommendations were made in quite broad terms because of the level of assumptions which had to be made to allow for the production of meaningful results.

If Council decides to proceed down this path, a more specific set of recommendations and modelling is going to be required to support informed decision making.

To this end, the Administration are seeking to appoint a waste consulting firm to build on the valuable work done by Hyder, but to a higher degree of specificity. The initial costs associated with this engagement will be funded through the half yearly budget review.

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### Regional Opportunities

There may be opportunities to collaborate with or leverage off waste infrastructure projects being undertaken by other regional councils and the MRC will continue to pursue these discussions in addition to pursue the MRC specific options.

### Resourcing

Currently the MRC does not have the staffing resources to take this strategic action plan much beyond the conceptual planning phase. The sort of detailed work required to progress this project will require a dedicated resource who is able to cover off on both the procurement and project management aspects of this endeavour.

The Administration are proposing to hire a procurement/projects management resource to handle the development of the detail underlying the strategic plan. It is anticipated that the initial cost of this resource would be accommodated through the half year budget process.

### Probity

Developing the infrastructure suggested in this report requires a high level of governance compliance making it vital to ensure the highest level of probity is followed throughout the process. As such it is proposed to engage an accredited probity company at the commencement of this process to ensure that a high level of integrity is achieved throughout the process.

## **STATUTORY ENVIRONMENT**

Nil

## **FINANCIAL IMPLICATIONS**

To progress the concept of the waste precinct in this financial year, further funds will have to be included in this year's budget. It is proposed to seek the following funds in the half yearly budget review:

<b>Funding Description</b>	<b>Amount (\$ Excl GST)</b>
Regional Waste Characterisation Study	150,000
Community Engagement Campaign	100,000
Waste Consultant (Hyder)	30,000
Probity Consultant	35,000
Permanent Procurement/Project Officer	50,000
<b>TOTAL COSTS SOUGHT IN HALF YEARLY BUDGET REVIEW</b>	<b>365,000</b>

These costs are estimates based on knowledge of similar projects and previous quotes received and refer to only those costs which will be incurred before 30 June 2016. This additional expenditure will be funded by normal operating cash flows for the year and will result in a commensurate decrease in the budgeted surplus for the year.

## **POLICY IMPLICATIONS**

The proposed strategic action plan is strongly aligned to the MRC's Vision and 20 year Strategic Community Plan and is equally strongly aligned with the Waste Authority's strategic direction.

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### **COMMENT**

A number of the recommended infrastructure solutions that will be required for waste management in the northern metropolitan region have a long lead time in terms of public consultation, planning approvals, tendering and physical construction and commissioning.

The MRC is at a critical juncture where it needs to start to progress the projects to ensure the certainty of waste processing in the region going forward into the future.

The Administration believe that the initial steps that are being recommended will provide the information required to inform a more detailed set of recommendations to Council in the next 12 months.

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That the Council:**

- 1. approve the concept of the MRC proceeding to create a Waste Precinct in accordance with its Strategic Direction;**
- 2. continue to work with the Strategic Working Group on the works, and commitments, required for the development of a Waste Precinct; and**
- 3. receive a further report at its meeting on 18 February 2016 detailing the process and estimates of the works associated with the development of the Waste Precinct.**

### **RESOLVED**

**Cr Fishwick moved, Cr Boothman seconded  
That the recommendation be adopted.**

*CARRIED UNANIMOUSLY (12/0)*

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**10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 26**

**RESPONSIBLE OFFICER RECOMMENDATION**

That the Members Information Bulletin Issue No. 26 be received.

