



## **Ordinary Meeting of Council**

# **Minutes**

**16 July 2013**

## Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as an addendum to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

## Unconfirmed Minutes

These minutes were approved for distribution on 19 July 2013.



Stan Scott  
**CHIEF EXECUTIVE OFFICER**

19 July 2013.

## Confirmed Minutes

These minutes were confirmed at a meeting held on 20 August 2013.

Signed:  .....

Presiding person at the meeting at which the minutes were confirmed.

20 August 2013.

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**ADDENDUM** *with separate index follows Item 16.*

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# Shire of Toodyay

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## ORDINARY MEETING –16 JULY 2013

### MINUTES

#### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 7.00 pm.

#### 2. RECORDS OF ATTENDANCE

##### Members

Cr K Hogg	Shire President
Cr J Prater	Deputy Shire President
Cr P Greenway	
Cr A McCann	
Cr D Dow	
Cr B Lloyd	
Cr S Craddock	
Cr R Madacsi	

##### Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

##### Visitors

Nil.

#### 2.1 APOLOGIES

Cr C Firms

#### 2.2 APPROVED LEAVE OF ABSENCE

Nil.

## 2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Craddock requested that she be granted Approved Leave of Absence from 31 July 2013 to 11 August 2013 inclusive.

### **COUNCIL RESOLUTION NO 202/07/13**

**MOVED** Cr Greenway

That the Application for Leave of Absence by Cr Craddock from 31 July 2013 to 11 August 2013 inclusive be granted.

**MOTION CARRIED 8/0**

## 3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that Councillor Prater had submitted a disclosure of interest in the form of a written notice prior to the commencement of the meeting.

Cr Prater declared a proximity interest in Item 9.5.2 Lot 342 Sandplain Road, Toodyay – Proposed Ancillary Accommodation Report as the applicants are neighbours adjoining his property.

## 4. PUBLIC QUESTIONS

### 4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 June 2013, the following questions were taken on notice.

W Clarke

Summary of Question One

In relation to the Local Planning Scheme No 4 Amendment 2 I note the Development Plan provided information about soil sub-systems and slopes listed as high hazards. Has the Commissioner for Soil and Land Conservation been asked to comment?

*No. The application was not referred to the Commissioner for Soil and Land Conservation. It was the Officer's Recommendation that if Council chose to approve the Scheme Amendment, that the Development Plan be modified to include a Land Capability and Geotechnical Report.*



## Summary of Question Two

What provisions have been made for protection of vulnerable species of flora and fauna such as *Grevillea flexuosa*, Western Quoll, and *Dasyurus geoffroii* given that they are protected under an Act of the Commonwealth?

*Had the development been approved, provisions would have been put in place at a later stage as part of the subdivision requirements.*

## 4.2 PUBLIC QUESTION TIME

Nil.

## 5. CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council held on 18 June 2013

Cr Lloyd moved a motion as follows:

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 June 2013 be confirmed subject to the following amendment:**

1. **That the first four paragraphs at the top of page 53 be deleted and replaced with the following:**

**"The Shire President ruled that this motion was out of order during the mover's closing remarks.**

**The Shire President also ruled that Cr Firns had made an adverse reflection on Cr Craddock and requested that he withdraw the remark.**

**Cr Firns declined.**

**The Shire President noted that the only remedy available to him under Standing Orders was for Cr Firns to be no longer heard on the matter.**

**The Shire President therefore put the motion."**

Cr Hogg moved an amendment as follows:

**That a new Point 2 be added to read as follows:**

2. **That on page 105 the words "The Shire President ruled the procedural motion out of order as there was another motion before Council" be inserted**

**following the procedural motion that read "That the substantive motion now be put."**

Cr Lloyd accepted the amendment.

Clarification was sought.

Cr Hogg moved an amendment as follows:

**That at Point 1 the words "first four" be replaced with the words "second to fourth".**

Cr Lloyd accepted the amendment to the motion.

The motion was put.

**COUNCIL RESOLUTION NO 203/07/13**

**MOVED** Cr Lloyd

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 June 2013 be confirmed subject to the following amendments being made as follows:

1. That the second to fourth paragraphs at the top of page 53 be deleted and replaced with the following:

"The Shire President ruled that this motion was out of order during the mover's closing remarks.

The Shire President also ruled that Cr Firms had made an adverse reflection on Cr Craddock and requested that he withdraw the remark.

Cr Firms declined.

The Shire President noted that the only remedy available to him under Standing Orders was for Cr Firms to be no longer heard on the matter.

The Shire President therefore put the motion."

2. That on page 105 the words "The Shire President ruled the procedural motion out of order as there was another motion before Council" be inserted following the procedural motion that read "That the substantive motion now be put."

**MOTION CARRIED 8/0**

**COUNCIL RESOLUTION NO 204/07/13**

**MOVED** Cr Dow

That Standing Order 7.5(1)(b) be suspended.

**MOTION CARRIED 8/0**

*Standing Order 7.5(1)(b) was suspended at 7.05 pm to permit Members to stay seated when addressing the meeting through the Presiding Member.*

**5.2 Special Meeting of Council held on 11 July 2013**

**COUNCIL RESOLUTION NO 205/07/13**

**MOVED** Cr Prater

That the Unconfirmed Minutes of the Special Meeting of Council held on 11 July 2013 be confirmed.

**MOTION CARRIED 8/0**

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil.

**6.2 DEPUTATIONS**

Nil.

**6.3 PRESENTATIONS**

Nil.

**6.4 SUBMISSIONS**

Nil.

**7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

**8.1 PRESIDENT'S REPORT**

Nil.

**9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

**9.1 COMMITTEE REPORTS**

Nil.

**9.2 COMMUNITY DEVELOPMENT**

Nil.

### 9.3 CORPORATE SERVICES

#### 9.3.1 List of Payments – June 2013

Date of Report:	2 July 2013
Proponent:	Shire of Toodyay
File Ref:	FIN6
Author:	Kerry Wandless - Accounts
Responsible Officer:	Cherie Delmage – Manager Corporate Services
Officer's Disclosure of Interest:	Nil
Attachments:	1. List of Payments – June 2013.
Voting Requirements:	Simple majority

#### INTRODUCTION

The purpose of this report is to present all payments made during the month of June 2013.

#### BACKGROUND

All creditor invoices are processed as they are received and payments are made on the 15<sup>th</sup> and final day of every month.

#### CONSULTATION

Nil.

#### STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* allows the Local Government to delegate its powers to the Chief Executive Officer.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that where the Chief Executive Officer has delegated authority to make payments from the Municipal and Trust accounts, a list of such payments is to be presented to Council at the next meeting.

#### POLICY IMPLICATIONS

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust accounts.

#### FINANCIAL IMPLICATIONS

This proposal does not contain any notable financial implications.

### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

### **OFFICER'S COMMENT**

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts.

Bank Payment Vouchers (BPV) are for direct debits against the bank account such as bank fees and charges etc.

Internal Payment Vouchers (IPV) are vouchers raised internally for payroll related expenditures which are paid through Council's on-line (internet) banking system.

Trust Payment Vouchers (TPV) are vouchers raised internally for direct debits against the trust bank account such as bank fees and charges etc.

The balance of creditors after the final cheque run for the month of June 2013 was \$0.00.

Municipal Cheques 11627 and 11678 were cancelled.

### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 206/07/13**

#### **MOVED** Cr Dow

That the following payments listed and presented for the month of June 2013:

- a) Trust fund payments numbered 1264 to 1271 amounting to \$6,484.45;
- b) Electronic Fund Transfers (EFT) payments numbered EFT14019 To EFT14184 and Municipal fund cheques numbered 11692 to 11711 amounting to \$639,320.65; and
- c) Direct Debits numbered IPV462 to IPV463 and BPV1244 to BPV1294 Amounting to \$287,775.64.

be noted as being paid.

**MOTION CARRIED 8/0**

**9.4 EXECUTIVE SERVICES**

Nil.

## 9.5 PLANNING AND DEVELOPMENT

### 9.5.1 Lot 5 Lloyd Place, Coondle – Retrospective Verandah Dwelling Addition and Proposed Dwelling Addition

Date of Report:	2 July 2013
Applicant:	Mr W Neilsen and Mrs M Neilsen
File Ref:	5LLO/A1256
Author:	Daniel Hills – Planning Officer
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	1. Site Plan; 2. Floor Plan; and 3. Elevation Plan.
Voting Requirements:	Simple Majority

#### INTRODUCTION

Council is requested to consider an application from Mr and Mrs Neilsen, seeking planning approval for an existing verandah dwelling addition and a proposed dwelling addition at Lot 5 Lloyd Place, Coondle.

The application has been referred to Council for determination as there is no delegated authority to approve a setback variation where it is sought for reasons other than topography or lot configuration.

#### BACKGROUND

Lot 5 Lloyd Place, Coondle is a 2.08ha property zoned 'Rural Residential' under the provisions of Local Planning Scheme No 4. The property slopes from the front of the property to the north down to the south. A dwelling already exists on the property, setback from the eastern boundary by 20m. The applicant is seeking retrospective planning approval for a verandah that is built in the setback area but is located slightly further from the rear boundary than the rest of the dwelling. The original plans show the verandah extending slightly further east into the setback area but a site visit and consultation with the applicant has confirmed that the easternmost part of the verandah on the original plan will not be built. The applicants have stated that they wish to have the verandah in its current location in order to take advantage of views southwards into the valley.

The applicants are also proposing to build a laundry and storeroom within the existing side verandah roof line, which while located in the setback area does not constitute a further encroachment into the setback area.



### Local Planning Scheme No 4

Clause 5.15 – ‘Setback Distances’ contains the provision to consider a reduction in the required building setbacks. Clause 5.15.4 states:

*In the Rural, Rural Residential and Rural-Living zones:*

- (a) *No building shall be located closer to a boundary than 30 metres except in the Rural zone, where the setback distance shall be a minimum of 50 metres unless the proposed building is within full view of a main or district road as designated in the Scheme, in which case the setback shall be a minimum of 100 metres.*
- (b) *No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone;*
- (c) *Notwithstanding anything contained in the sub-clauses above, the local government may permit a building to be located within the setback area when:*
  - (i) *In the opinion of the local government, a physical obstruction precludes compliance with this clause;*
  - (ii) *The location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;*
  - (iii) *For the reason of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.*
- (d) *Where it is necessary to locate a rain water tank within the setback area when seeking the highest point on the property, the local government will require that the side of the tank is made to blend with the environment by painting within 6 months of erection in an acceptable colour or by the use of a suitable material during construction.*

As the property is zoned ‘Rural Residential’, structures should be setback 30m from the boundaries. The applicant is seeking a variation to clause 5.15.4 which can be approved at Council’s discretion. This is because the proposed verandah can be located in other positions on the property.

### **CONSULTATION**

Nil, as the adjoining neighbouring property signed the site plans, stating that they had no objection to the proposal.

### **STATUTORY ENVIRONMENT**

The *Planning and Development Act 2005* and its Regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay Local Planning Scheme No 4 (the Scheme) provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside

land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

While the application does not achieve the prescribed setback distances specified within the Scheme, Council can exercise its discretion to issue planning approval.

#### **POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

#### **FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

#### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

#### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

#### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

#### **OFFICER'S COMMENT**

It is considered that in this instance the side setback variation for the existing and proposed dwelling additions are acceptable for the following reasons:

- The setback variation of the existing dwelling does not increase due to the proposed additions. This is a as a result of the removal of the eastern corner of the verandah decking.
- The area that the verandah is extending from is already only setback 20m from the eastern boundary.
- The neighbouring dwelling is located 65m from the proposed extensions, so it is considered that there will not be a significant amenity impact on the neighbouring property.
- The proposed extensions run roughly parallel with the existing dwelling as seen from the neighbouring property, so it is considered that there will not be a significant amenity impact on the neighbouring property.
- It is considered that the location of the proposed laundry and storeroom is the most logical because it does not block any existing windows and because there is existing access to the rest of the dwelling.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 207/07/13**

**MOVED** Cr Lloyd

That Council grant planning approval for the proposed dwelling additions and existing dwelling additions at Lot 5 Lloyd Place, Coondle, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. A building permit being obtained prior to commencement of any building works for the proposed additions.
4. Within three months of the issue of planning approval, a Building Approval Certificate for the existing verandah dwelling addition is to be obtained.
5. The portions of the dwelling addition indicated in red on the approved plans are not constructed.

**MOTION CARRIED 8/0**

*The Chief Executive Officer advised Members that an additional attachment had been circulated in relation to the report. The attachment was tabled at 7.10 pm.*

***Cr Prater declared a proximity interest in Item 9.5.2 Lot 342 Sandplain Road, Toodyay – Proposed Ancillary Accommodation Report as the applicant are neighbours adjoining his property.***

***Cr Prater departed Council Chambers at 7.15 pm.***

<b>9.5.2 Lot 342 Sandplain Road, Toodyay – Proposed Ancillary Accommodation Report</b>
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Date of Report:	2 July 2013
Applicant:	Classic Home and Garage Innovations
File Ref:	342SANP/A3154
Author:	Daniel Hills – Planning Officer
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	1. Site Plan; 2. Floor Plan; and 3. Elevation Plan.
Voting Requirements:	Simple Majority

## **INTRODUCTION**

Council is requested to consider an application from Classic Home and Garage Innovations, seeking planning approval for an ancillary accommodation unit at Lot 342 Sandplain Road, Toodyay.

The application is being referred to Council for consideration as the applicant is requesting a variation to Council's Local Planning Policy No.2 – Ancillary Accommodation.

## **BACKGROUND**

Lot 342 Sandplain Road, Toodyay is a 7ha property zoned 'Rural Residential' under the provisions of Local Planning Scheme No 4. The property has a dwelling, with the home area surrounded by pine trees.

