



## SHIRE OF BEVERLEY NOTICE OF MEETING

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, 136 Vincent Street Beverley, on Tuesday 27 September 2022.

### Program

3.00pm – 5.00pm                      Ordinary Meeting

A handwritten signature in black ink, appearing to be 'S. Gollan', written over a horizontal line.

Stephen Gollan  
Chief Executive Officer

23 September 2022

### **DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Beverley warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Beverley for any act, omission or statement or intimation occurring during a Council meeting.*



**27 September 2022**

**ORDINARY MEETING**

**AGENDA**

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## **1. OPENING**

The Chairperson to declare the meeting open.

The Shire of Beverley acknowledge the Traditional Owners of the land on which we meet, the Ballardong People. We pay our respects to Elders past and present.

## **2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

### **2.1 Members Present**

Cr DC White                      Shire President  
Cr CJ Lawlor                     Deputy President  
Cr DW Davis  
Cr PJ Gogol  
Cr SW Martin  
Cr JR Maxwell  
Cr MH Norman  
Cr AFC Sattler  
Cr TWT Seed

### **2.2 Staff In Attendance**

Mr SK Marshall                 Acting Chief Executive Officer  
Mr SP Vincent                 Manager of Works  
Mr BS de Beer                 Manager of Planning and Development Services  
Mrs A Lewis                     Executive Assistant

### **2.3 Observers And Visitors**

### **2.4 Apologies and Approved Leave of Absence**

Mr SP Gollan                     Chief Executive Officer

### **2.5 Applications for Leave of Absence**

## **3. DECLARATIONS OF INTEREST**

## **4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **5. PUBLIC QUESTION TIME**

## **6. CONDOLENCES**

The Shire of Beverley flew the flag at half-mast, as a mark of respect to:

HER MAJESTY QUEEN ELIZABETH II  
CRANE                                 Peggy

8 September 2022  
8 September 2022

## **7. CONFIRMATION OF MINUTES**

### **7.1 Minutes Of The Ordinary Council Meeting Held 23 August 2022**

#### **OFFICER'S RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held Tuesday 23 August 2022 be confirmed.

**8. TECHNICAL SERVICES**

Nil

**9. PLANNING SERVICES**

Nil

## **10. RANGER SERVICES**

### **10.1 Withdrawal of Exemption to Keep Three Dogs**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>9 September 2022</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM</b>
<b>Author and Position:</b>	<b>Stephen Gollan, Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>22 May 2022</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Ranger Reports – Under separate cover</b>

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#### **SUMMARY**

Council to consider withdrawing the exemption for the keeping of three dogs at 71 Harper Street, Beverley.

#### **BACKGROUND**

At the 22 May 2022 Ordinary Council meeting, it was resolved:

*That Council approve an exemption for the keeping of three dogs at 71 Harper Street Beverley subject to the following conditions:*

- 1. That the exemption be reviewed in twelve months time to ensure that no adverse problems have been experienced as a result of the exemption;*
- 2. That Council reserve the right to withdraw the exemption at any time if any Major or substantial problems are experienced prior to the review period;*
- 3. The exemption applies only to the dogs nominated by the applicant;*
- 4. Each dog must be registered with the Shire of Beverley; and*
- 5. Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.*

The details of the three dogs are:

- “Rocky” large mixed breed, 3 years old, male, microchipped, registered and sterilized.
- “Tara” Staffordshire terrier, 12 years old, female, microchipped, registered and sterilized.
- “Misty” Maltese X Shih Tzu, female, microchipped and registered.

#### **COMMENT**

Since the exemption was granted, five complaints were received during the period 8 July 2022 and 30 August 2022. The complaints included wandering and being on other property without consent.

It is alleged the owner of the three dogs cannot contain them within their own property and have become a nuisance to people in Harper and Lukin Street area.



Attached under separate cover is the Rangers Report covering each incident including photos of the dogs wandering and being in other residents property.

If Council chooses to withdraw the exemption, it is suggested the owner have 28 days to remove one dog from the property.

## STATUTORY ENVIRONMENT

Dog Act 1976 (As Amended)

## CONSULTATION

WA Contract Ranger Services  
Council

## FINANCIAL IMPLICATIONS

Increased Ranger fees to visit the property.

## STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

## POLICY IMPLICATIONS

N/A

## RISK IMPLICATIONS

High (12) – It is likely that the dogs will wander and continue being a nuisance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council;

1. Withdraws the exemption to keep three dogs at 71 Harper Street, Beverley; and
2. Advises the owner of the three dogs they have 28 days from the date of the written notice to remove one dog from the property.

## **11. FINANCE**

### **11.1 Monthly Financial Report**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>14 September 2022</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>N/A</b>
<b>Author and Position:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>August 2022 Financial Reports</b>

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#### **SUMMARY**

Council to consider accepting the financial report for the period ending 31 August 2022.

#### **BACKGROUND**

There is a statutory requirement that the Local Government is to prepare, each month, a statement of financial activity reporting on sources and applications of its funds and to present the statement to Council.

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2022 Ordinary Meeting, item 11.3.

#### **COMMENT**

The monthly financial reports for the period ending 31 August 2022 have been provided and include:

- Financial Activity Statement;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Supplementary information, including;
  - Operating Statement by Nature and Type;
  - Road Maintenance Report; and
  - Investment of Surplus Funds Report.

#### **STATUTORY ENVIRONMENT**

Section 6.4(1) of the *Local Government Act* provides that a local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

### FINANCIAL IMPLICATIONS

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2022/23 Budget.

### STRATEGIC IMPLICATIONS

Nil

### POLICY IMPLICATIONS

AF004 – Investing Surplus Funds

### RISK IMPLICATIONS

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that a Statement of Financial Activity is prepared within two months of the end of the reporting period. This report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That the monthly financial report for the month of August 2022 be accepted and material variances be noted.