**RESOLVED**

**Cr Boothman moved, Cr Jenkinson seconded**  
That the recommendation be adopted.

*CARRIED UNANIMOUSLY (12/0)*

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 URGENT BUSINESS**

Nil

**13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil

**15 NEXT MEETING**

*Next meeting to be held on Thursday 18 February 2016 in the Council Chambers at the City of Joondalup commencing at 5.30pm.*

**16 CLOSURE**

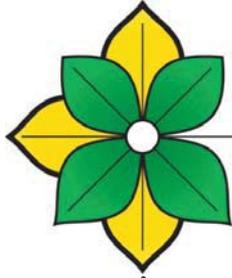
*The Chairman closed the meeting at 5.56pm and thanked the Town of Victoria Park for their hospitality and the use of their meeting facilities.*

*These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 3 December 2015.*

Signed ..... Chairman

Dated this ..... day of ..... 2016

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**TAMALA PARK**  
**Regional Council**

## **Meeting of Council**

# **MINUTES**

**Thursday 10 December 2015, 6:00pm**  
**City of Joondalup**  
**90 Boas Avenue, Joondalup**

TAMALA PARK  
REGIONAL COUNCIL  
(TPRC)  
COMPRISES THE  
FOLLOWING  
COUNCILS:

Town of Cambridge  
City of Joondalup  
City of Perth  
City of Stirling  
Town of Victoria Park  
City of Vincent  
City of Wanneroo

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**MEMBERSHIP**

<b>OWNER COUNCIL</b>	<b>MEMBER</b>	<b>ALTERNATE MEMBER</b>
Town of Cambridge	Cr Louis Carr	
City of Joondalup	Cr John Chester Cr Kerry Hollywood	
City of Perth	Cr Janet Davidson OAM JP	Cr Jim Adamos
City of Stirling	Cr Karen Caddy Mayor Giovanni Italiano JP (Chairman) Cr David Michael Cr Rod Willox AM JP	Cr Terry Tyzack
Town of Victoria Park	Cr Keith Hayes	
City of Vincent	Mayor John Carey	Cr Jimmy Murphy
City of Wanneroo	Cr Dianne Guise (Deputy Chair) Cr Brett Treby	Cr Domenic Zappa Cr Hugh Nguyen

**PRESENT**

<b>Chairman</b>	Cr Giovanni Italiano
<b>Councillors</b>	Cr Karen Caddy Cr John Carey Cr Louis Carr Cr John Chester Cr Janet Davidson Cr Diane Guise Cr Keith Hayes Cr Kerry Hollywood Cr David Michael (arrived 6:15pm) Cr Brett Treby Cr Rod Willox
<b>Staff</b>	Mr Tony Arias (Chief Executive Officer) Mr Luke Aitken (Project Coordinator) Ms Vickie von Stieglitz (Executive Assistant)
<b>Apologies</b>	Nil
<b>Leave of Absence</b>	Nil
<b>Absent</b>	Nil
<b>Consultants</b>	Mr Aaron Grant (Satterley Property Group) Mr Simon Flesher (Satterley Property Group) Mr Mark Hunter (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)
<b>Councils' Advisors Apologies</b>	Mr Anthony Vuleta (Town of Victoria Park) Mr Jason Lyon (Town of Cambridge) Mr Len Kosova (City of Vincent)
<b>Councils' Advisors in Attendance</b>	Mr Paz Bracone (City of Wanneroo) Mr Jason Lyon (Town of Cambridge) Mr Ross Povey (City of Stirling) Mr Mike Tidy (City of Joondalup)
<b>Members of the Public</b>	Nil
<b>Press</b>	Nil

**1. OFFICIAL OPENING**

Chairman declared the meeting open at 6:02pm.

**DISCLOSURE OF INTERESTS**

Nil

**2. PUBLIC STATEMENT/QUESTION TIME**

Nil

**3. APOLOGIES AND LEAVE OF ABSENCE**

Cr Michael advised that he would be a late attendee.

**4. PETITIONS**

Nil

**5. CONFIRMATION OF MINUTES**

*Ordinary Meeting of Council – 15 October 2015*

Moved Cr Willox, Seconded Cr Davidson.

**That the minutes of the Ordinary Meeting of Council of 15 October 2015 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.**

The Motion was put and declared CARRIED (11/0).

**BUSINESS ARISING FROM MINUTES**

Nil

**6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)**

Nil

**7. MATTERS FOR WHICH MEETING MAY BE CLOSED**

Item 9.19      Development Management Agreement – Key People

**8. REPORTS OF COMMITTEES**

*Management Committee Meeting – 19 November 2015*

*Cr Treby – Chairman Management Committee advised that Items 9.6 - 9.9 and 9.13 had been considered by the Management Committee at its meeting of 19 November 2015 and were recommended to Council.*

**9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.19)**

**9.1 BUSINESS REPORT – PERIOD ENDING 29 NOVEMBER 2015**

Moved Cr Guise, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 29 November 2015.**

The Motion was put and declared CARRIED (11/0).