The applicant is proposing to build a red painted colortex (colorbond clad ancillary accommodation unit with a zincalume roof 15m to the north of an existing red brick dwelling with a zincalume roof. The applicant is proposing a colortex clad building due to an expected \$45,000 cost for a brick ancillary accommodation that would match the existing dwelling. The ancillary accommodation has one bedrooms and one bathroom and is 48m<sup>2</sup> in area. Both the dwelling and the proposed ancillary accommodation unit are not visible from the road or the nearest two boundaries.

The application is brought before Council because the applicant is proposing a variation to LPP. No 20 – Ancillary Accommodation. This is because the materials of the proposed ancillary accommodation do not match the existing dwelling and because the ancillary accommodation is also proposed to be located slightly in front of the building line.

## **CONSULTATION**

In accordance with Council's Policy M2 - Public Consultation Formal Matters, consultation has been undertaken in accordance with Level 'C'.

At the end of the 14 day consultation period, no letter of objection was received from adjoining landowners.

## **STATUTORY ENVIRONMENT**

The *Planning and Development Act 2005* and its Regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay Local Planning Scheme No 4 (the Scheme) provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

The application is considered to comply with the provisions of Local Planning Scheme No 4.

## **POLICY IMPLICATIONS**

Council's Policy LPP.2 – Ancillary Accommodation is applicable to the assessment of this application.

The application complies with the requirements of the policy, with the exception of 1.e) and 1.h).

Clause 1.e) states:

*[Ancillary accommodation] be a similar design and appearance as the existing house.*

Clause 1.h)

*[Ancillary accommodation] must be positioned behind or in line with the building line of the existing house.*

The proposed ancillary accommodation is located two metres in front of the existing building line. The applicant has agreed to move the ancillary accommodation two metres back.

### **FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

### **OFFICER'S COMMENT**

It is considered that the variation to the Local Planning Policy requiring the ancillary accommodation to match the appearance of the dwelling is an acceptable outcome for the following reasons:

- It is considered that the colortex cladding is a high quality material and will complement the brick dwelling, especially as it is in a red colour;
- It is considered that colortex cladding is an acceptable material due to its common use for ancillary accommodation; and
- The ancillary accommodation will not be visible from the road or from nearby properties.

The applicant is proposing to shift the ancillary accommodation two metres back to bring the ancillary accommodation in line with the existing dwelling as measured from the front boundary. The policy variation is addressed in this instance.

In order to confirm in the approved plans what the applicant has stated, it is recommended that conditions be placed stating that the wall cladding is to be red and that the roof is to be zincalume.

No objections from neighbouring properties were received during the consultation period.

Given the above considerations, it is recommended that the application is approved.

### **OFFICER'S RECOMMENDATION**

It is recommended that Council grant planning approval for the proposed dwelling and ancillary accommodation at Lot 342 Sandplain Road, Toodyay, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The ancillary accommodation must be accessed from the same crossover and driveway as the main dwelling.
4. A building permit being obtained prior to commencement of any building works.
5. The ancillary accommodation unit must be provided with an additional 22,500 litre potable water supply in addition to the 92,000 litre potable water supply of the existing residence.
6. Prior to the issue of a Building Permit, a notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot advising:  
  
"The ancillary accommodation is only to be occupied by a member or members of the same family as the occupiers of the main dwelling. The existence of ancillary accommodation on the property should not be construed to mean that the property is suitable for subdivision."  
  
All costs associated with the lodgement of the Notification on the Certificate of Title will be borne by the applicant.
7. The ancillary accommodation is only to be occupied by a member or members of the same family that occupy the main dwelling.
8. The proposed ancillary accommodation is shifted two metres towards the rear of the property, as shown on the approved plans.
9. The wall cladding of the ancillary accommodation is to be red in colour.
10. The roof of the ancillary accommodation is to be zincalume.

*The Chief Executive Officer advised Members that an additional Officer's Comment with a new Officer's Recommendation had been circulated as a separate attachment to the agenda. The attachment was tabled at 7.16 pm.*

Clarification was sought.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 208/07/13**

**MOVED** Cr Madacsi

That Council grant planning approval for the proposed dwelling and ancillary accommodation at Lot 342 Sandplain Road, Toodyay, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The ancillary accommodation must be accessed from the same crossover and driveway as the main dwelling.
4. A building permit being obtained prior to commencement of any building works.
5. The ancillary accommodation unit must be provided with an additional 22,500 litre potable water supply in addition to the 92,000 litre potable water supply of the existing residence.
6. Prior to the issue of a Building Permit, a notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot advising:

"The ancillary accommodation is only to be occupied by a member or members of the same family as the occupiers of the main dwelling. The existence of ancillary accommodation on the property should not be construed to mean that the property is suitable for subdivision."

All costs associated with the lodgement of the Notification on the Certificate of Title will be borne by the applicant.

7. The ancillary accommodation is only to be occupied by a member or members of the same family that occupy the main dwelling.
8. The wall cladding of the ancillary accommodation is to be red in colour.
9. The roof of the ancillary accommodation is to be zincalume.

**MOTION CARRIED 7/0**

*Cr Prater returned to the Council Chambers at 7.21 pm. The Shire President read aloud resolution 208/07/13 for the benefit of Cr Prater.*



**9.5.3 Lot 118 Drumree Drive, Toodyay - Retrospective Earth Excavation and Proposed Outbuilding and Water Tank**

Date of Report:	4 July 2013
Applicant:	Mr P Mahar
File Ref:	118NAI/A4046
Author:	Daniel Hills – Planning Officer
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none"><li>1. Overall site plan;</li><li>2. Site plan of structures;</li><li>3. Elevation plan of earthworks;</li><li>4. Elevation plan of outbuilding; and</li><li>5. Elevation plan of water tank.</li></ol>
Voting Requirements:	Simple Majority

**INTRODUCTION**

This report has been prepared for Council to consider retrospective planning approval for existing earthworks, a proposed outbuilding and a water tank for proponents of Lot 118 Drumree Drive Toodyay.

**BACKGROUND**

Lot 118 Drumree Drive, Dumbarton is a 9.32ha property zoned Rural Living in the Local Planning Scheme No 4 and is a part of the Mountain Park Estate. The property is bound by Nairn Drive to the west, Drumree Drive to the north and east and is split by a ridge line running through the centre of the property, with the ridge's highest section to the south.

Properties in the Mountain Park Estate have their development controlled by restrictive covenants, which are legal agreements between the residents of the area requiring them to build to certain standards and certain locations. Lot 118 Drumree Drive, as many of the other properties in the Estate, is required to be built within a predefined building envelope. The Shire of Toodyay has no control over the location of these building envelopes and the building envelopes do not over turn Local Planning Scheme requirements, including setback requirements.

In May 2013, the building envelope as defined by the restrictive covenant was changed to a new position, as can be seen in Attachment 1. The applicant has stated that the new proposed building envelope was chosen for a number of reasons, including:

- The eastern section of the building envelope was proposed in its location in order to receive shelter from westerly winds through protection from the hill and trees to the west. In addition, by being located away from the

northern section of the building envelope, the eastern section of the building envelope would not block views for the future site of the dwelling.

- The northern section of the building envelope was proposed in its location for better north south views.
- The building envelope being considered to be less visible from the road.
- The building envelope being considered to provide a more efficient location for construction.
- The building envelope following the natural contour of the land and therefore providing a similar floor area for each constructed building.

While the new building envelope is located further away from the southern boundary, there are still sections of the building envelope which are within the setback area. The applicant is proposing to place a water tank with a diameter of 8.63m and a height of 2.3m in the setback area. The proposed outbuilding, which has a length of 20.0m, width of 9.0m, wall height of 3.5m and ridge height of 4.293m, is located outside the setback area so can be approved under delegated authority. In addition, it has been identified that an earth cut of up to 2m has already been undertaken in the setback area, which also requires planning approval.

#### Local Planning Scheme No 4

Clause 5.15 – ‘Setback Distances’ contains the provision to consider a reduction in the required building setbacks. Clause 5.15.4 states:

*In the Rural, Rural Residential and Rural-Living zones:*

- (a) No building shall be located closer to a boundary than 30 metres except in the Rural zone, where the setback distance shall be a minimum of 50 metres unless the proposed building is within full view of a main or district road as designated in the Scheme, in which case the setback shall be a minimum of 100 metres.*
- (b) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone;*
- (c) Notwithstanding anything contained in the sub-clauses above, the local government may permit a building to be located within the setback area when:
  - (i) In the opinion of the local government, a physical obstruction precludes compliance with this clause;*
  - (ii) The location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;*
  - (iii) For the reason of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.**
- (d) Where it is necessary to locate a rain water tank within the setback area when seeking the highest point on the property, the local government will require that the side of the tank is made to blend with the environment by painting within 6 months of erection in an*

*acceptable colour or by the use of a suitable material during construction.*

As the property is zoned 'Rural Living', structures should be setback 30m from the boundaries. The applicant is seeking a variation to clause 5.15.4 which can be approved at Council's discretion. This is because the proposed water tank can be located in other positions on the property.

## **CONSULTATION**

In accordance with Council's Policy M2 - Public Consultation Formal Matters, consultation has been undertaken in accordance with Level 'C'.

At the end of the 14 day consultation period, no letter of objection was received from adjoining landowner.

## **STATUTORY ENVIRONMENT**

The *Planning and Development Act 2005* and its regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay's Local Planning Scheme No 4 provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

While the application does not achieve the prescribed setback distances specified within the Scheme, Council can exercise its discretion to issue planning approval.

## **POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

## **FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

## **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

## **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

## **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

## OFFICER'S COMMENT

It is considered that the proposed setback variation for the existing earthworks and proposed water tank and outbuilding is acceptable for the following reasons:

- The floor level of the proposed water tank and outbuilding is up to 2m below the existing ground level within the setback area, which hides the much of the water tank and significant parts of the outbuilding from the neighbouring property.
- The proposed outbuilding is setback 31m in compliance of the Local Planning Scheme.
- The proposed water tank and outbuilding is required to be located in the setback area due to the restrictive covenant on the property, which restricts the location of the proposed outbuilding and water tank to within a defined building envelope. The parts of the building envelope that are located outside of the setback area will be required for a future dwelling.

In accordance with Local Planning Scheme No 4, it is recommended that a condition be placed stating that the side of the water tank is to be painted or constructed in a green colour. This will also match the proposed outbuilding, which the applicant states will be a wilderness green.

No objection has been received from the neighbouring property.

Given the above considerations, it is recommended that the proposal is approved with conditions.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 209/07/13

**MOVED** Cr Dow

That Council grant planning approval for the existing earthworks, proposed water tank and proposed outbuilding at Lot 118 Drumree Drive, Dumbarton, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. A building permit being obtained prior to commencement of any building works.
4. The outbuilding shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
5. The side of the water tank is to be in a green colour.

**MOTION CARRIED 8/0**

**9.5.4 Lot 5 Northam Toodyay Road, Dumbarton - Proposed Arts and Craft Centre**

Date of Report:	4 July 2013
Applicant:	Mr M Robinson
File Ref:	5NORT/A3398
Author:	Daniel Hills – Planning Officer
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none"><li>1. Written proposal;</li><li>2. Site plan;</li><li>3. Internal workshop plan; and</li><li>4. Modified parking area arrangement.</li></ol>
Voting Requirements:	Simple Majority

**INTRODUCTION**

Council is requested to consider an application for an arts and craft centre at Lot 5 Northam Toodyay Road, Dumbarton.

The application is being referred to Council as the application proposes a variation to Local Planning Policy No 11 - Car Parking, Local Planning Policy No 23 - Directional Signage and Signage within Thoroughfares and Engineering Policy E. 3 - Standards and Specifications - Vehicle Crossovers.

**BACKGROUND**

Lot 5 Northam Toodyay Road is a 1.47ha property, which is bound by Toodyay Road to the west, Northam Toodyay Road to the north and by the railway line to the south. The property is a relatively flat property and is mostly a cleared field. An outbuilding and dwelling exists on the property.

At the July 2004 Ordinary Council Meeting, an application for the property was brought before Council, requesting approval for a cottage industry land use. At this meeting, Council resolved the following:

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO: 129/07/04**

That Council, in accordance with clause 3.8.1. of Town Planning Scheme No.1, grant planning approval to Mr. M. Robinson to develop a 'Cottage Industry' at Lot 5 Northam-Toodyay Road, Toodyay subject to the following conditions:

1. All development is to be in accordance with the Development Plan dated 8 July 2004 (attached), including any amendments placed thereon by the Shire of Toodyay and except as may be modified by this

conditional approval.

2. If the development, the subject of this approval, is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
3. A building licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by Council prior to the commencement of any on-site works whatsoever.
4. The 'Cottage Industry' shall not:
  - (i) Entail the employment of any person not an immediate member of the family of the owner of Lot 5 Northam-Toodyay Road
  - (ii) Occupy an area greater than 55m<sup>2</sup>.
  - (iii) Require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
  - (iv) Exhibit any sign exceeding 0.2m<sup>2</sup> in area.
  - (v) Have more than one commercial vehicle on site.
5. If in the opinion of Council, the 'Cottage Industry' causes a nuisance or annoyance to owners or occupiers of land in the locality, Council may rescind the approval.
6. Council's consent to this use is on the basis that the low-key nature of the activity enables it to be defined as a "Cottage Industry" under the Town Planning Scheme, however, if intensification of the activity exceeds the bounds of this definition the activity will require relocation to an appropriately zoned location.
7. Formalised access to the property must be established and approved by Main Roads WA prior to the commencement of the 'Cottage Industry' at Lot 5 Northam-Toodyay Road, Toodyay.