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL ACTIVITY BY NATURE  
FOR THE PERIOD ENDING  
31 August 2022**

Description	Budget 2022/23	YTD Budget 2022/23	YTD Actual 2022/23	YTD Variance	Notes To Material Variances
<b>Operating Revenue</b>					
Rates	3,087,781.00	3,086,281.00	3,094,254.93	7,973.93	
Operating Grants, Subsidies and Contributions	715,395.00	189,859.00	257,531.91	67,672.91	LGGC Financial Assistance and Road Grants \$59,580 and Doctor Hire Vehicle reimbursement \$5,000 higher than anticipated.
Profit On Asset Disposal	62,000.00	0.00	0.00	0.00	
Service Charges	0.00	0.00	0.00	0.00	
Fees & Charges	714,764.00	292,699.00	291,005.87	(1,693.13)	
Interest Earnings	74,687.00	4,748.00	2,128.07	(2,619.93)	
Other Revenue	424,882.00	64,624.00	12,287.65	(52,336.35)	PWOH & POC allocation timing versus expenditure.
Non-Operating Grants, Subsidies and Contributions	2,030,994.00	158,000.00	158,113.00	113.00	
<b>Total Operating Revenue</b>	<b>7,110,503.00</b>	<b>3,796,211.00</b>	<b>3,815,321.43</b>	<b>19,110.43</b>	
<b>Operating Expenditure</b>					
Employee Costs	(2,387,077.00)	(391,326.00)	(395,314.14)	(3,988.14)	
Materials & Contracts	(2,297,228.00)	(292,734.00)	(288,707.94)	4,026.06	
Utilities	(198,572.00)	(29,400.00)	(34,231.01)	(4,831.01)	
Depreciation On Non-Current Assets	(2,400,096.00)	(400,000.00)	(398,061.40)	1,938.60	
Interest Expenses	(86,323.00)	(7,811.00)	(5,217.80)	2,593.20	
Insurance Expenses	(236,285.00)	(115,632.00)	(112,874.86)	2,757.14	
Other Expenditure	(83,975.00)	(11,748.00)	(11,612.48)	135.52	
Loss On Asset Disposal	(31,000.00)	(5,166.00)	0.00	5,166.00	
Loss on Revaluation of Non-Current Assets	0.00	0.00	0.00	0.00	
<b>Total Operating Expenditure</b>	<b>(7,720,556.00)</b>	<b>(1,253,817.00)</b>	<b>(1,246,019.63)</b>	<b>7,797.37</b>	
<b>Net Operating</b>	<b>(610,053.00)</b>	<b>2,542,394.00</b>	<b>2,569,301.80</b>	<b>26,907.80</b>	
<b>Capital Income</b>					
Self Supporting Loan - Principal Repayment	10,968.00	0.00	0.00	0.00	
Proceeds from Sale of Assets	194,000.00	0.00	0.00	0.00	
New Loan Raised	0.00	0.00	0.00	0.00	
<b>Total Capital Income</b>	<b>204,968.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL ACTIVITY BY NATURE  
FOR THE PERIOD ENDING  
31 August 2022**

Description	Budget 2022/23	YTD Budget 2022/23	YTD Actual 2022/23	YTD Variance	Notes To Material Variances
<b>Capital Expenditure</b>					
Land and Buildings	(787,000.00)	0.00	(13,414.97)	(13,414.97)	Moort Wabiny Power connection headworks charges \$11,065 delayed 12 months.
Plant and Equipment	(681,500.00)	0.00	0.00	0.00	
Office Furniture and Equipment	(40,000.00)	0.00	0.00	0.00	
Road Construction	(2,004,829.00)	(169,134.00)	(179,221.02)	(10,087.02)	Vincent St Streetlights and Shire In Kind contribution to project \$9,171 higher than anticipated.
Other Infrastructure	(1,200,858.00)	(408,000.00)	(408,370.11)	(370.11)	
Land Under Control	0.00	0.00	0.00	0.00	
Leases	(6,837.00)	(6,837.00)	0.00	6,837.00	
Loans - Principal Repayments	(138,424.00)	(20,679.00)	(20,679.42)	(0.42)	
<b>Total Capital Expenditure</b>	<b>(4,859,448.00)</b>	<b>(604,650.00)</b>	<b>(621,685.52)</b>	<b>(17,035.52)</b>	
<b>Net Capital</b>	<b>(4,654,480.00)</b>	<b>(604,650.00)</b>	<b>(621,685.52)</b>	<b>(17,035.52)</b>	
<b>Adjustments</b>					
Depreciation Written Back	2,400,096.00	400,000.00	398,061.40	(1,938.60)	
Movement in Leave Reserve Cash Balance	0.00	0.00	0.00	0.00	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Lease Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	(31,000.00)	0.00	0.00	0.00	
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
<b>Add Funding From</b>					
Transfer (To)/From Reserves	477,322.00	0.00	0.00	0.00	
Opening Surplus/(Deficit)	2,418,115.00	2,418,115.00	2,418,115.24	0.24	
<b>Total Adjustments</b>	<b>5,264,533.00</b>	<b>2,818,115.00</b>	<b>2,816,176.64</b>	<b>(1,938.36)</b>	
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0.00</b>	<b>4,755,859.00</b>	<b>4,763,792.92</b>	<b>7,933.92</b>	