**9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF SEPTEMBER & OCTOBER 2015**

Moved Cr Treby, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:**

- **30 September 2015; and**
- **31 October 2015.**

The Motion was put and declared CARRIED (11/0).

**9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF SEPTEMBER & OCTOBER 2015**

Moved Cr Caddy, Seconded Cr Chester.

[The recommendation in the agenda]

**That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of September and October 2015:**

- **Month ending 30 September 2015 (Total \$1,310,880.67)**
- **Month ending 31 October 2015 (Total \$2,751,616.15)**
- **Total Paid - \$4,062,496.82**

The Motion was put and declared CARRIED (11/0).

**9.4 PROJECT FINANCIAL REPORT – OCTOBER 2015**

Moved Cr Carr, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES the Project Financial Report (October 2015) submitted by the Satterley Property Group.**

*Cr Michael arrived during discussion on this Item (6:15pm).*

The Motion was put and declared CARRIED (12/0).

**9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 29 NOVEMBER 2015**

Moved Cr Caddy, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 29 November 2015.**

The Motion was put and declared CARRIED (12/0).

**9.6 DISTRIBUTION TO PARTICIPANT LOCAL GOVERNMENTS – DECEMBER 2015**

Moved Cr Chester, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council APPROVES the deferral of the December 2015 Distribution to Participant Local Governments until February 2016 when Council will consider the Mid Year Review of the TPRC budget 2015/2016 and consider the impacts of the deterioration of market conditions and lower residential lot revenue on the TPRC budget 2015/2016.**

The Motion was put and declared CARRIED (12/0).

**9.7 DISPOSAL OF CENTRAL PRECINCT LOCAL CENTRE SITE**

[The recommendation in the agenda]

That the Council:

1. RECEIVES the Catalina Local Centre Site Business Case Report (dated November 2015), prepared by Satterley Property Group.
2. APPROVES the disposal of the Central Precinct Local Centre site (Lot 646) by public tender, subject to design guidelines that address the following:

- Orientation to public streets;
  - Passive surveillance of public open space;
  - Vehicle access from streets other than Aviator Boulevard;
  - Location of parking.
3. APPROVES that the Central Precinct Local Centre Tender to include requirements that the development of the site should incorporate a mix of retail, office and residential uses and also support the TPRC sustainability objectives which include the following:
- Passive solar design;
  - Installation of Photovoltaic panels;
  - Other sustainability initiatives;
  - Participation in Catalina Waster Recycling Program;
  - Alternative construction methodologies.

Moved Cr Caddy, Seconded Cr Carey.

[An amended tabled recommendation]

**That the Council:**

1. **RECEIVES** the Catalina Local Centre Site Business Case Report (dated November 2015), prepared by Satterley Property Group.
2. **APPROVES** the disposal of the Central Precinct Local Centre site (Lot 646) by public tender, subject to design guidelines that address the following:
  - **Orientation to public streets;**
  - **Passive surveillance of public open space;**
  - **Vehicle access from streets other than Aviator Boulevard;**
  - **Location of parking;**
  - **Provision of pedestrian and cyclist facilities integrated into the development;**
  - **The layout of buildings, car park areas and other infrastructure designed to maximise pedestrian and cyclist movements and links between the Local Centre, Stage 11 public open space, the proposed Primary School and adjoining residential areas.**
3. **APPROVES** that the Central Precinct Local Centre Tender to include requirements that the development of the site should incorporate a mix of retail, office and residential uses and also support the TPRC sustainability objectives which include the following:
  - **Passive solar design;**
  - **Installation of Photovoltaic panels;**
  - **Other sustainability initiatives;**
  - **Participation in Catalina Waster Recycling Program;**
  - **Alternative construction methodologies.**

The Motion was put and declared CARRIED (12/0).