An application has recently been received from the owner of the property to expand the works for his business "Factory Werkz". The proposed items being produced and sold on the property are handmade, solid timber, custom designed furniture and giftware. The equipment proposed to be used are basic hand tools and some powered machinery. Only the applicant will work at the property. The proposed arts and craft centre will be open most weekends or by appointment. The applicant has stated that customers will only be permitted onto the site during daylight hours and the machinery will also only operate during daylight hours.

In addition, the applicant is proposing to have a directional sign opposite the crossover erected. This will propose a variation to LPP. No 23 - Directional Signage and Signage within Thoroughfares, as the sign is located in the gazetted Toodyay Townsite, which is not permitted under the policy.

Council is also requested to grant a variation so that the applicant is not required to seal and widen their existing 3m wide gravel crossover.

#### Local Planning Scheme No 4

Lot 5 Northam Toodyay Road is zoned Rural under the provisions of Local Planning Scheme No 4. Under the provisions of Local Planning Scheme No 4 the proposed handmade, solid timber, custom designed furniture and giftware is reasonably considered to be an "Arts and Craft Centre" which has the following definition:

***Arts and Craft Centre** – means land or buildings used to create, display and/or sell works of art and craft.*

An Arts and Craft Centre is a 'D' use in the Rural zone which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The proposal can no longer be considered to be a "industry - cottage" land use, because it has a net lettable area in excess of 50m<sup>2</sup>.

#### **CONSULTATION**

In accordance with Council's Policy M2 - Public Consultation Formal Matters, consultation has been undertaken in accordance with Level 'C'.

At the end of the 14 day consultation period, no letter of objection was received from adjoining landowners.

#### **STATUTORY ENVIRONMENT**

The *Planning and Development Act 2005* and its regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay's Local Planning Scheme No 4 provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

#### **POLICY IMPLICATIONS**

Council's LPP. No 11 – Car Parking applies to this application. The proposal complies with all policy requirements except for clause 5.5 and 5.7, which require a bitumen sealed driveway for Rural zoned properties in front of the building line.

Clause 5.8 of LPP. No 11 - Car Parking requires that all vehicles leave the property in forward gear. The current parking arrangements do not provide adequate turning to enter and leave the customer car bays. This aspect of the proposal will need to be therefore modified.

Clause 1.2 of LPP. No 11 - Car Parking states that where a land use (such as arts and craft centre) does not have a stipulated car parking requirement under the policy, an estimation on the expected number of car bays is to be made based on the number of vehicles likely to be attracted to the development, maintenance of safety and amenity standards, the traffic generating potential of the proposed development and the car parking availability in the immediate locality. It is considered that the arts and craft centre is a similar land use to a showroom, which is a land use that includes the selling of (mass manufactured) furniture. The showroom land use requires one car bay per 50m<sup>2</sup> of Net Lettable Area plus one loading bay. This means that the proposed land use with a Net Lettable Area of 166.73m<sup>2</sup> requires four customer car bays, one disabled bay and one loading bay.

Council's LPP. No 23 - Directional Signage and Signage within Thoroughfares applies to this application. The proposal complies with all policy requirements except for clause 3.4, which does not support directional signage in the gazetted Toodyay townsite.

Council's Engineering Policy E.3 - Standards and Specifications - Vehicle Crossovers applies to this proposal. This policy sets out the minimum standards for vehicle crossovers. Lot 5 Northam Toodyay Road is a Rural zoned property adjoining a sealed road. The crossover is currently unsealed gravel with a 3m width. Under the policy, Rural properties adjoining sealed roads are required to be sealed (either two coat seal, bituminous concrete, concrete or clay brick or concrete block pavers), be 5m wide at the property boundary and splay to 7m at the road.

### **FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.



## **OFFICER'S COMMENT**

The proposal complies with all requirements under the Local Planning Scheme and the relevant Local Planning Policies, except in regards to the material used for the driveway, the layout of the parking area and the location of a directional sign within the gazetted Toodyay townsite. Each issue will now be discussed in turn.

### Driveway material

The applicant is proposing to retain the existing gravel driveway due to the high expected cost to provide for a bitumen sealed driveway. It is considered that in this instance the variation to the policy is acceptable due to the high cost required to provide for a bitumen road in comparison to the expected relatively low customer turnover and low scale nature of the proposal. Given that the nearest neighbouring dwelling is over 80m away from the parking and driveway area, it is considered that the gravel driveway will not significantly affect the amenity of the neighbouring property. In addition, the driveway and parking area will not be easily visible from the surrounding area, so it is considered that there is little visual benefit to be gained from a bitumen sealed road.

### Parking arrangements

It is considered that the current parking arrangements on the property do not adequately take into account reversing arrangements for vehicles. It is therefore recommended that one of the conditions of approval is to require the applicant to construct parking arrangements that meet Australian Standard. A copy of how the parking area would look is provided in Attachment 3. It should be noted that a loading bay is provided to the west of the outbuilding where the operations are to occur.

### Crossover

The crossover to the property is currently 3m wide and is constructed of unsealed gravel. While under normal circumstances the crossover would be required to be upgraded, it is considered that in this instance Council do not require the crossover to be upgraded. This is because the current crossover is connected to land which is expected for the Toodyay Bypass in the future. Main Roads WA has previously stated that the crossover will have to be relocated in the future. It is therefore considered that given the uncertainty of the crossover's future location, no upgrade should be required. In addition, it is considered that existing crossover will be able to accommodate the proposed number of traffic movements to and from the property as a result of the arts and craft centre. Since the crossover is on Main Roads WA controlled land, if Council wishes for the crossover to be upgraded, it is recommended that one of the conditions of approval is that the applicant contact Main Roads in regards to the crossover.

### Direction sign opposite the crossover

It is considered that Council should consider varying the policy requirements in LPP No. 23 - Directional Signage and Signage within Thoroughfares and request Main Roads WA to allow for a directional sign opposite the crossover of Lot 5 Northam Toodyay Road. It is considered that this requirement should be varied in this instance due to the Rural zoning and rural setting of the area and

the relative isolation of the property from other nearby areas. The proposed direction sign will also assist the arts and craft centre in advertising to traffic travelling along Northam Toodyay Road.

Conclusion

Given the above considerations and the fact that no neighbours have objected to the proposal, it is recommended that the application is approved with conditions.

**OFFICER'S RECOMMENDATION**

It is recommended that:

1. Council grant planning approval for the proposed arts and craft centre at Lot 5 Northam Toodyay Road, Dumbarton, subject to the following conditions:
  - (a) Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
  - (b) Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
  - (c) Customers are only permitted on the site during 0700 hours to 1900 hours.
  - (d) The use of machinery for the purposes of the arts and craft centre is only permitted during 0700 hours to 1900 hours.
  - (e) Within three months of the issue of planning approval, a Building Approval Certificate for the upstairs storage area is to be obtained.
  - (f) The property has a gravel parking area that can accommodate four cars and one disabled bay built in accordance with Australian Standard
  - (g) The internal parking and driveways are constructed to enable all vehicles to leave the property in forward gear.
  - (h) The internal car bays are delineated.
2. Council request to Main Roads Western Australia to approve the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.
3. Upon the Shire's receipt of support from Main Roads Western Australia for the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam

Toodyay Road, Dumbarton, Council delegate authority to the Chief Executive Officer to issue approval for a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.

Cr Craddock moved the Officer's Recommendation as follows:

**That:**

- 1. Council grant planning approval for the proposed arts and craft centre at Lot 5 Northam Toodyay Road, Dumbarton, subject to the following conditions:**
  - (a) Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.**
  - (b) Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
  - (c) Customers are only permitted on the site during 0700 hours to 1900 hours.**
  - (d) The use of machinery for the purposes of the arts and craft centre is only permitted during 0700 hours to 1900 hours.**
  - (e) Within three months of the issue of planning approval, a Building Approval Certificate for the upstairs storage area is to be obtained.**
  - (f) The property has a gravel parking area that can accommodate four cars and one disabled bay built in accordance with Australian Standard**
  - (g) The internal parking and driveways are constructed to enable all vehicles to leave the property in forward gear.**
  - (h) The internal car bays are delineated.**
- 2. Council request to Main Roads Western Australia to approve the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.**
- 3. Upon the Shire's receipt of support from Main Roads Western Australia for the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton, Council**

**delegate authority to the Chief Executive Officer to issue approval for a blue direction sign with white wording stating “Factory Werkz” opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.**

Cr Hogg moved an amendment to the motion as follows:

**That a new Point (i) be added to read as follows:**

- (i) That the crossover to the property be enlarged to five metres wide for the first ten metres from its abutment with the road.**

Cr Craddock accepted the amendment.

The motion was put.

**OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO 210/07/13**

**MOVED** Cr Craddock

That:

1. Council grant planning approval for the proposed arts and craft centre at Lot 5 Northam Toodyay Road, Dumbarton, subject to the following conditions:
  - (a) Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
  - (b) Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
  - (c) Customers are only permitted on the site during 0700 hours to 1900 hours.
  - (d) The use of machinery for the purposes of the arts and craft centre is only permitted during 0700 hours to 1900 hours.
  - (e) Within three months of the issue of planning approval, a Building Approval Certificate for the upstairs storage area is to be obtained.
  - (f) The property has a gravel parking area that can accommodate four cars and one disabled bay built in accordance with Australian Standard
  - (g) The internal parking and driveways are constructed to enable all vehicles to leave the property in forward gear.
  - (h) The internal car bays are delineated.

- (i) The crossover to the property be enlarged to five metres wide for the first ten metres from its abutment with the road.
2. Council request to Main Roads Western Australia to approve the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.
3. Upon the Shire's receipt of support from Main Roads Western Australia for the location of a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton, Council delegate authority to the Chief Executive Officer to issue approval for a blue direction sign with white wording stating "Factory Werkz" opposite the existing crossover of Lot 5 Northam Toodyay Road, Dumbarton.

**MOTION CARRIED 8/0**

*The Officer's Recommendation was amended to ensure that there was enough room for vehicles to enter and exit, whether simultaneously or not, the property safely onto the Main Road.*

**9.5.5 Request to Modify Building Requirements in LLP.5 Foggarthorpe Design Guidelines-Lot 3 Drummond Street and Lot 6 Goomalling Toodyay Road**

Date of Report:	5 July 2013
Proponent:	Ironbridge Property – Bill Carmody
File Ref:	S144729/NAM224
Author:	Graeme Bissett - Manager Planning & Development
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil.
Attachments:	Nil.
Voting Requirements:	Absolute majority

**INTRODUCTION**

A request has been received from the proponent requesting that Council consider amending the River Hills building design guidelines.

**BACKGROUND**

Council considered this request at its July Forum held 2 July 2013. At this Forum after a presentation by Mr Carmody and deliberation by Council the consensus opinion was that the current guidelines should be reviewed. While it was suggested by the proponent that a covenant could be used to achieve this to replace the current Local Planning Policy the consensus for Councillors was that the guidelines should be kept within LPP5.

The most suitable method considered to achieve this was agreed to be by a committee of Council.

**CONSULTATION**

Consultation has been held with the proponent, the CEO and Council's contract Planner Ms Edwards and Councillors with the consensus a review of the building design guidelines in LPP 5 is seen as reasonable.

If after this review Council supports changes the normal public consultation process required to revise a Local Planning Policy would be followed and this matter would be then brought back to Council for final adoption.

**STATUTORY ENVIRONMENT**

Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees of 3 or more persons. This section is stated below:

*“A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. (\* Absolute majority required.)”*

**Section 5.9** provides for the types of committees. This section states:

- (1) *In this section —*  
**other person** means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;
  - (e) employees and other persons; or
  - (f) other persons only.

**Section 5.10** provides for the appointment of Committee Members. This section states:

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).  
*\* Absolute majority required.*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Section 5.16 provides for the Delegation of some powers and duties to certain committees. This section states:

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation. \* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

Section 5.17 provides limits on delegation of powers and duties to certain committees. This section states:

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

## **POLICY IMPLICATIONS**

If Council reviews this LLP and after consultation resolves change is required it would mean the building Guidelines specified within LPP No 5 would be altered thus altering Council policy. One option suggested from the proponent was to change to a restrictive covenant. It was perceived this would be a negative step.



### **FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

If changes were implemented to LPP 5 this may accelerate the development of this subdivision bringing a new community to this area faster. This could result in positive social change.

### **OFFICER'S COMMENT**

The current design guidelines contained within LPP 5 are very prescriptive. The proponent was particularly concerned that the requirements are discouraging purchasers from buying lots because the guidelines rule out a number of standard project home designs.

The areas of concern include the roof pitch, external materials and colours and floor area.

The feeling from the forum from the examples cited and the discussion was that it would be definitely worth reviewing the LPP in a committee format with a view to making them less prescriptive and restrictive.

### **OFFICER'S RECOMMENDATION**

It is recommended that Council form a committee to review the provisions of LPP No. 5 Foggarthorpe Design in relation to the building guidelines with a view to bringing this matter back to Council for further consideration on any changes proposed.

Cr Madacsi moved a motion as follows:

**That Council form a working group consisting of Cr McCann, Cr Dow and Cr Craddock to review the provisions of LPP No. 5 Foggarthorpe Design in relation to the building guidelines with a view to bringing this matter back to Council for further consideration on any changes proposed.**

Clarification was sought.

Cr Prater moved an amendment to the motion as follows:

**That his name be included following Cr Craddock.**

Cr Madacsi accepted the amendment to the motion.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 211/07/13**

**MOVED** Cr Madacsi

That Council form a committee consisting of Cr McCann, Cr Dow, Cr Craddock and Cr Prater to review the provisions of LPP No. 5 Foggarthorpe Design in relation to the building guidelines with a view to bringing this matter back to Council for further consideration on any changes proposed.