**SHIRE OF BEVERLEY  
STATEMENT OF NET CURRENT ASSETS  
FOR THE PERIOD ENDING  
31 August 2022**

Description	Actual 2021/22	YTD Actual 2022/23
<b>Current Assets</b>		
Cash at Bank	3,209,654.53	3,703,572.23
Cash - Unrestricted Investments	0.00	500,000.00
Cash - Restricted Reserves	2,229,365.68	2,229,365.68
Cash on Hand	700.00	700.00
Accounts Receivable	919,384.48	1,429,739.75
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	10,968.23	10,968.23
Inventory - Fuel	19,124.29	12,916.35
<b>Total Current Assets</b>	<b>6,389,197.21</b>	<b>7,887,262.24</b>
<b>Current Liabilities</b>		
Accounts Payable	(1,466,207.41)	(625,431.46)
Loan Liability - Current	(138,423.45)	(117,744.03)
Lease Liability - Current	(6,836.70)	0.00
Annual Leave Liability - Current	(254,683.62)	(254,683.62)
Long Service Leave Liability - Current	(143,208.57)	(143,208.57)
Doubtful Debts	0.00	0.00
<b>Total Current Liabilities</b>	<b>(2,009,359.75)</b>	<b>(1,141,067.68)</b>
<b>Adjustments</b>		
Less Restricted Reserves	(2,229,365.68)	(2,229,365.68)
Less Self Supporting Loan Income	(10,968.23)	(10,968.23)
Add Leave Reserves - Cash Backed	140,188.24	140,188.24
Add Loan Principal Expense	138,423.45	117,744.03
<b>Total Adjustments</b>	<b>(1,961,722.22)</b>	<b>(1,982,401.64)</b>
<b>NET CURRENT ASSETS</b>	<b>2,418,115.24</b>	<b>4,763,792.92</b>

**SHIRE OF BEVERLEY**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT**  
**31 August 2022**

Description	Actual 2021/22	YTD Actual 2022/23	Movement
<b>Current Assets</b>			
Cash and Cash Equivalents	5,439,720.21	6,433,637.91	993,917.70
Accounts Receivable	379,002.48	1,395,692.75	1,016,690.27
Contract Asset - Current	540,382.00	34,047.00	(506,335.00)
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	10,968.23	10,968.23	0.00
Inventory	19,124.29	12,916.35	(6,207.94)
<b>Total Current Assets</b>	<b>6,389,197.21</b>	<b>7,887,262.24</b>	<b>1,498,065.03</b>
<b>Current Liabilities</b>			
Accounts Payable	(1,132,647.41)	(291,871.46)	840,775.95
Contract Liability - Current	(333,560.00)	(333,560.00)	0.00
Loan Liability - Current	(138,423.45)	(117,744.03)	20,679.42
Lease Liability - Current	(6,836.70)	0.00	6,836.70
Annual Leave Liability - Current	(254,683.62)	(254,683.62)	0.00
Long Service Leave Liability - Current	(143,208.57)	(143,208.57)	0.00
Doubtful Debts	0.00	0.00	0.00
<b>Total Current Liabilities</b>	<b>(2,009,359.75)</b>	<b>(1,141,067.68)</b>	<b>868,292.07</b>
<b>Non-Current Assets</b>			
Non-Current Debtors	148,045.45	148,045.45	0.00
Non-Current Investments	58,352.75	58,352.75	0.00
Land and Buildings	29,725,078.17	29,614,647.53	(110,430.64)
Plant and Equipment	2,178,632.13	2,138,047.72	(40,584.41)
Furniture and Equipment	92,874.24	87,526.86	(5,347.38)
Infrastructure	64,135,530.18	64,494,837.31	359,307.13
Self Supporting Loan - Non Current	0.00	0.00	0.00
<b>Total Non-Current Assets</b>	<b>96,338,512.92</b>	<b>96,541,457.62</b>	<b>202,944.70</b>
<b>Non-Current Liabilities</b>			
Loan Liability - Non Current	(2,118,272.70)	(2,118,272.70)	0.00
Lease Liability - Non Current	(6,836.60)	(6,836.60)	0.00
Annual Leave - Non Current	0.00	0.00	0.00
Long Service Leave Liability - Non Current	(76,311.20)	(76,311.20)	0.00
<b>Total Non Current Liabilities</b>	<b>(2,201,420.50)</b>	<b>(2,201,420.50)</b>	<b>0.00</b>
<b>Net Assets</b>	<b>98,516,929.88</b>	<b>101,086,231.68</b>	<b>2,569,301.80</b>

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL POSITION  
AS AT  
31 August 2022**

Description	Actual 2021/22	YTD Actual 2022/23	Movement
<b>Equity</b>			
Accumulated Surplus	(47,991,692.08)	(50,560,993.88)	(2,569,301.80)
Reserves - Cash Backed	(2,229,365.68)	(2,229,365.68)	0.00
Reserve - Revaluations	(48,295,872.12)	(48,295,872.12)	0.00
<b>Total Equity</b>	<b>(98,516,929.88)</b>	<b>(101,086,231.68)</b>	<b>(2,569,301.80)</b>



SHIRE OF BEVERLEY						
INVESTMENT OF SURPLUS FUNDS						
AS AT 31 August 2022						
Account #	Account Name	Amount Invested (\$)		Term	Interest Rate	Maturation
<b>4054597</b>	<b>Reserve Funds Bendigo</b>					
	Long Service Leave	0.00				
	Airfield Emergency	40,273.79				
	Plant	244,868.17				
	Emergency Services	28,803.51				
	Building	511,429.75				
	Recreation Ground	584,535.06				
	Cropping Committee	212,371.69				
	Avon River Development	0.00				
	Annual Leave	140,188.24				
	Community Bus	39,652.96				
	Infrastructure	167,137.59				
	Senior Housing	179,596.24				
	Mainstreet Development	0.00				
	Avondale Mach Museum	60,490.23				
	ITC Renewal Reserve	20,018.45	2,229,365.68	3 mnths	2.20%	29/09/2022
<b>4097790</b>	<b>Term Deposit Bendigo</b>	500,000.00	500,000.00	4 mnths	2.90%	8/12/2022
	<b>Total</b>		<b>2,729,365.68</b>			

## **11.2 Accounts Paid by Authority**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>19 September 2022</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>N/A</b>
<b>Author and Position:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>August 2022 List of Reports (Contact Shire for List)</b>

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### **SUMMARY**

Council to consider authorising the payment of accounts.