**9.8 CENTRAL PRECINCT GROUPED HOUSING SITES DISPOSAL AND DEVELOPMENT STRATEGY**

[The recommendation in the agenda]

That the Council:

1. RECEIVES the Catalina Central Grouped Housing Sites Development Strategy (dated November 2015), prepared by Satterley Property Group.
2. APPROVES the disposal of Lots 341, 995 and 996 by public tender subject to design guidelines that address the following:
  - Orientation to public streets;
  - Passive surveillance of public open space;
  - Vehicle access from streets other than Aviator Boulevard;
  - Provides a built form that addresses Connolly Drive and Neerabup Road where relevant;
  - The building(s) addresses the internal street frontage to the Estate; and
  - Limits vehicle crossovers and screens parking from the street.
3. APPROVES that the Lots 341, 995 and 996 Tender to include requirements that the development of the site should incorporate a mixture of residential product and also support the TPRC sustainability objectives which include the following:
  - Passive solar design;
  - Installation of Photovoltaic panels;
  - Other sustainability initiatives;
  - Participation in Catalina Waster Recycling Program; and
  - Innovation in product and construction techniques.

Moved Cr Caddy, Seconded Cr Treby.

[An amended tabled recommendation]

**That the Council:**

1. **RECEIVES the Catalina Central Grouped Housing Sites Development Strategy (dated November 2015), prepared by Satterley Property Group.**
2. **APPROVES the disposal of Lots 341, 995 and 996 by public tender subject to design guidelines that address the following:**
  - **Orientation to public streets;**
  - **Passive surveillance of public open space;**
  - **Vehicle access from streets other than Aviator Boulevard;**
  - **Provides a built form that addresses Connolly Drive and Neerabup Road where relevant;**
  - **The building(s) addresses the internal street frontage to the Estate; and**
  - **Limits vehicle crossovers and screens parking from the street;**
  - **Provision of central private open space areas, developed as a resident meeting/recreation area, incorporating useable facilities and trees which will provide shade and amenity.**

3. **APPROVES** that the Lots 341, 995 and 996 Tender to include requirements that the development of the site should incorporate a mixture of residential product and also support the TPRC sustainability objectives which include the following:

- **Passive solar design;**
- **Installation of Photovoltaic panels;**
- **Other sustainability initiatives;**
- **Participation in Catalina Waster Recycling Program; and**
- **Innovation in product and construction techniques.**

The Motion was put and declared CARRIED (12/0).

### **9.9 REVIEW OF SHARED BORE TRIAL**

Moved Cr Hollywood, Seconded Cr Willox.

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the report prepared by the Satterley Property Group reviewing the Shared Bore Trial for Stages 4, 5 and 7.
2. **NOT APPROVE** the extension to the Shared Bore program to Catalina Beach and Catalina Grove.
3. **REQUESTS** that the Satterley Property Group further address this matter as part of the review of the Catalina Sustainability Initiatives Plan to be undertaken in May 2016.

The Motion as amended was as follows:

**That the Council:**

1. **RECEIVES** the report prepared by the Satterley Property Group reviewing the Shared Bore Trial for Stages 4, 5 and 7.
2. **NOT APPROVE** the extension to the Shared Bore program to Catalina Beach and Catalina Grove at this time.
3. **REQUESTS** that the Satterley Property Group further address this matter as part of the review of the Catalina Sustainability Initiatives Plan to be undertaken in May 2016.

The Motion was put and declared CARRIED (12/0).

### **9.10 FORECAST OF TPRC FYE 2016 BUDGET**

Moved Cr Caddy, Seconded Cr Willox.

[The recommendation in the agenda]

That the Council:

1. RECEIVES the Satterley Property Group advice on the Forecast of TPRC FYE 2016 Budget (dated 25 November 2015).
2. APPROVES the sales release of 15 lots within Stage 26 (Catalina Beach) in April 2016, subject to obtaining the necessary approvals and titles being able to be obtained within six months from the Sales Release.
3. NOT APPROVE the Early Construction rebate of \$8,000 being offered to all lots up to 380m<sup>2</sup> until 30 June 2016.
4. APPROVES the removal of the Mandatory Two Storey Requirement and applying the construction rebate for Lots 288, 295, 296 and 305 in Stages 11 and Stage 12.