**MOTION CARRIED 8/0**

**9.6 WORKS AND TECHNICAL SERVICES**

Nil.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1.1 Councillor Prater – Notice of Motion

Date of Report:	8 July 2013
Proponent:	Cr Prater
File Ref:	MTG4/COF2
Author:	Maria Rebane – Executive Assistant
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	1. Copy of Notice of Motion; and 2. Table of Times – Previous Council Meetings.
Voting Requirements:	Simple Majority

### INTRODUCTION

This report is provided to Council following a notice of motion provided by Councillor Prater on 8 July 2013 in accordance with section 4.4(2) (b) of the *Shire of Toodyay Standing Orders* (refer to **Attachment 1**).

### BACKGROUND

On 8 July 2013 Councillor Prater provided the Chief Executive Officer notification of a notice of motion for the 16 June 2013 Ordinary Meeting of Council as follows:

**That the start time of Ordinary Council Meetings and Council Forums be 9.00am.**

Clause 4.4(4)(c) of the *Shire of Toodyay Standing Orders Local Law* states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

### CONSULTATION

No consultation has been undertaken relative to this item.

### STATUTORY ENVIRONMENT

The *Shire of Toodyay Standing Orders Local Law* prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Prater is in accordance with said requirements.

Clause 4.4(6) of the Shire of Toodyay Standing Orders Local Law states,

*A motion of which notice has been given is to lapse unless:*

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

In relation to public notice of meetings Section 12 of the *Local Government (Administration) Regulations 1996* state as follows:

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

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

### **POLICY IMPLICATIONS**

There are no policy implications relative to this item.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this item.

### **STRATEGIC IMPLICATIONS**

In accordance with Section 12 (2) of the *Local Government (Administration) Regulations 1996* any change to the meeting time of Council Meetings needs to be followed up with a public notice.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications relative to this item.

### **SOCIAL IMPLICATIONS**

There are no social implications relative to this item.

## OFFICER'S COMMENT

An Officer's comment in respect to the commencement time of Council Meetings will be provided by Cr J Prater at the Ordinary Meeting of Council to be held on 16 July 2013.

A table providing the starting and finishing times of previous meetings is attached (refer to **Attachment 2**). Special Meetings of Council including Committee Meetings have not been included in the attachment however the statistics are provided as follows:

<b>Special Meetings of Council</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	14	3 hours
2012	12	3 hours
2013	6	3 hours
<b>Audit Committee Meetings</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	6	2 hours
2012	4	4 hours
2013	1	4 hours
<b>Bush Fire Advisory Committees</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	2	2 hours
2012	2	2 hours
2013	1	2 hours
<b>Museum Advisory Committees</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	2	1.25 hours
2012	4	1.25 hours
2013	1	1.50 hours
<b>Works Advisory Committee Meetings</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	4	1.25 hours
2012	3	1.50 hours
2013	2	1.00 hours
<b>Recreation Advisory Committee</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	1	2.00 hours
2012	2	2.00 hours
<b>Local Emergency Management Committee</b>		
<b>Year</b>	<b>Number held</b>	<b>Average Duration</b>
2011	5	1.00 hours
2012	2	1.00 hours
2013	2	1.00 hours

Information in relation to Council Meetings other Councils hold within the region is provided as follows:

### **Shire of Dowerin**

- Council Meetings are held every 3<sup>rd</sup> Tuesday of the month predetermined at the December meeting each year;
- Finance meetings commence at 2.00 pm and Ordinary Meetings of Council commence at 3.00 pm; and
- The duration of the meetings is approximately 3 hours, depending upon the amount of information to go through in their agenda.

### **Shire of Northam**

- Council Meetings are held every 3<sup>rd</sup> Wednesday of the month predetermined at the December meeting each year; and
- The Ordinary Meetings of Council commence at 5.30 pm and the duration is between 1 and 3 hours depending on what is on the agenda.
- An Agenda Council Forum is held every 2<sup>nd</sup> Wednesday of the month. The Elected Members are provided with the agenda for the Ordinary Meeting of Council on the Friday before this meeting. The Agenda Forum commences at 5.30 pm and lasts for approximately 4 hours. Any changes they wish to make to the agenda are highlighted in yellow and redistributed for the actual Ordinary Meeting of Council. This meeting is open to the public. No minutes are taken during this meeting and the public are encouraged to ask questions and make submissions at this Agenda Council Forum to save time for the day the Ordinary Meeting of Council takes place. This also gives Councillors time to mull over what they have heard the week prior to the actual meeting.
- A Strategic Planning Meeting (Concept Forum) is held on a Wednesday one week following the Ordinary Meeting of Council. This Meeting does not have a formal agenda nor minutes. It is a meeting to discuss up and coming projects and anything that is likely to come to Council at some stage in the future. The Concept Forum commences at 5.30 pm and lasts for approximately 4 hours.

### **Shire of Goomalling**

- Council Meetings are held every 3<sup>rd</sup> Wednesday of the month, predetermined at the December meeting each year;
- Finance Meetings commence at 9.15am and Ordinary Meetings commence at 10.15am;
- To allow for seasonal work commitments May, June, November & December meetings are 12.15pm & 1.00pm;
- Meetings conclude between 5.30 – 7.00pm; and
- They do not hold Council Forums.

### **Shire of Chittering**

- Council Meetings are held every 3<sup>rd</sup> Wednesday of the month predetermined at the December meeting each year;
- Council Meetings commence at 7.00 pm. The duration is between 1 and 3 hours depending on what is on the agenda;
- A Council Briefing (workshop) is held at 4.30 pm on the 3<sup>rd</sup> Wednesday (e.g. the same day as the Council Meeting). This meeting is not open to the public. This briefing is to discuss the Councillor Information Bulletin plus what is in the agenda. Prior to the briefing they are expected to contact Staff regarding any reports they require clarification of but they tend to discuss with Staff at the Briefing as well; and
- Council Forums are held every 1<sup>st</sup> Wednesday of the month. These forums are concept forums only. They commence at 4.30pm. The duration is 1 to 2 hours depending on what is on the agenda.

#### **Councillor Prater's Notice of Motion**

That the start time of Ordinary Council Meetings and Council Forums be 9.00 am.

Cr Prater moved a motion as follows:

**That the start time of Ordinary Council Meetings and Council Forums be 9.00 am.**

Cr Lloyd moved an amendment to the motion as follows:

**That the start time of the Ordinary Council Meeting be at 9.00 am and Council Forums be at 2.00 pm.**

Cr Prater accepted the amendment to the motion.

Clarification was sought.

Discussion ensued.

*The Shire President advised that some of the questions being asked as part of the discussion were a matter for debate.*

Cr Madacsi objected to the motion.

Cr Dow seconded the motion.

Debate ensued.

*The Shire President advised Cr Prater that his 5 minute speech time had elapsed and that in order to continue he would require the consent of Council,*



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 16 JULY 2013

which, if given, would be given without discussion in accordance with Standing Order 7.10(1).

**COUNCIL RESOLUTION NO 212/07/13**

**MOVED** Cr Prater

That Council consent to an extension of speech time in accordance with Standing Order 7.10(2).

**MOTION CARRIED 7/1**

Debate continued.

Cr Craddock moved an amendment to the motion as follows:

**That the words "for a trial period of three months" be inserted preceding the words "the start time".**

Cr Prater accepted the amendment to the motion.

Debate continued.

Clarification was sought via the Shire President as to whether there were provisions in the Standing Orders regarding time limits of Council meetings.

*The Shire President advised that Standing Order 4.7 does provide a four-hour time limit for Council Meetings; and an opportunity for the Council to elect to continue for up to 1 more hour after a meeting reaches that limit. A suspension of Standing Orders will also allow the meeting to continue ~~a further one hour on top of~~ beyond the first hour's extension.*

The motion was put.

**COUNCIL RESOLUTION NO 213/07/13**

**MOVED** Cr Prater

**SECONDED** Cr Dow

That for a trial period of three months the start time of the Ordinary Council Meeting be at 9.00 am and Council Forums be at 2.00 pm.

**MOTION CARRIED 6/2**

Signed:   
Cr K Hogg - Shire President  
Date: *10 Sept 2013*

**11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Cr Madacsi ~~moved~~ **submitted** two notices of motion for consideration at the next meeting of Council as follows:

**11.1 Clarification of Comments – Ordinary Meeting of Council held on 18 June 2013; and**

This memorandum is notice, in accordance with the Section 4.4 (2) (b) of the Shire of Toodyay Standing Orders, of a motion I wish Council to consider at the next Ordinary Meeting of Council as follows:

1. That subject to the Shire of Toodyay Code of Conduct 3.5, the officer's comment raised in 10.1.1 Ordinary Council Minutes of 18 June, 2013 as follows;

*'Perhaps even more disturbing the emerging impression that groups of elected members have colluded to arrive at a joint position prior to Council meetings'* is to be clarified and recorded as;

This statement was not intended to refer to, nor imply any members of the Toodyay Shire Council have behaved improperly but was in reference to conduct that has occurred in other Shires.

**11.2 Council Forums and Meetings of Council Committees**

This memorandum is notice, in accordance with the Section 4.4 (2) (b) of the Shire of Toodyay Standing Orders, of a motion I wish Council to consider at the next Ordinary Meeting of Council as follows:

1. All Forum agendas are to be recognized as Agenda or Concept Forums on the cover page and page headings, with items that are exceptions to the designated forum clearly recognized as such beside the item number.
2. Concept Forum meetings or items of Council be closed to the public and
3. Agenda Forum meetings or items of Council be open to the public; and
4. Meetings of Council Committees be open to the public;

except for business that the Council or Committee (as the case may be) decides be confidential after due regard to the

Shire of Toodyay  
Cr K Hobbs - Shire President  
Date: 16 July 2013

provisions of the Act and Regulations relating to the conduct of confidential business.

5. Note the sentence in the Strategic Implications 10.1.1 (Ordinary Council Minutes 18 June) 'Presently Council Forums are not open to the public as they do not make decisions and they meet the guidelines definition as concept forums rather than agenda forums' is incorrect and should read as;

'According to Section 6 of the Local Government Operational Guidelines – Number 5, presently Council Forums incorporate both Concept and Agenda Items'.

**12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**13.1 MEMBERS**

Nil.

**13.2 EMPLOYEES**

- 13.2.1 The Chief Executive Officer requested for Council to consider Item 13.2.1 WALGA AGM as a matter of urgent business.

*The Chief Executive Officer advised Members that this agenda item had been circulated. The attachment was tabled at 8.33 pm.*

**COUNCIL RESOLUTION NO 214/07/13**

**MOVED** Cr Craddock

That Council consider Item 13.2.1 WALGA AGM as new business of an urgent nature.

**MOTION CARRIED 8/0**

**13.2.1 WALGA AGM**

Date of Report:	14 July 2013
Proponent:	Shire of Toodyay
File Ref:	WAL2
Author:	Stan Scott – Chief Executive Officer
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	1. WALGA – 2013 Agenda Annual General Meeting.
Voting Requirements:	Simple majority

**INTRODUCTION**

Cr Madacsi and Cr McCann have been appointed as voting delegates for the WALGA AGM to be held on 7 August 2013. This item is to provide guidance to the delegates on Council's position in relation to the matters to be discussed.

**BACKGROUND**

The WALGA AGM is held in conjunction with the annual convention each year in the first week of August. The AGM provides the opportunity for member Councils to debate topical issues and provide direction for the WALGA State Council and executive on dealing with those issues.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

This proposal does not contain any notable statutory implications.

**POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

**FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

**STRATEGIC IMPLICATIONS**

The WALGA AGM is the opportunity for individual Councils to influence the direction of the entire sector.

## **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

## **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

## **OFFICER'S COMMENT**

Detailed below are the individual items with the CEO's recommendation on Council's voting position:

### **5.1 Association Constitution – Impacts of Amalgamations**

---

Executive Member to move:

*Special Majority required*

#### **MOTION**

1. *That the Constitution be amended as follows:*
  - a. *In clause 2:*

*Insert a new definition of Commissioner –*  
*“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act 1995.”*
  - b. *In clause 2 amend the definition of Councillor*

*by inserting after the words “elected by electors” –*  
*“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995.”*
  - c. *Amend the definition of Member by inserting after the words “sub-clause 14(2)” –*

*“; or*  
*A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”*
  - d. *Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” - “and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”*

- e. *In clause 5 insert a new clause (3) as follows –*

*“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”*

*All subsequent subclauses are renumbered.*

- f. *In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”*
- g. *Clause 20(b) delete the words “who elected or appointed the person as its delegate.”*

#### Background

Concern has been raised by Zone Delegates as to whether they have continuing rights and membership during transitional phases where mergers may occur between Governments.

Legal advice was sought by WALGA. As a result amendments to the Constitution have been proposed to take into account the recognition of the legal position of the new Councils and Commissioners that may be formed as a result of a merger.

#### Officer Recommendation

Support.

**5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date**

---

*Executive Member to move:*

*Special Majority required*

**MOTION**

1. *That the Constitution be amended as follows:*

*In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:*

*“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”*

2. *That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.*
3. *If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.*

**Background**

A request by the Great Eastern Country Zone to consider amending WALDA constitution as it relates to the commencement date for the formation of the new State Council.

It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).

Presently, a State Councillor's term commences at the March meeting.

**Officer Recommendation**

Support.

### **5.3 Election of Shire President or Mayor**

---

*Shire of Dardanup Delegate to move:*

**MOTION**

*“Election of Shire Presidents or Mayors*

*That the Western Australian Local Government Association lobby the State Government not to amend the Local Government Act 1995 with regard to election of Shire Presidents or Mayors”*

#### Background

The Metropolitan Review report recommends that Mayors and Shire President be elected by the community at large. The Shire of Dardanup contends that Shire Presidents or Mayors should be elected by their peers, selecting one of their group to lead the Council.

#### Officer Comment

The CEO shares the view expressed by the Shire of Dardanup that the existing provisions which allow Local Governments to choose the method of election of the Mayor or president should be retained.

#### Officer Recommendation

Support.