### **BACKGROUND**

The following list represents accounts paid by authority for the month of August 2022.

### **COMMENT**

Unless otherwise identified, all payments have been made in accordance with Council's 2022/23 Budget.

### **STATUTORY ENVIRONMENT**

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name;
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction;

and

- (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**FINANCIAL IMPLICATIONS**

Unless otherwise identified, all payments have been made in accordance with Council's 2022/23 Budget.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Authority to Purchase – All acquisitions should be in accordance with budget provisions or to a maximum specified cost.

**RISK IMPLICATIONS**

Failure to present a detailed listing in the prescribed form would result in non-compliance *Local Government (Financial Management) Regulations 1996*, this report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

**VOTING REQUIREMENTS**

Simple Majority

## OFFICER'S RECOMMENDATION

That the List of Accounts as presented, be received:

### August 2022:

(1) **Municipal Fund** – Account 016-540 259 838 056

Cheque vouchers

10 August 2022	1868-1868	(1)	\$	2,163.88	(authorised by DCEO S Marshall and Pres D White)
15 August 2022	1869-1870	(2)	\$	147.00	(authorised by CEO S Gollan and DCEO S Marshall)

Total of cheque vouchers for August 2022 incl \$ 2,310.88 previously paid.

EFT vouchers

01 August 2022	EFT 8397-8404	(8)	\$	16,379.73	(authorised by CEO S Gollan and DCEO S Marshall)
03 August 2022	EFT 1-38	(38)	\$	59,842.15	(authorised by CEO S Gollan and DCEO S Marshall)
05 August 2022	EFT 8406-8426	(21)	\$	84,758.92	(authorised by DCEO S Marshall and Pres D White)
10 August 2022	EFT 8436 8445	(10)	\$	534,085.44	(authorised by DCEO S Marshall and Pres D White)
15 August 2022	EFT 8446-8461	(16)	\$	49,698.95	(authorised by CEO S Gollan and DCEO S Marshall)
17 August 2022	EFT 1-38	(38)	\$	59,909.44	(authorised by CEO S Gollan and DCEO S Marshall)
24 August 2022	EFT 8462-8492	(31)	\$	637,575.07	(authorised by CEO S Gollan and DCEO S Marshall)
26 August 2022	EFT 8494-8494	(1)	\$	346.29	(authorised by CEO S Gollan and DCEO S Marshall)
30 August 2022	EFT 8502-8508	(7)	\$	11,454.35	(authorised by CEO S Gollan and Pres D White)
31 August 2022	EFT 1-39	(39)	\$	62,562.75	(authorised by Pres D White and Cr D Davis)

Total of EFT vouchers for August 2022 incl \$ 1,516,613.09 previously paid

(2) **Trust Fund** – Account 016-259 838 128

Cheque vouchers

Nil vouchers

Total of cheque vouchers for July 2022 incl \$ 0.00 previously paid.

EFT vouchers

01 August 2022	EFT 8395-8396	(2)	\$	100.00	(authorised by CEO S Gollan and DCEO S Marshall)
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Total of EFT vouchers for August 2022 incl \$ 100.00 previously paid.

(3) **Direct Debit** Payments totalling \$ 92,482.68 previously paid.

(4) **Credit Card** Payments totalling \$ 2,299.20 previously paid.

### **11.3 Proposed Policy – Grader Loading**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>20 September 2022</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM 0468</b>
<b>Author and Position:</b>	<b>Allison Bowman, Payroll/Human Resources Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Payroll Officer</b>
<b>Attachments:</b>	<b>Proposed Policy</b>

---

#### **SUMMARY**

Council to consider adopting the attached policy, S032 Grader Loading, regarding a higher pay rate for outside staff asked to operate a grader.

#### **BACKGROUND**

Members of the outside crew are occasionally asked to operate a grader under certain conditions, such as when the ordinary maintenance grader operators are on leave, additional grading is required due to road damage/usage, or for training purposes. In the past, staff asked to operate a grader, who under normal circumstances do not, were compensated with an additional \$0.35 per hour for the day.

#### **COMMENT**

To acknowledge the fact that operating a grader takes considerable skill, the idea was proposed to raise the rate given to staff who take on the responsibility. It was proposed to offer staff who are asked to take on the role be compensated at the hourly rate paid to the ordinary maintenance grader operator less \$1.00 per hour acknowledging the skill and expertise held by the employed maintenance grader operator.

#### **STATUTORY ENVIRONMENT**

Nil

#### **CONSULTATION**

Executive management.

#### **FINANCIAL IMPLICATIONS**

2022/23 Wages will be higher than budgeted. The extent dependent on the number of hours where the loading is applied.

#### **STRATEGIC IMPLICATIONS**

Goal 1.6 – Shire staff are retained and receive ongoing training.

#### **POLICY IMPLICATIONS**

New Policy

## RISK IMPLICATIONS

There is a possible chance that a newer operator unfamiliar with certain plant could damage the equipment, have an incident involving another vehicle on the road or other object (fence, trees, holes, people, third party infrastructure etc).

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council adopt Policy S032 Grader Loading.

Attachment 11.3

**9.32 Grader Loading**

<b>Policy Type:</b>	Staff
<b>Date Adopted:</b>	

<b>Policy No:</b>	<b>S032</b>
<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>
1.

<b>Legal (Subsidiary):</b>
1.

<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>GRADER LOADING</b>
<b>Objective:</b>	<b>To establish a higher duties pay rate when an outside staff member is asked to operate a grader.</b>

**POLICY**

Members of the outside crew who are asked to operate a grader shall be paid at the Maintenance Grader Operator's rate less \$1.00.