Moved Cr Caddy, Seconded Cr Willox an amendment to delete Recommendation 3:

3. NOT APPROVE the Early Construction rebate of \$8,000 being offered to all lots up to 380m<sup>2</sup> until 30 June 2016.

The Amendment was put and declared CARRIED (12/0).

The Motion as amended was as follows:

**That the Council:**

1. **RECEIVES the Satterley Property Group advice on the Forecast of TPRC FYE 2016 Budget (dated 25 November 2015).**
2. **APPROVES the sales release of 15 lots within Stage 26 (Catalina Beach) in April 2016, subject to obtaining the necessary approvals and titles being able to be obtained within six months from the Sales Release.**
3. **APPROVES the removal of the Mandatory Two Storey Requirement and applying the construction rebate for Lots 288, 295, 296 and 305 in Stages 11 and Stage 12.**

The Motion was put and declared CARRIED (12/0).

#### **9.11 REVIEW OF CATALINA SALES OFFICE OPENING HOURS**

Moved Cr Treby, Seconded Cr Michael.

[The recommendation in the agenda]

**That the Council:**

1. **RECEIVES the Satterley Property Group report on the revised opening hours for the Catalina Sales Office, dated 25 November 2015.**

2. **APPROVES** the extension of the trial of revised opening hours of the Catalina Sales Office, as approved in December 2014, until February 2016.
3. **ADVISES** the Satterley Property Group that Council requires comprehensive advice on competing estates, sales against budget and feedback from the public and display builders to be presented for Council's consideration at its February 2016 meeting prior to considering the recommended change to the approved Sales Office opening hours.

The Motion was put and declared CARRIED (12/0).

## 9.12 REVIEW OF PURCHASER TERMS AND CONDITIONS

Moved Cr Chester, Seconded Cr Carr.

[The recommendation in the agenda]

**That the Council:**

1. **APPROVES** the following Sales Terms/Conditions and Incentives for all public release lots:
  - 1.1 Use of the 2013 REIWA Offer and Acceptance Contract with Special Conditions and Annexure.
  - 1.2 A \$2,000 deposit to be used in the Sales Contracts.
  - 1.3 A finance approval period of 60 days where finance is required.
  - 1.4 A 21 day settlement period from finance approval or the issue of titles, whichever is the later.
  - 1.5 A waterwise landscaping package to the front garden.
  - 1.6 A \$2,000 rebate for all homes constructed with a minimum 1.5kW capacity photovoltaic solar power system.
  - 1.7 Side and rear boundary fencing (behind the building line).
  - 1.8 A non-potable water supply to all front loaded lots within Stages 4, 5 & 7 of Catalina.
  - 1.9 Sales incentives (Items 1.5 – 1.8) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.
2. **APPROVES** the following Sales Terms/Conditions and Incentives for all builders allocation lots after:
  - 2.1 Use of the 2013 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.
  - 2.2 A \$2,000 deposit to be used in the Sales Contracts.
  - 2.3 A finance approval period of 60 days where finance is required.
  - 2.4 A 21 day settlement period from finance approval or the issue of titles, whichever is the later.

- 2.5 Provision of a \$2,000 rebate for all homes constructed with a minimum 1.5kW capacity photovoltaic solar power system.
  - 2.6 A waterwise landscaping package to the front garden.
  - 2.7 Sales incentives (items 2.5 and 2.6) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.
3. **REQUESTS** the Satterley Property Group to review the Sales Terms/Conditions and Incentives for public release and builder allocation lots in twelve months and provide a report to Council.

The Motion was put and declared CARRIED (12/0).