#### **5.4 Proposed Local Government Act Amendment – Exemption from Liability**

---

*City of Mandurah Delegate to move:*

##### **MOTION**

*That WALGA prepare a position paper to support the lobbying of the Minister of Local Government to amend the Local Government Act (1995) to allow Local Governments an exemption from liability on flood liable land, land subject to bushfire and land in coastal zones where that Council has acted in good faith in relation to its decision on the land in question.*

##### **Background**

The New South Wales Local Government Act (1993) includes Section 733 which states:

“733 Exemption from liability-flood liable land, land subject to risk of bush fire and land in coastal zone.....”

##### **Officer Comment**

WALGA provides extensive discussion on whether or not the proposed inclusion would have the effect desired by the City of Mandurah. WALGA points to existing protections under Section 9.56 of the *Local Government Act*, specific liabilities for injurious affection under the *Planning and Development Act* and proposed protections from liability under the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012* which is currently before parliament.

That said the preparation of a position paper to thoroughly explore the position is not unreasonable.

##### **Officer Recommendation**

That delegates be authorised take a position after hearing the arguments from the floor of the AGM.

## **5.5 Impacts of Climate Change**

---

*City Rockingham Delegate to move:*

### **MOTION**

*That WALGA seek a more committed and coordinated approach through the Western Australian State Government, Western Australian Local Government Association and Western Australian Local Governments in addressing the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities.*

### **Background**

Rockingham is requesting a more coordinated approach in addressing the impacts of Climate Change between member Councils and relevant State Government agencies as well as advocating for more cross sector cooperation at a national level.

### **Officer Comment**

WALGA and the sector already does extensive work on climate change adaptation. There was an ALGA National General Assembly motion in similar terms in relation to coastal management. The Rockingham proposal is sufficiently broad to also capture non-coastal infrastructure adaptation issues.

### **Officer Recommendation**

Support.

## **5.6 Proposed Local Government Amendment – Council Controlled Organisations**

---

*City of Greater Geraldton Delegate to move:*

### **MOTION**

*That the proposed amendments to the Local Government Act 1995 in relation to Council Controlled Organisations prepared by WALGA in October 2011 be endorsed and resubmitted to the State for consideration.*

### **Background**

Council controlled organisations will allow:

- the ability to employ professional directors/trustees and management with experience specific to the commercial objectives of the entity;
- removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the broad strategy;
- the ability to quarantine the ratepayers from legal liability and financial risk arising from commercial or investment activities; and
- greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

### **Officer Comment**

WALGA is supportive of the motion. The Shire of Toodyay has been working with neighbouring Councils to seek the development of an infrastructure trust. The provision for Council controlled organisations in the Act would greatly assist this process.

### **Officer Recommendation**

Support.

## **5.7 Effects of Structural Reform On WALGA**

---

*Shire of Dardanup Delegate to move:*

**MOTION**

*“Possible WALGA Power Base Diminishment*

*Members of WALGA discuss and consider the implications to the organisation, if as a result of the amalgamation of Local Governments in the Perth metropolitan area, the power base and need for WALGA as the voice for Local Government for the proposed new larger mega sized Councils is diminished and largely not required by those Local Governments.”*

### Background

Amalgamations may result in larger Local Governments being in a more powerful position to be independent of WALGA and each other. Will the loss of a large number of metropolitan members to the organisation lessen the ability of WALGA to influence government policy?

### Officer Comment

WALGA Secretariat has the view that the current split of metro and country representation would continue to be relevant. Dardanup has the view that the new mega councils would not see the value of WALGA which may undermine its relevancy.

The CEO is not clear what the effect of the motion would be as the motion requires WALGA to discuss and consider without a proposed action or outcome.

### Officer Recommendation

That delegates be authorised take a position after hearing the arguments from the floor of the AGM.

## **5.8 Eradication of Cotton Bush**

---

*Shire of Dardanup Delegate to move:*

**MOTION**

*That WALGA:*

- 1. Raises with the Minister for Agriculture and all local Members of Parliament Local Government urgent concerns in relation to the infestation of Cotton Bush in the south west and the lack of attention to this and other weed and pest control by DAFWA.*
- 2. Seeks a commitment from the State Government to adequately resource DAFWA to enable it to address weed and pest control in the state.*
- 3. Advises the state government of the ongoing concerns with the lack of management of pest and weed control of other government agencies on their controlled lands.*

### Background

Cotton Bush is a declared weed and is out of control on properties within the Shire of Dardanup. Council call on the Minister and the Department of Agriculture and Food (WA) to invest resources in action to eradicate this weed that has significant implications the agricultural industry.

### Officer Comment

While the specific Dardanup motion is supported by the CEO, some of the proposed approaches in the accompanying document are not. Dardanup is proposing that Cotton Bush be declassified under the *Biosecurity and Agricultural Management Act (2007)* to allow Local Governments to control the weed under Local Laws. Classified weeds allow local biosecurity groups to gain 50% funding from DAFWA which would not be available if the weed is declassified.

### Officer Recommendation

Support.

## **5.9 Political Advertising**

---

*City of Mandurah Delegate to move:*

### **MOTION**

*That WALGA prepares a position paper to lobby the relevant State Government ministers to ensure that all Local Governments have certainty with respect to their local laws and local planning requirements in relation to political signage and the protection of the amenity of local areas, without unduly restricting the principle of freedom of political expression.*

### **Background**

There appears to be a level of uncertainty with respect to political signage and when local government local laws and planning requirements have effect.

### **Officer Comment**

In the recent State Election signage controls under the City of Armadale's planning Scheme were found to unreasonable constrain freedom of political expression. WALGA is currently formulating a political signage guideline for Local Governments that meets legal and public amenity issues.

### **Officer Recommendation**

Support.

## **5.10 Rate Exemption**

---

*Shire of Dardanup Delegate to move:*

*MOTION*

*Rate Exemptions Charitable Bodies*

*That the Western Australian Local Government Association continues to lobby the State and Federal governments for:-*

- 1. The rate exemption status for Not for Profit organisations to be removed; and*
- 2. If the rate exemption status is not removed that all Local Governments be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury.”*

### Background

Local Government to be compensated for loss of revenue as a result of rate exemptions on independent living units within retirement villages operated by organisations recognised as charitable bodies.

### Officer Comment

It is the long-held view of the Association that the rate exemption provision under Section 6.26(2)(g) of the Local Government Act 1995, which has been the subject of much correspondence with the State Government, is in urgent need of review. WALGA is concerned that the purpose for which Section 6.26(2)(g) was intended by State Parliament when making the Local Government Act 1995 is now exceeded beyond its intended scope and is subject to ever-broadening interpretation, particularly through decisions of the State Administrative Tribunal.

It is the view of WALGA State Council that State Parliament should urgently assess the scope and purpose of rate exemptions for land used exclusively for charitable purposes as they are currently applied, and enact appropriate legislative amendments to ensure alignment with Parliament's intended principles. This view was most recently expressed in correspondence to the Premier in June 2013.

The CEO's view is that this is likely to be an issue in the future in Toodyay.

### Officer Recommendation

Support.

**5.11 Weed Management and Administration of the Biodiversity in  
Agriculture Management Act**

---

*Shire of Murray to move:*

**MOTION**

*That WALGA lobby the Minister for Agriculture and Director General of the Department of Agriculture and Food to ensure that the Department accepts its responsibility for the management of invasive species classified under the Biosecurity in Agriculture Management Act 2007. This should be through either direct action or funding to establish and maintain Recognised Biosecurity Groups to directly manage this increasingly important issue.*

**Background**

Invasive weeds are becoming a serious management issue.

DAFWA are not currently resourced to manage this issue and have suggested establishing Recognised Biosecurity Groups.

Recognised Biosecurity Groups set up needs to be state led and funded.

**Officer Comment**

This issue is similar to that canvassed at 5.8, and leads to a similar conclusion, that environment weed and pest control is not adequately funded or supported by the State.

**Officer Recommendation**

Support.



## **5.12 Presidential Public Comments**

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*Town of Claremont Delegate to move:*

### **MOTION**

- 1 *The President of WALGA is censured for his public comments as President of WALGA about Local Government reform which purport to represent the WALGA position although he knows (or should know) that they do not reflect the adopted position of WALGA, and in particular where such comments are, or can be reasonably be interpreted to be) a disrespectful attack on some members of the association.*
- 2 *State Council is reminded that it should act and be seen to act in the interests of its members and not the perceived interests of a majority of a sub-set of members.*
- 3 *No association funds are to be expended on advertorials of any other form of publicity that does not accurately and clearly represent the adopted position of WALGA.*

### **Background**

The President is empowered to make public comments that reflect the Association's Policy.

Town of Claremont is dissatisfied with the way certain positions have been presented and seeks censure of the WALGA President.

### **Comment**

WALGA developed its position on the Robson review through a policy forum and consultation through the Zone Structure. The Secretariat contends that Mr Pickard's public comments and the advertorials have been consistent with that position.

The Town of Claremont holds a view that Mayor Pickard expresses views that reflect his position as Mayor of a Large Council rather than a representative of the entire sector.

It is the CEO's view that the President of WALGA has a very difficult position, but needs to provide strong leadership and representation of the sector. Public admonishment by a disgruntled Council does not reflect well on WALGA or the sector, and personalising the debate in this way does no-one any credit.

### **Officer Recommendation**

Do Not Support.

**OFFICER'S RECOMMENDATION**

It is recommended that Council provide the following guidance to its delegates to the WALGA AGM:

<b>Heading</b>	<b>Officer Recommendation</b>
5.1 Association Constitution – Impacts of Amalgamations	Support
5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date	Support
5.3 Election of Shire President or Mayor	Support
5.4 Proposed Local Government Act Amendment – Exemption from Liability	That delegates be authorised take a position after hearing the arguments from the floor of the AGM.
5.5 Impacts of Climate Change	Support
5.6 Proposed Local Government Amendment – Council Controlled Organisations	Support
5.7 Effects of Structural Reform On WALGA	That delegates be authorised take a position after hearing the arguments from the floor of the AGM.
5.8 Eradication of Cotton Bush	Support
5.9 Political Advertising	Support
5.10 Rate Exemption	Support
5.11 Weed Management and Administration of the Biodiversity in Agriculture Management Act	Support
5.12 Presidential Public Comments	Do Not Support

Cr Dow moved the Officer's Recommendation.

*The Planning Officer departed Council Chambers at 8.30 pm.*

*The Manager Corporate Services departed Council Chambers at 8.33 pm.*

*The Manager Community Development departed Council Chambers at 8.33 pm.*

**COUNCIL RESOLUTION NO 215/07/13**

**MOVED** Cr Craddock

That Standing Order 7.9 be suspended.

**MOTION CARRIED 8/0**

*Standing Order 7.9 was suspended at 8.35 pm to permit Members to address the Council more than once.*

Discussion ensued.

Clarification was sought.

**COUNCIL RESOLUTION NO 216/07/13**

**MOVED** Cr Lloyd

That Standing Order 7.9 be resumed.

**MOTION CARRIED 8/0**

*Standing Order 7.9 was resumed at 9.01 pm.*

The substantive motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 217/07/13**

**MOVED** Cr Dow

That Council provide the following guidance to its delegates to the WALGA AGM:

<b>Heading</b>	<b>Officer Recommendation</b>
5.1 Association Constitution – Impacts of Amalgamations	Support
5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date	Support

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 16 JULY 2013

5.3	Election of Shire President or Mayor	Support
5.4	Proposed Local Government Act Amendment – Exemption from Liability	That delegates be authorised take a position after hearing the arguments from the floor of the AGM.
5.5	Impacts of Climate Change	Support
5.6	Proposed Local Government Amendment – Council Controlled Organisations	Support
5.7	Effects of Structural Reform On WALGA	That delegates be authorised take a position after hearing the arguments from the floor of the AGM.
5.8	Eradication of Cotton Bush	Support
5.9	Political Advertising	Support
5.10	Rate Exemption	Support
5.11	Weed Management and Administration of the Biodiversity in Agriculture Management Act	Support
5.12	Presidential Public Comments	Do Not Support
<b>MOTION CARRIED 8/0</b>		

## 14. CONFIDENTIAL BUSINESS

### 14.1 Purchase of Federation Square Land

#### **COUNCIL RESOLUTION NO 218/17/13**

**MOVED** Cr Prater

That Council move behind closed doors in order for confidential business to be discussed.

**MOTION CARRIED 8/0**

*The meeting was closed to the public in accordance with Section 5.23(2) (a), (b) (c), (d), (e) and (f) of the Local Government Act 1995.*

*There were no members of the public in Council Chambers at 9.02 pm however the doors were opened to check for visitors prior to closing Council Chambers.*

#### **COUNCIL RESOLUTION NO 219/07/13**

**MOVED** Cr Dow

That Standing Order 7.9 be suspended.

**MOTION CARRIED 8/0**

*Standing Order 7.9 was suspended at 9.04 pm to permit Members to address the Council more than once.*

Clarification was sought.

Discussion ensued.

*The Chief Executive Officer departed Council Chambers at 9.10 pm.*

*The Chief Executive Officer returned to Council Chambers at 9.12 pm.*

*Council Resolution 220/07/13 is considered confidential in accordance with Section 5.23 (2) (b), (c), (d), (e) and (f) of the Local Government Act 1995.*

#### **COUNCIL RESOLUTION NO 221/07/13**

**MOVED** Cr Dow

That Council move from behind closed doors.

**MOTION CARRIED 8/0**

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 16 JULY 2013

*The Council Chambers were re-opened at 9.27 pm. No members of the public returned to the Council Chambers and therefore the ~~resolution~~ non-confidential resolutions made behind closed doors were ~~was~~ not read aloud.*

Signed: .....

Cr K Hogg - Shire President

Date: .....