1. If an employee is operating a grader for 5 or more hours, the higher rate will apply to all hours worked on the day.
2. If an employee operates a grader for less than 5 hours, the higher rate will only apply to the hours spent on the grader.

## **11.4 Proposed Policy – Higher Duties**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>20 September 2022</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM 0468</b>
<b>Author and Position:</b>	<b>Allison Bowman, Payroll/Human Resources Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Payroll Officer</b>
<b>Attachments:</b>	<b>Proposed Policy</b>

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### **SUMMARY**

Council to consider adopting the attached policy, S032 Higher Duties Allowance, regarding a higher pay rate for staff to asked to act in a role above their normal employment level.

### **BACKGROUND**

Members of staff are occasionally asked to act in a higher role to fill gaps in the organisation in the event of long-term leave, resignations and organisational re-structure.

### **COMMENT**

The benefit of multi-skilling our employees gives us a well-rounded and adaptable team that are able to fill in on short notice and with the understanding of office protocols.

The opportunity for employees to temporarily act in a role of increased responsibility, authority, and/or delegation contributes to a flexible and highly skilled workforce and provides both career development opportunities and valuable knowledge transfer.

Awarding a higher duties allowance will incentivise and encourage staff to take on and learn these temporary new roles and skills.

### **STATUTORY ENVIRONMENT**

Local Government Award 2020

### **CONSULTATION**

Executive management.

### **FINANCIAL IMPLICATIONS**

2022/23 Wages will be higher than budgeted. The extent dependent on the number of hours where the higher duties is applied.

### **STRATEGIC IMPLICATIONS**

Goal 1.6 – Shire staff are retained and receive ongoing training.

### **POLICY IMPLICATIONS**

New Policy



## RISK IMPLICATIONS

There is insignificant risk pertaining to this policy.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council adopt Policy S033 Higher Duties.

## Attachment 11.4

### **9.32 Higher Duties Policy**

<b>Policy Type:</b>	Staff	<b>Policy No:</b>	<b>S032</b>
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b>
2. Local Government Award 2020

<b>Legal (Subsidiary):</b>
2.

<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>HIGHER DUTIES POLICY</b>
<b>Objective:</b>	<b>To establish a consistent approach to the remuneration of higher duties opportunities.</b>

#### **POLICY**

The purpose of this policy is to provide a standard and consistent approach to the management of, and remuneration for, higher duties opportunities at the Shire of Beverley. The opportunity for employees to temporarily act in a role of increased responsibility, authority, and/or delegation contributes to a flexible and highly skilled workforce and provides both career development opportunities and valuable knowledge transfer.

1. In alignment with the Local Government Industry Award 2020 16.4(a), the Higher Duties Policy applies to staff who are requested to act in or relieve a higher level position for more than one day.
  - a. Where an employee performs higher duties and is in receipt of a higher minimum rate for 3 continuous months or more immediately prior to starting a period of paid annual leave or paid personal/carer's leave, the leave will be paid at the high minimum hourly rate (LGIA 2020 16.4(b)(i))
  - b. The amount of annual leave or personal/carer's leave that is paid at the higher minimum hourly rate will be proportional to the amount of annual leave or personal/carer's leave accrued whilst performing the higher duties work (LGIA 2020 16.4(b)(ii))
2. The higher duties rate of pay will be equivalent to the rate normally paid to the person assigned in that role, less \$1.00 to account for the skills and experience held by the person ordinarily filling said role.
3. If an employee is asked to perform two roles over the course of the day, the higher duties rate of pay will apply to all hours worked.
4. Any employee directed to act in a higher role must have written authorisation to do so from a member of the executive management team.

## **11.5 Proposed Policy – Staff Remuneration**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>29 August 2022</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>ADM 0468</b>
<b>Author and Position:</b>	<b>A.L. Bowman – Payroll Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Non-Executive Staff Member paid by the Shire of Beverley</b>
<b>Attachments:</b>	<b>Proposed Policy</b>

---

### **SUMMARY**

Council to consider adopting the attached policy, S033 Staff Remuneration.

### **BACKGROUND**

The Shire of Beverley currently has no policy in place to provide guidance or maintain consistency with regard to starting rates for new employees.

### **COMMENT**

Under the Local Government Award 2020, all non-executive positions are classed under a skill-based structure and assigned a level 1-11.

The award stipulates the minimum rate of pay for each level, however, a Local Government may pay above these.

The proposed policy will ensure that all future employees of the Shire of Beverley will be compensated in a fair and consistent manner, when starting, in relation to the skills required of the role they are hired for.

### **STATUTORY ENVIRONMENT**

Local Government Award 2020

### **CONSULTATION**

Consultation took place between the Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works, and Payroll Officer prior to the 2022/23 Financial Year.

### **FINANCIAL IMPLICATIONS**

2022/23 Wages allocation will be higher than budgeted. The extent dependent on the number of new staff employed this financial year.

### **STRATEGIC IMPLICATIONS**

Goal 1.6 – Shire Staff are retained and receive ongoing training.

### **POLICY IMPLICATIONS**

New policy

## RISK IMPLICATIONS

Low (1) - There is insignificant risk in adopting the proposed policy.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council adopt Policy S033 Staff Remuneration.

## Attachment 11.5

### **9.33 Staff Remuneration**

<b>Policy Type:</b>	Staff	<b>Policy No:</b>	<b>S033</b>
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b> 3. Local Government Industry Award 2020	<b>Legal (Subsidiary):</b> 3.
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<b>ADOPTED POLICY</b>	
<b>Title:</b>	<b>STAFF REMUNERATION</b>
<b>Objective:</b>	<b>To establish clear and consistent remuneration principles and scales for non-executive Shire staff.</b>

#### **POLICY**

The aim of this policy is to provide remuneration guidance for non-executive Shire staff in accordance with the Local Government Industry Award 2020.