#### **9.13 MANAGEMENT COMMITTEE – TERMS OF REFERENCE/DELEGATIONS**

Moved Cr Treby, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council:**

1. **APPROVES** the Terms of Reference and Delegations to the Management Committee, dated December 2015.
2. **REQUIRES** that the approved Terms of Reference and Delegations to the Management Committee be reviewed in twelve months.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

#### **9.14 ELECTED MEMBER ALLOWANCES**

Moved Cr Guise, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council APPROVES:**

1. **An Annual Allowance for the Chairman of the Council to be \$19,570 per annum.**
2. **An Annual Attendance fee for the Chairman of the Council to be \$15,450 per annum.**
3. **An Annual Allowance for Deputy Chairman to be 25% of the amount paid to the Chairman per annum.**
4. **An Attendance fee for Council members to be an amount of \$10,300 per annum.**
5. **Council members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.**

**6. A per meeting fee of \$232 for alternate Council members.**

**7. Elected member allowances are to be made quarterly in arrears.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

**9.15 CATALINA SPONSORSHIP POLICY REVIEW 2015**

Moved Cr Treby, Seconded Cr Carr.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES the Sponsorship Policy (November 2015);**
- 2. DELEGATES to the Chief Executive Officer approval to determine sponsorship requests to a maximum of \$2,000 in accordance with the TPRC Sponsorship Policy.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

**9.16 ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2015**

Moved Cr Michael, Seconded Cr Davidson.

[The recommendation in the agenda]

**That the Council ADOPT the Annual Report of the Tamala Park Regional Council for the year ended 30 June 2015.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

**9.17 UDIA 2016 NATIONAL CONGRESS**

[The recommendation in the agenda]

That the Council AUTHORISES Cr \_\_\_\_\_ and the CEO to attend the 2016 Urban Development Institute of Australia National Congress in Adelaide to be held on 8-10 March 2016.

Moved Cr Guise, Seconded Cr Michael.

[An amended recommendation]

**That the Council AUTHORISES Cr Italiano and the CEO to attend the 2016 Urban Development Institute of Australia National Congress in Adelaide to be held on 8-10 March 2016.**

For: Cr Chester, Cr Davidson, Cr Guise, Cr Hayes, Cr Hollywood, Cr Italiano, Cr Michael, Cr Treby and Cr Willox.

Against: Cr Caddy, Cr Carey and Cr Carr.

The Motion was put and declared CARRIED (9/3).

**9.18 CHRISTMAS CLOSURE**

Moved Cr Willox, Seconded Cr Davidson.

[The recommendation in the agenda]

**That the TPRC administrative office be CLOSED over the Christmas period from 29 to 31 December 2015 (inclusive).**

The Motion was put and declared CARRIED (12/0).

Moved Cr Treby, Seconded Cr Willox.

That Standing Orders be suspended to allow Confidential Item 9.19 to be discussed.

The Motion was put and declared CARRIED (12/0).

**9.19 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE - CONFIDENTIAL**

Moved Cr Willox, Seconded Cr Chester.

[The recommendation in the agenda]

**That the Council resolves to APPROVE the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:**

<b>Name of Person</b>	<b>Position</b>
Tony Aleksovski	Project Director

<b>Name of Replacement Person</b>	<b>Position</b>
Aaron Grant	Project Director

The Motion was put and declared CARRIED (12/0).

Moved Cr Treby, Seconded Cr Guise.

That Standing Orders be reopened and the meeting doors be opened.

The Motion was put and declared CARRIED (12/0).

The recommendation for Item 9.19 was read out as follows:

9.19 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE - **CONFIDENTIAL**

That the Council resolves to APPROVE the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
Tony Aleksovski	Project Director

Name of Replacement Person	Position
Aaron Grant	Project Director

**10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**12. URGENT BUSINESS APPROVED BY THE CHAIRMAN**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

*Item 9.19 Development Management Agreement – Key People*

**14. GENERAL BUSINESS**

The Chairman thanked Councillors for their efforts over the last 12 months and welcomed new Councillors to the TPRC. He thanked the TPRC CEO (Mr Tony Arias), the TPRC office and the Satterley Property Group for their efforts.

The Chairman indicated that significant achievements had been made over the past 12 months.

The Chairman concluded by wishing everyone a safe and happy Christmas.

**15. FORMAL CLOSURE OF MEETING**

The Chairman declared the meeting closed at 7:20pm.

These minutes were confirmed at a meeting on .....

SIGNED this ..... day of ..... 2016

as a true record of proceedings.

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CHAIRMAN