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 16 JULY 2013

**15. NEXT MEETINGS**

Ordinary Meeting of Council

~~16 July 2013~~ **20 August 2013**

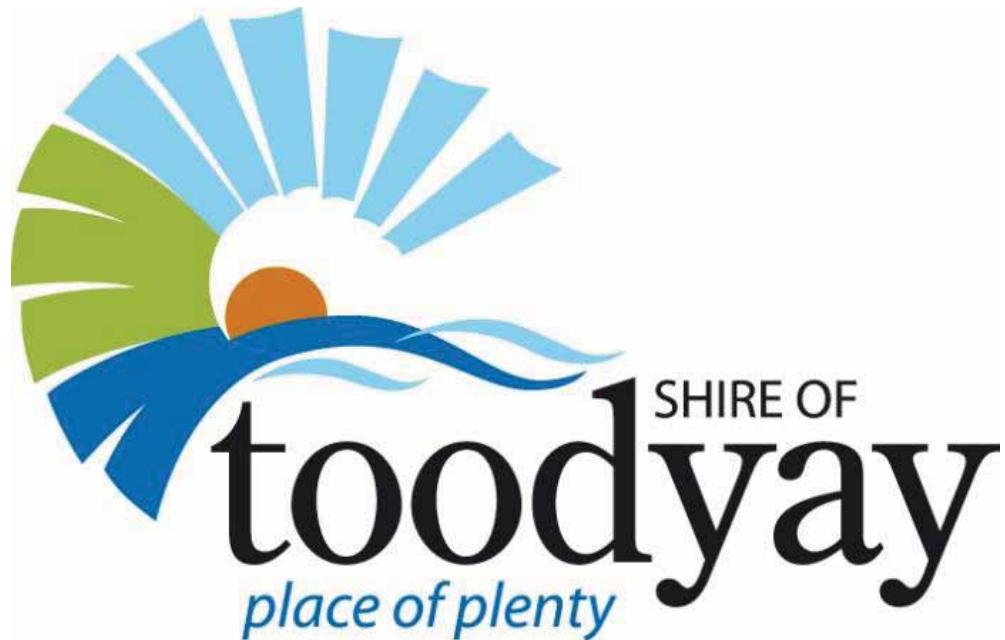
**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 9.28 pm.

Signed: .....  
Cr K Hogg - Shire President  
Date: .....







## **ADDENDUM**

Attachments to Minutes of the

**ORDINARY MEETING OF COUNCIL**

**16 July 2013**



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**Shire of Toodyay**  
**List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013**

Pay/Type	Date	Name	Description	Amount
IPV462	5/06/2013	Bendigo Bank	Payroll PPE 04/06/2013	82,621.74
IPV462-1	19/06/2013	Bendigo Bank	Payroll PPE 18/06/2013	84,611.33
IPV463	26/06/2013	Bendigo Bank	PPE Payroll A Agis - Reimbursed - Workers Compensation	3,087.87
BPV1244	1/06/2013	Bendigo Bank	Bank Fee - Reserve Account	10.00
BPV1245	1/06/2013	Bendigo Bank	Bank Fees	10.00
BPV1246	1/06/2013	Bendigo Bank	Bank Fees	82.05
BPV1247	2/06/2013	Commonwealth Bank	Eftpos Fees	111.92
BPV1248	3/06/2013	Commonwealth Bank	Eftpos Fees	178.95
BPV1249	3/06/2013	Commonwealth Bank	Eftpos Fees	29.92
BPV1250	3/06/2013	Department of Transport	Licencing Debits 30/5/13	2,398.05
BPV1251	3/06/2013	Commonwealth Bank	Eftpos Fees	65.65
BPV1252	3/06/2013	Commonwealth Bank	Eftpos Fees	27.04
BPV1253	3/06/2013	Commonwealth Bank	Eftpos Fees	29.69
BPV1254	4/06/2013	Westnet	Internet Charges Depot	343.84
BPV1255	5/06/2013	Bendigo Bank	Bank Fees	6.82
BPV1256	5/06/2013	Bendigo Bank	Bank Fees	0.22
BPV1257	5/06/2013	Department of Transport	Licencing Debits 31/5/13	5,534.60
BPV1258	6/06/2013	Department of Transport	Licencing Debits 4/06/13	7,633.90
BPV1259	7/06/2013	Tony Maddox Real Estate	Lease Staff Housing - C Delmage - fully reimbursed	800.00
BPV1260	7/06/2013	Department of Transport	Licencing Debits 5/6/13	2,334.90
BPV1261	10/06/2013	Department of Transport	Licencing Debits 6/6/13	6,640.65
BPV1262	11/06/2013	Department of Transport	Licencing Debits 7/6/13	2,705.05
BPV1263	12/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1264	12/06/2013	Department of Transport	Licencing Debits 10/6/13	12,466.10
BPV1265	12/06/2013	Cannon Finance	Lease Cannon Photocopier - Building Dept	572.00
BPV1266	13/06/2013	Bendigo Bank	Bank Fees	8.80
BPV1267	13/06/2013	Department of Transport	Licencing Debits 11/6/13	5,297.20
BPV1268	14/06/2013	Bendigo Bank	<b>Credit Card - S Slater - May 2013</b>	783.32
			Visitors Centre Lolly Shop Stock	589.51
			Visitors Centre Lolly Shop Consumables	189.81
			Card Fee	4.00
BPV1269	14/06/2013	Bendigo Bank	<b>Credit Card - C Delange - May 2013</b>	711.99
			Instapage - Museum Interaction	8.99

Shire of Toodyay

List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013

Pay/Type	Date	Name	Description	Amount
			Australia Post - A Agilus Leaving Gift	350.00
			Northam Florist - Wreath USA Memorial	85.00
			Software Licence For "Who's In"	264.00
			Card Fee	4.00
BPV1270	14/06/2013	Bendigo Bank	<b>Credit Card - G Bissett - May 2013</b>	748.42
			Building Conference - Accomodation	568.93
			Building Conference - Refreshments	73.97
			T1167 Fuel	101.52
			Card Fee	4.00
BPV1271	14/06/2013	Bendigo Bank	<b>Credit Card - S Scott - May 2013</b>	3,895.48
			LGMA Conference & Business Expo	1,375.00
			LGMA Conference & Business Expo Accomodation	851.50
			LGMA Conference & Business Expo Flights & Travel	1,280.07
			LGMA Conference & Business Expo Refreshments	151.20
			T0 - Fuel Expenses	145.71
			Building In Bushfire Prone Areas	88.00
			Card Fee	4.00
BPV1272	14/06/2013	Bendigo Bank	<b>Credit Card - L Vidovich - May 2013</b>	175.20
			Filters - T00	171.20
			Card Fee	4.00
BPV1273	14/06/2013	Bendigo Bank	<b>Credit Card - A Bell - May 2013</b>	877.37
			Visitors Centre Membership - VC Association of WA	101.00
			West Australian - Winter Guide To Perth & Sorrunds	250.00
			T00 - Fuel	522.37
			Card Fee	4.00
BPV1274	14/06/2013	Department of Transport	Licencing Debits 12/6/13	2,307.30
BPV1275	17/06/2013	Commonwealth Bank	Eftpos Fees	37.33
BPV1276	17/06/2013	Department of Transport	Licencing Debits 13/6/13	5,317.95
BPV1277	18/06/2013	Department of Transport	Licencing Debits 14/6/13	6,052.15
BPV1278	19/06/2013	Bendigo Bank	Bank Fees	7.04
BPV1279	19/06/2013	Bendigo Bank	Bank Fees	0.22
BPV1280	19/06/2013	Department of Transport	Licencing Debits 17/6/13	4,814.15
BPV1281	20/06/2013	Department of Transport	Licencing Debits 18/6/13	3,018.10

Shire of Toodyay

List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013

Pay/Type	Date	Name	Description	Amount
BPV1282	21/06/2013	Tony Maddox Real Estate	Lease Staff Housing - C DeImage - fully reimbursed	800.00
BPV1283	21/06/2013	Department of Transport	Licensing Debits 19/6/13	2,556.15
BPV1284	24/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1285	24/06/2013	Department of Transport	Licensing Debits 20/6/13	6,285.40
BPV1286	25/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1287	25/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1288	25/06/2013	Department of Transport	Licensing Debits 21/6/13	7,620.10
BPV1289	26/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1290	26/06/2013	Department of Transport	Licensing Debits 24/6/13	3,790.55
BPV1291	27/06/2013	Bendigo Bank	Bank Fees	0.11
BPV1292	27/06/2013	Department of Transport	Licensing Debits 25/6/13	14,778.70
BPV1293	28/06/2013	Bendigo Bank	Bank Fees	2.37
BPV1294	28/06/2013	Department of Transport	Licensing Debits 26/6/13	5,587.40
1264	13/06/2013	Construction Training Fund	BCITF Levies - May 13	739.02
1265	13/06/2013	Building Commission	BS Levies - May 13	595.43
1266	13/06/2013	Michael Woodhouse	Refund of Crossover Bond	2,800.00
1267	28/06/2013	Cabling Australia	Refund of Standpipe	250.00
1268	28/06/2013	John Lucas	Refund of Pavilion Bond	500.00
1269	28/06/2013	Roslyn Solberg	Refund of Memorial Hall Bond	500.00
1270	28/06/2013	Noelene Savage	Refund of Overcharged BS Levies	100.00
1271	28/06/2013	Workplace Training Advisory Aust	S Salmond Sponsorship	1,000.00
11692	13/06/2013	Old Gaol Museum	Old Gaol Volunteer Reimbursements - July 13	300.00
11693	13/06/2013	Optus	Julimar Fire Ready Group	22.50
11694	13/06/2013	R Saffioti & Tl Kettle	Rates Refund	1,175.35
11695	13/06/2013	Toodyay Bakery	Refreshments - Depot Training & Cat Snip & Chip Day	174.00
11696	13/06/2013	Telstra	Phone Charges	2,091.49
11697	13/06/2013	WA Electoral Commission	Refund of Bond - Community Centre	500.00
11698	13/06/2013	Synergy	Electricity	13,598.40
11699	28/06/2013	AMP Financial	Superannuation Contributions	410.40
11700	28/06/2013	City of Joondalup	Damaged Book	25.30
11701	28/06/2013	Dept Planning & Infrastructure	Shire Fleet Registrations	6,877.95
11702	28/06/2013	Fines Enforcement Registry	FEA Payment - Chris Firms	200.00
11703	28/06/2013	Hostplus Super	Superannuation Contributions	352.80

Shire of Toodyay					
List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013					
Pay/Type	Date	Name	Description	Amount	Amount
11704	28/06/2013	NSF Super	Superannuation Contributions		81.00
11705	28/06/2013	Shire of Toodyay - Petty Cash	<b>Petty Cash Expenses - June 13</b>		241.95
			Tape Measure	14.25	
			I Tunes Voucher - YAK	20.00	
			I Tunes Cards - CESM & Building	60.00	
			Parvo Virus Chemical Spray	10.70	
			Transport - CEO	17.00	
			I Tunes Card - CESM	20.00	
			Men's Shed Trailer Hire - Earth Mother Day	100.00	
11706	28/06/2013	Shire of Toodyay	Rates Payment - Chris Firms		200.00
11707	28/06/2013	Telstra Super	Superannuation Contributions		400.95
11708	28/06/2013	Toodyay IGA	Recycling Survey Prize Voucher		100.00
11709	28/06/2013	Toodyay Bakery	EOY Brigade Function		462.80
11710	28/06/2013	Telstra	Telephone Charges		6,426.10
11711	28/06/2013	Synergy	Electricity		2,534.50
EFT TRANSFER	26/06/2013	Shire of Toodyay	Transfer Mountain Park Subdivision Bond , Plus Interest- not processed in 2011/2012		148,261.72
EFT14019	5/06/2013	Shire of Toodyay Salaries & Wages	Payroll Deductions		3,026.33
EFT14020	5/06/2013	WA Local Govt Super Plan	Superannuation Contributions		13,506.48
EFT14021	13/06/2013	Australia Post	Postage - May 13		408.13
EFT14022	13/06/2013	Avon Skip Bins	WTS Management & Transfer Waste		9,067.02
EFT14023	13/06/2013	Avon Home Improvement Centre	Ceiling Repairs - Community Centre		2,294.82
EFT14024	13/06/2013	S & A Abbot	Council Crossover Contribution		1,550.00
EFT14025	13/06/2013	Avon Waste	Rubbish Collection		5,670.56
EFT14026	13/06/2013	Avonbrook Wines	Accommodation to 12/6/13		159.31
EFT14027	13/06/2013	Av Sec Security Services	Alarm Callout - V/C		110.00
EFT14028	13/06/2013	Australian Wildflower Seeds	V/C Stock		254.10
EFT14029	13/06/2013	Ampac Debt Recovery	Debt Recovery Costs		550.45
EFT14030	13/06/2013	Northam Betta Electrical	Rangerood & Ducting Kit - Telegraph Rd		247.00
EFT14031	13/06/2013	B Vec Electrical Services	Repairs -Standpipe		148.50
EFT14032	13/06/2013	Courier Australia	Freight		9.11
EFT14033	13/06/2013	Civic Legal	Legal Fees - Deed - Lot 73 On Plan 14526		1,181.95
EFT14034	13/06/2013	Clare's Rag Bags	V/C Consignment Stock		20.00
EFT14035	13/06/2013	The Cola Cafe	Refreshments - Councillors Meetings		505.50