The Shire of Beverley Staff Remuneration Policy is guided on the following principles:

- Liveable wages for all employees
- Consistency in remuneration decisions
- Attract and retain quality workers across all aspects of Shire operations
- Gender pay equity

With these principles in mind, the Shire of Beverley has laid out the following framework regarding remuneration.

#### **WAGE SCHEDULE**

The Shire of Beverley follows the guidance of the LGIA 2020 by applying a skill-based classification to each employee position based on criteria listed within the Award.

In keeping with the above principles, the Shire will start all permanent full- and part-time employees on the base rate set out in the Award for each classification level, along with an additional 16% as outlined below.

## **11.6 Request for Discount – Assessment 51782**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>29 August 2022</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>ADM 0439</b>
<b>Author and Position:</b>	<b>N.J. Ashworth, Finance Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Email from Ratepayer</b>

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### **SUMMARY**

Council to consider allowing the discount on Assessment 51782.

### **BACKGROUND**

The annual rate notice was sent 03 August 2022, and the due date was 29 August 2022. The ratepayer paid by BPAY on 9 September 2022.

Rates on this property have historically been paid within the discount period and the discount being applied.

Historically Council has not approved any requests for discount to be allowed if rates payments are received after the cut-off date.

### **COMMENT**

The ratepayer has written an email advising of their circumstances and requesting consideration to their discount be given.

The email is attached for Council's consideration.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*, Section 6.46:

Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.

\* Absolute majority required.

### **CONSULTATION**

Council

### **FINANCIAL IMPLICATIONS**

\$1206.51 Discount Amount Not Allowed

\$3.14 Penalty Interest (to 27 September 2022)

### **STRATEGIC IMPLICATIONS**

Goal 12 – Council leads the organisation and engages with community in an accountable and professional manner.

### **POLICY IMPLICATIONS**

N/A

## RISK IMPLICATIONS

Allowing the discount after the cut off date opens the door for discount claims and completely negates the incentive. It is also highly likely to aggrieve all previous applicants whose discount application was declined.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council do not allow the discount, but on this occasion write off any Penalty Interest applicable to Assessment 51782.

Attachment 11.6

Wed 14/9/2022 11.48AM

Shire of Beverley

[Rates@beverley.wa.gov.au](mailto:Rates@beverley.wa.gov.au)

[REDACTED]

To Whom it May Concern,

I am writing to appeal for the discount rate for shire rates 2022 which I inadvertently missed.

I have recently moved offices in Perth and am having some issues with post being delayed and going missing. Unfortunately I only received my farm rate notice last week and paid it in full immediately.

Wondering given circumstances could I please appeal to the council and still be considered for earlier discount and receive refund for discount early payment? Please note I have always opted to pay rates early on all previous years.

I have since rung the shire's offices and have placed our account on an email list as recommended to ensure this does not happen again.

I would really appreciate your consideration on this matter during times when all costs are rising.

Sincerely,

[REDACTED]



## **12. ADMINISTRATION**

### **12.1 WALGA AGM Executive and Member Motions**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>5 September 2022</b>
<b>Applicant:</b>	<b>Shire of Beverley</b>
<b>File Reference:</b>	<b>ADM 0238</b>
<b>Author and Position:</b>	<b>Stephen Gollan, Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Executive and Member Motions (under separate cover)</b>

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#### **SUMMARY**

Council to provide direction to the voting delegates on motions that are being addressed at the WA Local Government Association's AGM on Monday 3 October 2022.

#### **BACKGROUND**

Council have nominated Cr White and Cr Lawlor as the Shire of Beverley voting delegates (and Cr Seed and Cr Gogol as proxy) at the 2022 WALGA Annual General Meeting.

#### **COMMENT**

Provided under separate cover for Council are eleven (11) Executive and Member motions:

- 3.1 Road Traffic Issues
- 3.2 Car Parking and Traffic Congestion Around Schools
- 3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA
- 3.4 Northern Australia Beef Roads Program
- 3.5 3D House Printing Building Compliance
- 3.6 South West Native Title Settlement
- 3.7 Land Offset Compensation to Local Governments
- 3.8 Review of the Rating Methodology used by the Valuer-General
- 3.9 WA Local Government Rating Model
- 3.10 Reform to the Cat Act 2011
- 3.11 WALGA Best Practice Governance Review - Principles

Staff have reviewed the motions and are in direct support of motions 3.1, 3.3, 3.6, and 3.11 as they are, or may be, future potential issues faced by the Shire of Beverley. They may also have a positive flow on effect for our Shire

Motions 3.2, 3.4, 3.5, 3.7 currently do not affect our Shire but are supported for those Shires.

In regards to Motions 3.8 and 3.9, the current rating system mostly works well for our Shire. As the motions are only reviews and not changes at this stage, the motion can be either supported or at the voters discretion.

Staff are not particularly in favour of motion 3.10 as it is felt that there a higher priorities for the State Government to consider. Voter discretion is advised.

Council may choose to collectively provide feedback to guide the two voting delegates to either support, vote down or allow own discretion for the motions.

In 2016 and 2017 Council resolved to allow the voting delegates discretion for all motions. In 2018, Council were in favour of all four motions and instructed delegates to vote in support accordingly. In 2019, voting delegate discretion was moved.

### STATUTORY ENVIRONMENT

Pursuant to the WALGA Constitution, all Member Councils are entitled to be represented by two (2) voting delegates.