**Shire of Toodyay**

**List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013**

<b>Pay/Type</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT14036	13/06/2013	Fun Lea Novelty Soaps	V/C Consignment Stock	13.85
EFT14037	13/06/2013	City of Armadale	Lost Item - Super Diaper Baby 2	11.10
EFT14038	13/06/2013	Cooks Tours	1/4 Page Advertisement Beautiful South	570.00
EFT14039	13/06/2013	Staples	Stationery	953.70
EFT14040	13/06/2013	Landgate	Valuations	287.28
EFT14041	13/06/2013	Dandelion Designs	V/C Stock	143.40
EFT14042	13/06/2013	Dunnings Caltex Toodyay Junction	Water Bottles	75.00
EFT14043	13/06/2013	Freemasons Hotel	Accommodation to 12/6/13	578.50
EFT14044	13/06/2013	Foxburrow Holiday Accommodation	Accommodation to 12/6/13	356.00
EFT14045	13/06/2013	SF Fitzgerald Plumbing & Gas	Toilets - Duidgee Park	165.00
EFT14046	13/06/2013	Future Logic	Computer Expenses	6,094.00
EFT14047	13/06/2013	Geolatry	Contract Planning Officer	3,993.00
EFT14048	13/06/2013	Galaxy Embroidery & Printing	V/C Stock	272.25
EFT14049	13/06/2013	Guardian Tactile Systems Pty Ltd	Footpath Markers - Telegraph Rd	1,850.00
EFT14050	13/06/2013	Hocking Planning & Infrastructure	Interpretation Plan - Newcastle Convict Depot as per EOI	36,469.68
EFT14051	13/06/2013	Toodyay Hardware & Farm	Hardware	2,320.54
EFT14052	13/06/2013	G Horsfield	Window Cleaning - Admin	500.00
EFT14053	13/06/2013	Uhy Haines Norton	R4R Audit	2,090.00
EFT14054	13/06/2013	Image Postcards	V/C Stock	45.00
EFT14055	13/06/2013	Ipswich View Homestead B & B	Accommodation to 12/6/13	827.70
EFT14056	13/06/2013	Jones Contracting Pty Ltd	Crushed Concrete - Telegraph Rd	4,899.51
EFT14057	13/06/2013	George Johnson - Quality Meats	Freedom of Entry Sausages	185.00
EFT14058	13/06/2013	Jason Signmakers	12 Large Sign Socks	184.80
EFT14059	13/06/2013	Joan Thomas	V/C Consignment Stock	12.50
EFT14060	13/06/2013	Keytel Communications Pty Ltd	Telephone System - New Depot & New Lines - V/C	6,017.00
EFT14061	13/06/2013	Kit'n'Kaboodle Kraft Kits	V/C Stock	154.00
EFT14062	13/06/2013	Lizard Landscape	Light Pole Fittings - Charcoal Lane	3,300.00
EFT14063	13/06/2013	Leyland Engineering Services	Vehicle & Machinery Service & Repairs	1,134.37
EFT14064	13/06/2013	Merger Contracting Pty Ltd	Hotmix - Clackline & Telegraph Rd's	80,500.70
EFT14065	13/06/2013	Morangup Volunteer Bush Fire Brigade Inc	Reimburse - Building Supplies - Morangup Fire Shed	1,920.87
EFT14066	13/06/2013	Shiller Images- Bell Art	V/C Stock	189.62
EFT14067	13/06/2013	Corry Munson	Reimbursement of CESM Phone Calls on Private Phone	237.00
EFT14068	13/06/2013	Moodyne Festival Committee	Refund of Stallholders Payment - Sues Cones	120.00

**Shire of Toodyay**

**List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013**

<b>Pay/Type</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT14069	13/06/2013	Midalia Steel Pty Ltd	Steel - Morangup Fire Shed	383.68
EFT14070	13/06/2013	Mitre 10 Northam	Construction Non Shrinkage Grout	286.40
EFT14071	13/06/2013	ACK Nielsen	Sand - Duidgee Park Retic	435.60
EFT14072	13/06/2013	Oliomio Olive & Lavender Farm	V/C Consignment Stock	20.65
EFT14073	13/06/2013	PT & JJ Contractors	Contract Cleaning - 28/5 - 10/6/13	3,692.00
EFT14074	13/06/2013	Professional Lockservice	Padlocks - Mini Rail & Community Centre	227.70
EFT14075	13/06/2013	Public Transport Authority	Transwa Ticket Sales - May 13	333.73
EFT14076	13/06/2013	Anittel Ltd	Network & Data Services	866.80
EFT14077	13/06/2013	Book Easy Australia	Online Booking Commission - May 13	198.00
EFT14078	13/06/2013	Regional Pest Control	Termite & Spider Treatments	2,443.35
EFT14079	13/06/2013	Rural Waste Management	Waste Collection - Depot & Showgrounds	132.00
EFT14080	13/06/2013	Stott & Hoare	Routers for Internet Connections	4,808.10
EFT14081	13/06/2013	Sacred Valley Retreat	Accommodation to 12/6/13	124.60
EFT14082	13/06/2013	Shire of Bruce Rock	Contract BS	998.00
EFT14083	13/06/2013	Star Training & Assessing P/L	Traffic Controllers Course - 11 Outside Crew	2,178.00
EFT14084	13/06/2013	Sai Global	BCA Subscription	1,980.67
EFT14085	13/06/2013	Toodyay Traders	Hardware	957.37
EFT14086	13/06/2013	Toodyay Herald	Advertising - Monthly Article & Heavenly Hectares	1,680.50
EFT14087	13/06/2013	Toodyay Cherry Picker Hire - M Meeres	Solar Light Panels on Light Poles - Charcoal Lane	726.00
EFT14088	13/06/2013	Tamar Publications	V/C Stock	158.40
EFT14089	13/06/2013	Toodyay IGA	Staff Amenities & Brigade EOY Function - May 13	1,066.59
EFT14090	13/06/2013	Toodyay Club (Inc)	Ice - Freedom of Entry	24.00
EFT14091	13/06/2013	Toodyay Historical Society	V/C Consignment Stock	30.00
EFT14092	13/06/2013	Toodyay Auto Parts & Pumps	Repairs to Pump	1,597.80
EFT14093	13/06/2013	Tuss Concrete	Culvert Repairs	1,821.60
EFT14094	13/06/2013	Toodyay Tyre Service	Repair & Replacement Tyres	4,092.70
EFT14095	13/06/2013	Vernice Pty Ltd	Sand- Duidgee Park	871.20
EFT14096	13/06/2013	Victoria Hotel	Accommodation to 12/6/13	487.84
EFT14097	13/06/2013	It Vision Aust Ltd	Synergy Soft Database - Workgroup Licence, Cat Module & Synergy Upgrade	12,738.87
EFT14098	13/06/2013	Whistlers	Lolly Shoppe Stock	612.15
EFT14099	13/06/2013	Michael Woodhouse	Council Crossover Contribution	1,400.00
EFT14100	13/06/2013	WA Local Government Association	Elected Member Course - Crs McCann & Greenway	1,185.00
EFT14101	19/06/2013	Shire of Toodyay Salaries & Wages	Payroll Deductions	2,820.57

**Shire of Toodyay**

**List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013**

<b>Pay/Type</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT14102	19/06/2013	WA Local Govt Super Plan	Superannuation Contributions	14,096.19
EFT14103	24/06/2013	Australian Taxation Office	BAS Return - May 13	44,533.00
EFT14104	25/06/2013	Australian Super	Superannuation Contributions	1,168.71
EFT14105	25/06/2013	WA Local Govt Super Plan	Superannuation Contributions	1,092.93
EFT14106	28/06/2013	Autopro Northam	Loading Ramps	184.98
EFT14107	28/06/2013	Avon Valley Nissan Pty Ltd	Wiper Blades	101.20
EFT14108	28/06/2013	Avon Waste	Rubbish Collection	5,246.78
EFT14109	28/06/2013	Advanced Autologic	Window Cleaner & Grease	606.00
EFT14110	28/06/2013	Algeri Planning & Appeals	Advice on Planning Matters - 4WD Training Application	121.00
EFT14111	28/06/2013	Abco Products	Cleaning Products	2,715.69
EFT14112	28/06/2013	Aquarius Freight	Six Loads Water to Avon Valley Tanks	1,200.00
EFT14113	28/06/2013	Amber Spring Gardens	Accommodation to 26/6/13	302.60
EFT14114	28/06/2013	Avon Valley Smash Repairs	Repair & Paint Toodyay Fire Support Trailer & Claim Excess on T0023 & T6177	1,920.00
EFT14115	28/06/2013	Australian Ethical	Superannuation Contributions	387.28
EFT14116	28/06/2013	BT Lifetime Super	Superannuation Contributions	88.51
EFT14117	28/06/2013	Bendigo Superannuation Plan	Superannuation Contributions	79.26
EFT14118	28/06/2013	B Vec Electrical Services	Installation of Solar Lights - Charcoal Lane & General Electrical Repairs	4,025.95
EFT14119	28/06/2013	Courier Australia	Freight	306.18
EFT14120	28/06/2013	Country Copiers Northam	Colour Copier Service & Metre Readings	2,680.56
EFT14121	28/06/2013	Civic Legal	Contract Advice - Purchase of Rec Land & Opal Vale	3,043.70
EFT14122	28/06/2013	Coondle Fabrication	Steel - Street Furniture	40.00
EFT14123	28/06/2013	Construction Equipment Australia	Loader Repairs	2,894.35
EFT14124	28/06/2013	S Craddock	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00
EFT14125	28/06/2013	The Cola Cafe	Refreshments - Council Meeting	375.00
EFT14126	28/06/2013	Concept Media	Advertising - Experience The Avon Valley - May 13 Issue	242.00
EFT14127	28/06/2013	Walter Franklin Chitty	Gravel - Salt Valley Road	11,147.40
EFT14128	28/06/2013	David Dow	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00
EFT14129	28/06/2013	Eastern Hills Saws & Mowers	Two Backpack Blowers - Brigades	1,278.40
EFT14130	28/06/2013	Freemasons Hotel	Accommodation to 26/6/13, Refreshments (Aust Day & FOE), EHO Accommodation	1,635.26
EFT14131	28/06/2013	Foxburrow Holiday Accommodation	Accommodation to 26/6/13	178.00
EFT14132	28/06/2013	Chris Firms	Monthly Attendance Allowance & Telecommunications Allowance - June 13	400.00
EFT14133	28/06/2013	Geolatory	Contract Planning Officer - May & June 13	4,653.00
EFT14134	28/06/2013	Paula Greenway	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00

Shire of Toodyay

List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013

Pay/Type	Date	Name	Description	Amount
EFT14135	28/06/2013	Grove Wesley Design Art	Fire Support Vehicle High Vis Vinyl & Print Media	720.50
EFT14136	28/06/2013	Health Insurance Fund	Payroll Deductions	255.60
EFT14137	28/06/2013	3 - Hutchison Telecommunications Ltd	Pager Charges - June 13	956.23
EFT14138	28/06/2013	Harcourt Street B & B	Accommodation to 26/6/13	213.60
EFT14139	28/06/2013	Kevin Hogg	Monthly Attendance Allowance & Telecommunications Allowance - June 13	2,066.67
EFT14140	28/06/2013	Heartlands Veterinary Hospital	Cat Chip N Snip Day - 41 Microchips, five Speys, five Castrations	4,205.00
EFT14141	28/06/2013	Hydraulics Design Australia	Design Fire Services - New Depot	2,640.00
EFT14142	28/06/2013	Homesafe Id	Cat Chip N Snip Day - 100 x Microchips	1,166.00
EFT14143	28/06/2013	UHY Haines Norton	Interim Billing - Year Ended 2013	10,461.00
EFT14144	28/06/2013	Hanson Construction Materials Pty Ltd	Gravel - New Depot	479.88
EFT14145	28/06/2013	Ipswich View Homestead B & B	Accommodation to 26/6/13	559.90
EFT14146	28/06/2013	ING Masterfund	Superannuation Contributions	350.60
EFT14147	28/06/2013	George Johnson - Quality Meats	Meat - Avon Descent Landholders BBQ	195.00
EFT14148	28/06/2013	Lizard Landscape	Animal Yards, Fencing Etc - New Depot	25,000.00
EFT14149	28/06/2013	Local Government Managers Australia	Seminar - Induction of Local Govt - K Hooper	214.50
EFT14150	28/06/2013	Bethan Lloyd	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00
EFT14151	28/06/2013	Leyland Engineering Services	Vehicle & Machinery Service & Repairs	556.87
EFT14152	28/06/2013	State Library of WA	Recoveries of Lost/Damaged Books	29.70
EFT14153	28/06/2013	Rosemary Madacsi	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00
EFT14154	28/06/2013	MM Electrical Merchandising	Globes	253.11
EFT14155	28/06/2013	Andrew McCann	Monthly Attendance Allowance & Telecommunications Allowance - June 13	800.00
EFT14156	28/06/2013	Major Motors	Fire Vehicle Repairs	1,631.20
EFT14157	28/06/2013	Midalia Steel Pty Ltd	Steel - Assorted Jobs	2,221.34
EFT14158	28/06/2013	McBride Contracting	Reimbursement of Equipment for Fire Support Ute	1,220.45
EFT14159	28/06/2013	M2 Technology Pty Ltd	Messages on Hold	195.01
EFT14160	28/06/2013	Mitre 10 Northam	Kitchen Cabinets & Bathroom Materials - 19 Clinton St	3,839.86