### CONSULTATION

Council

### FINANCIAL IMPLICATIONS

N/A

### STRATEGIC IMPLICATIONS

N/A

### POLICY IMPLICATIONS

N/A

### RISK IMPLICATIONS

Low (1) - There is minimal risk by not voting, however Council stands to benefit from future advocacy by WALGA.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council advise the voting delegates to:

1. Vote in support of motions 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 and 3.11
2. Vote with their own discretion for motions 3.8, 3.9 and 3.10

## 3. Consideration of Executive and Member Motions

### 3.1. Road Traffic Issues

*Shire of Dardanup to move:*

#### MOTION

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

#### ***IN BRIEF***

- Request for WALGA to advocate for greater local input into road and intersection treatments.

#### MEMBER COMMENT

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

Recent examples include the following intersections:

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

#### SECRETARIAT COMMENT

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

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

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

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

[September 2019 – 99.6/2019]

Main Roads WA has evolved its policy position in relation to intersection treatments in the past three years such that “roundabouts or other treatments will be preferred over traffic signalisation, unless evaluation clearly demonstrates those other solutions are unsuitable”<sup>1</sup>. There have also been significant technical changes in the modelling required, including the type of software to be used to demonstrate the effectiveness of the proposed intersection treatment<sup>2</sup>. These new policies and operational requirements were introduced without adequate consideration of the long planning timeframes associated with road network development.

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<sup>1</sup> Main Roads WA 2021 p13 [Traffic Signals Approval Policy](#)

<sup>2</sup> Main Roads WA 2021 [Operational Modelling Guidelines](#)

## 3.2. Car Parking and Traffic Congestion Around Schools

*City of Wanneroo to move:*

### MOTION

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

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

### ***IN BRIEF***

- Car parking and traffic congestion around school sites has been and continues to be problematic.
- Causes arise from lack of parking, lack of adequate drop-off and pick-up areas and driver behaviour.
- Issues include illegal parking and traffic movements leading to conflict and potentially dangerous situations.
- Issues are not exclusive to City of Wanneroo.
- Requires a wide-ranging review of standards and school location.
- Requires better management of traffic by schools and development of driver education programs.
- Requires development of options and programs to alternative modes of travel to and from school.

### MEMBER COMMENT

#### **Background**

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

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

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

#### **Comment**

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

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

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

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

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

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

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

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

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

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

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

## **SECRETARIAT COMMENT**

This motion outlines three key requests:

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

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

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

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

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

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

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

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

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

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

State Council also resolved that WALGA:

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

WALGA has some involvement with the Active Transport to School Working Group, which is led by the Department of Transport and includes representation from the Department of Education. The Department of Transport has developed a new category within the next round of WA Bicycle Network Grants to co-fund Active Transport Officers with Local Governments. This is an evolution of the former Travel Smart Officers with the new officers having a greater role in working with schools.

### 3.3. Proposal for Regional Road Maintenance Contracts with Main Roads WA

Shire of Dundas to move:

#### MOTION

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

#### **IN BRIEF**

- \$29.7 billion total investment through QTRIP 2022-23 to 2025-26.
- 25,200 jobs supported over the life of program in Local Governments in Queensland.
- Main Roads WA Projects can be viewed [here](#).

#### MEMBER COMMENT

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

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

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

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

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

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

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

#### SECRETARIAT COMMENT

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



Governments to undertake road maintenance work on the State road network, to inform engagement with the State Government.

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

## 3.4. Northern Australia Beef Roads Program

*Shire of Dundas to move:*

### MOTION

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

### MEMBER COMMENT

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

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

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

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

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

### SECRETARIAT COMMENT

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

### **IN BRIEF**

- At the 2022-23 Budget, the Australian Government extended the Northern Australia Roads Program by committing a further \$380 million to road projects in Northern Australia over four years from 2022-23 to 2025-26.
- Projects to be funded from this new \$380 million commitment will be determined following engagement with stakeholders and project delivery partners.
- This extension builds on the Australian Government's initial \$600 million investment, which is nearing completion. Roads identified in Infrastructure Australia's Northern Australia Audit, along with other roads identified as priorities by the states and territories, such as those connecting communities, or regional towns to ports, were considered for funding.

Federal Government announced projects to be funded in October 2016, and the program is now nearing completion.

A key feature of the Northern Australia Beef Roads Program was the active engagement with the beef industry and transport sector to identify potential projects and modelling of different scenarios by the CSIRO using the Transport Network Strategic Investment Tool (TraNSIT) to determine the benefits and assist in prioritising projects. Success in establishing a new Beef Roads Program in Southern Australia would likely require similar support and evidence. Northern Australia provides 90% of Australia's live cattle exports<sup>3</sup>.

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

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

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<sup>3</sup> Office of Northern Australia 2022 ([Office of Northern Australia | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)).

## 3.5. 3D House Printing Building Compliance

Shire of Dundas to move:

### MOTION

That WALGA requests:

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

#### **IN BRIEF**

- The section of the National Building Code that would need to change is National Construction Code, Building Code of Australia 2019 Volume 1 Amendment 1
- Australian Standards Adopted by Reference
- The *Building Act 2011*
- Building Regulations 2012

### MEMBER COMMENT

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

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

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

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

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

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

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

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

### **Motion number 100 Murray River Council NSW**

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

#### **OBJECTIVE**

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

#### **KEY ARGUMENTS**

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

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

#### **References**

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- <https://www.procore.com/jobsite/6-of-the-worlds-most-impressive-3d-printed-buildings/https://all3dp.com/2/best-companies-building-3d-printed-houses/>

#### **Statutory Environment**

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

## SECRETARIAT COMMENT

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

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

## 3.6. South West Native Title Settlement

Shire of Gingin to move:

### MOTION

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

### ***IN BRIEF***

- WALGA to advocate for a review into how Local Governments are requested to consider land to potentially be transferred as part of the South West Native Title Settlement.

### MEMBER COMMENT

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

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

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

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

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

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

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

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

## **SECRETARIAT COMMENT**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

The Noongar Land Estate will be a diverse landholding across the six ILUA Areas and approximately 101 involved LGAs. The consultation process undertaken by DPLH is intended

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

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

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

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

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

**DPLH made the additional further comment:**

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

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

## 3.7. Land Offset Compensation to Local Governments

Shire of Gingin to move:

### MOTION

**That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.**

### ***IN BRIEF***

- State Government to legislate that Developers requiring Land Offsets within another Local Government pay for the loss of that rateable land to the Local Government whose land is being used as the offset.

### MEMBER COMMENT

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

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

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

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

9. The additional land that is added to DBCA requires this Department to be appropriately funded, however advice received is that DBCA is underfunded and this in turn affects Local Government in regard to land management and increased fire risk.

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

## SECRETARIAT COMMENT

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

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

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

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

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

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

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

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

*Shire of Serpentine Jarrahdale to move:*

### MOTION

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

### MEMBER COMMENT

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

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

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

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

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

### SECRETARIAT COMMENT

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

#### ***IN BRIEF***

- Landgate conducts valuations of property based on the GRV and UV of a property.
- In Victoria valuations are conducted using the capital improved value of a property. This method should be explored.

## 3.9. WA Local Government Rating Model

*Shire of Gingin to move:*

### MOTION

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

### ***IN BRIEF***

- WALGA to advocate for a full rating process review with potential of removing all UV rates and only rating GRV.

### MEMBER COMMENT

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

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

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

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

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

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

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

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

## **SECRETARIAT COMMENT**

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

### 3.10. Reform of the *Cat Act 2011*

*Shire of Capel to move:*

#### MOTION

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

#### MEMBER COMMENT

##### Background

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

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

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

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

Findings of the Review in relation to Cat Act included:

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

#### ***IN BRIEF***

- Statutory review into the *Cat Act 2011* was undertaken in 2019.
- No reforms or amendments to the Cat Act have resulted from the review.
- Request that WALGA advocate for the reforms to be undertaken.



Outcomes from the Statutory Review were:

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

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

### **Comment**

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

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

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

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

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

### **SECRETARIAT COMMENT**

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

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

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

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

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

## 3.11. WALGA Best Practice Governance Review – Principles

*Executive Member to move:*

### MOTION

That:

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

#### **IN BRIEF**

- State Council commissioned a Best Practice Governance Review to consider and engage with members on alternative governance models.
- The Steering Committee, appointed by State Council to oversee the project, has put forward principles to the 2022 Annual General Meeting for member consideration.
- The principles have been endorsed by State Council at their 22 August 2022 Special Meeting.
- Following consideration of the principles, a thorough consultation and engagement process will be undertaken with members on potential future models.

### ATTACHMENT

- *WALGA Best Practice Governance Review: Principles*

### BACKGROUND

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

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

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

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

There are several drivers for the review.

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

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

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

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

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

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

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

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

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

- Endorsed terms of reference and an overarching project plan
- Considered the 2019 review including previous deliberations and outcomes
- Commissioned and considered work on comparator membership-based advocacy organisations:
  - Australian Hotels Association (AHA)
  - Australian Medical Association (AMA)
  - Chamber of Minerals and Energy (CME)
  - Chamber of Commerce and Industry (CCI)

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

## **SECRETARIAT COMMENT**

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

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

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

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

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

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

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

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

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

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

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

The principles are put forward for member consideration.

### Item 3.11 – Attachment: WALGA Best Practice Governance Review Principles

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

## **12.2 Use of the Common Seal**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>5 September 2022</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM 0265</b>
<b>Author and Position:</b>	<b>Stephen Gollan, Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>Reported as occurs.</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>

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### **SUMMARY**

Council to endorse the use of the Common Seal.

### **BACKGROUND**

Allocation of the Common Seal requires accompanying signatures of both the Shire President (or Deputy) and Chief Executive Officer (or person acting in that position).

### **COMMENT**

The Common Seal has recently been attached to the following documents:

1. Lease of Office Two, Cornerstone Community Centre between Shire of Beverley and Beverley Physiotherapy.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*, Part 9, Division 3, Execution of documents states:

- (1) A document is duly executed by a local government if -
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
  - (a) the mayor or president; and
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer,  
each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Council to consider something

## CONSULTATION

Not required

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Goal 12 – Council leads the organisation and engages with community in an accountable and professional manner.

## POLICY IMPLICATIONS

Delegation EO-D010

## RISK IMPLICATIONS

Low (1) – this report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
<b>Likelihood</b>					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council note and endorse the use of the Common Seal having been attached to:

1. Lease of Office Two, Cornerstone Community Centre between Shire of Beverley and Beverley Physiotherapy.



**13. ELECTED MEMBERS' MOTIONS WHERE NOTICE HAS BEEN GIVEN**

Nil

## **14. CONFIDENTIAL ITEMS**

### **14.1 Meeting Closed to the Public**

Council to consider the confidential item – Purchase of Property in a meeting closed to the public in accordance with Section 5.23(2)(e) of the Local Government Act 1995.

This matter is considered to be confidential under Section 5.23(2)e of the Local Government Act 1995 and the Council is satisfied that discussion of this matter in an open meeting would, reveal information that has to commercial value to a person.

#### **RECOMMENDATION**

That the meeting be closed to the public for Council to discuss item 14.2 Purchase of Property.

## **14.2 Purchase of Property**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 27 September 2022</b>
<b>Report Date:</b>	<b>19 September 2022</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM</b>
<b>Author and Position:</b>	<b>Stephen Gollan, Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>July and August Information Bulletin</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Confidential Report</b>

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### **14.3 Meeting Open to the Public**

#### **OFFICER RECOMMENDATION**

That the meeting re-open the to the public and announce any decisions made.

**15. NEW BUSINESS ARISING BY ORDER OF THE MEETING**

New Business of an urgent matter only arising by order of the meeting.

**16. CLOSURE**

The Chairman to declare the meeting closed.