**Shire of Toodyay**

**List of Payments Presented to Council for Period 1 June 2013 to 30 June 2013**

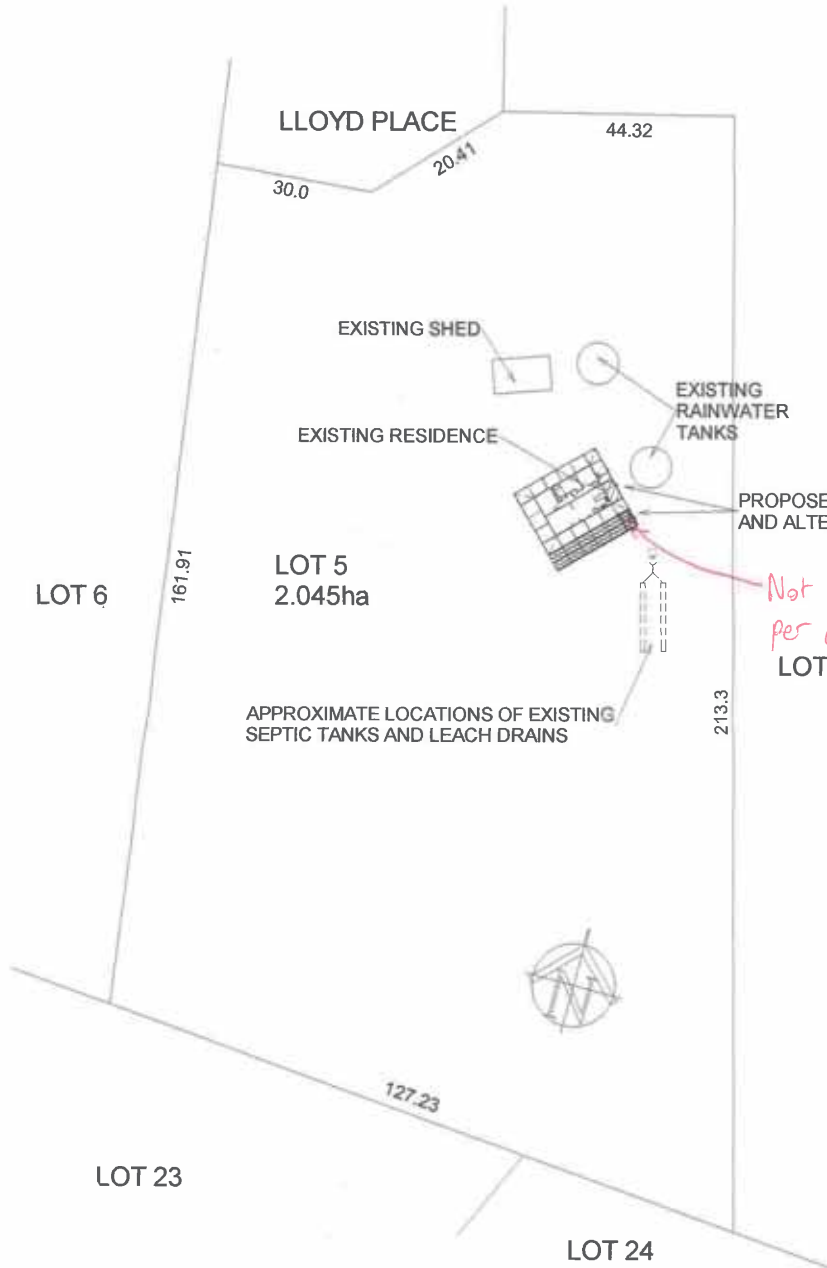
<b>Pay/Type</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT14161	28/06/2013	John Prater	Monthly Attendance Allowance & Telecommunications Allowance - June 13	1,000.00
EFT14162	28/06/2013	PT & JJ Contractors	Contract Cleaning - 11/6 - 24/6/13	3,692.00
EFT14163	28/06/2013	Regional Pest Control	Termite & Spider Treatments	2,524.85
EFT14164	28/06/2013	Rylan Pty Ltd	Kerbing Clinton St & Showgrounds	2,285.80
EFT14165	28/06/2013	State Law Publisher	Advertising - LPS Amendments 1 & 4	452.08
EFT14166	28/06/2013	St John Ambulance	First Aid Kits & 2 Oxy Sox - Fire Brigades	1,733.44
EFT14167	28/06/2013	Safety Direct Solutions	Fire Training - Cert II Asset Maintenance Protection	1,500.00
EFT14168	28/06/2013	Specs 241 Mobile	Safety Prescription Glasses - R Lloyd	753.00
EFT14169	28/06/2013	Noelene Savage	Council Crossover Contribution - Lot 31 Railway Rd	1,114.32
EFT14170	28/06/2013	Toodyay Express	Freight	176.00
EFT14171	28/06/2013	Shire of Northam	Disposal of Waste - May 13	7,806.95
EFT14172	28/06/2013	Toodyay Cricket Club	Shire Contribution CSRFF Grant Application	3,436.34
EFT14173	28/06/2013	Toodyay Newsagency	Newspapers & Misc Items - June 13	112.50
EFT14174	28/06/2013	Road Signs Australia	Sign Brackets	737.00
EFT14175	28/06/2013	Toodyay Community Bus	Hire of Community Bus - 4/6/13 Councilor Road Inspection	449.80
EFT14176	28/06/2013	Toodyay Community Resource Centre	White Card Training Internet Usage - FCOs	42.60
EFT14177	28/06/2013	The Limes Orchard Stay	Accommodation to 26/6/13	778.75
EFT14178	28/06/2013	Victoria Hotel	Accommodation to 26/6/13	92.29
EFT14179	28/06/2013	IT Vision Aust Ltd	Synergy Soft Reserves Modules	5,388.70
EFT14180	28/06/2013	WA Local Government Association	Meet The Minister Breakfast	96.00
EFT14181	28/06/2013	Watering Concepts	Value Repair Kit - Standpipe	126.50
EFT14182	28/06/2013	Warragenny Holdings Pty Ltd	Reimbursement of Ins Claim 026253 - T1088 Damaged During Kane Rd Fire	2,182.55
EFT14183	28/06/2013	West Scheme	Superannuation Contributions	824.46
EFT14184	28/06/2013	Weilburn Superannuation Fund	Superannuation Contributions	41.06
			<b>Total Payments</b>	<b>933,580.74</b>

IPV	170,320.94
BPV	117,454.70
Trust	6,484.45
EFT	603,145.16
Muni Chqs	36,175.49

**TOTAL 933,580.74**

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- NOTE**
1. ALL INTERNAL DOORS TO BE 2040 HIGH UNLESS NOTED OTHERWISE
  2. WINDOW HEAD HEIGHT TO BE 2143 UNLESS NOTED OTHERWISE
  3. EXTERNAL DOORS TO BE 2143 UNLESS NOTED OTHERWISE
  4. W.C'S TO HAVE REMOVABLE DOORS
  5. ALL WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA, THESE DRAWINGS AND OTHER RELEVANT TECHNICAL LITERATURE
  6. DOWN PIPES SHOWN INDICATIVE ONLY. LOCATE AT DISCRETION OF ROOF PLUMBER IN CONSULTATION WITH OWNER



*Not part of approval as per Condition 5*

*A*  
*13/5/13*

BUILDER SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS  
WHERE APPLICABLE ENGINEERS DRAWINGS SHALL BE READ IN CONJUNCTION WITH THESE DRAWINGS  
WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS

**A3**

ASSOCIATE MEMBER  
BUILDING DESIGNERS ASSOCIATION W.A.



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**AMENDMENTS**  
A. ISSUED FOR CLIENT REVIEW  
B. ISSUED FOR CONSTRUCTION

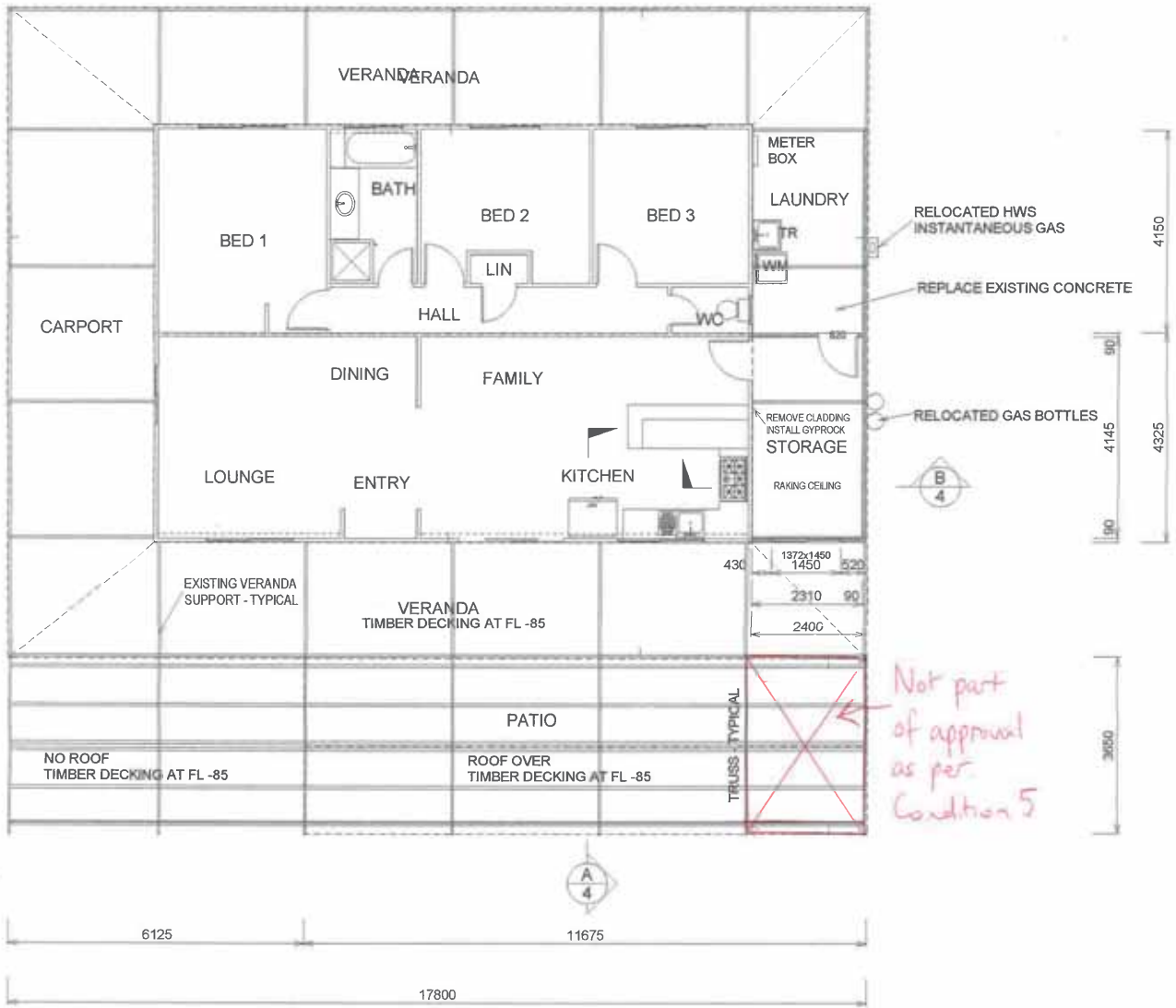
**AVON VALLEY DESIGN  
AND DRAFTING SERVICE**

ABN 44 819 114 721  
56 WOODLEY FARM DRIVE NORTHAM W.A. 6401  
PHONE/FAX (08) 9622 2816  
MOBILE 0419 909 485  
e-mail avonvdy@bigpond.com

**PROPOSED ADDITIONS/ALTERATIONS  
FOR MR W. & MRS M. NEILSEN  
LOT 5 - 21 LLOYD PLACE  
COONDLE**

**SITE PLAN**

DRAWN S.R.C.	DATE MAY 2013	SCALE 1:1000
JOB NUMBER <b>12062</b>	SHEET NO <b>1</b>	ISSUE <b>B</b>



Not part of approval as per Condition 5

A  
13/5/13

BUILDER SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS  
WHERE APPLICABLE ENGINEERS DRAWINGS SHALL BE READ IN CONJUNCTION WITH THESE DRAWINGS -  
WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS

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ASSOCIATE MEMBER  
BUILDING DESIGNERS ASSOCIATION W.A.



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**AVON VALLEY DESIGN  
AND DRAFTING SERVICE**

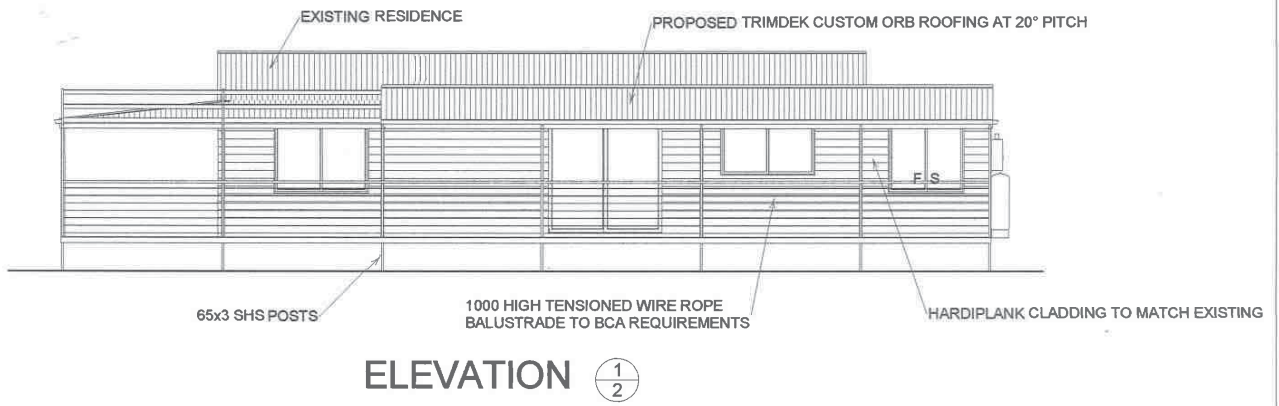
ABN 44 819 114 721  
58 WOODLEY FARM DRIVE NORTHAM W.A. 6401  
PHONE/FAX (08) 9622 2816  
MOBILE 0419 909 485  
e-mail : avonvds@bigpond.com

PROPOSED ADDITIONS/ALTERATIONS  
FOR MR W. & MRS M. NEILSEN  
LOT 5 - 21 LLOYD PLACE  
COONLDIE

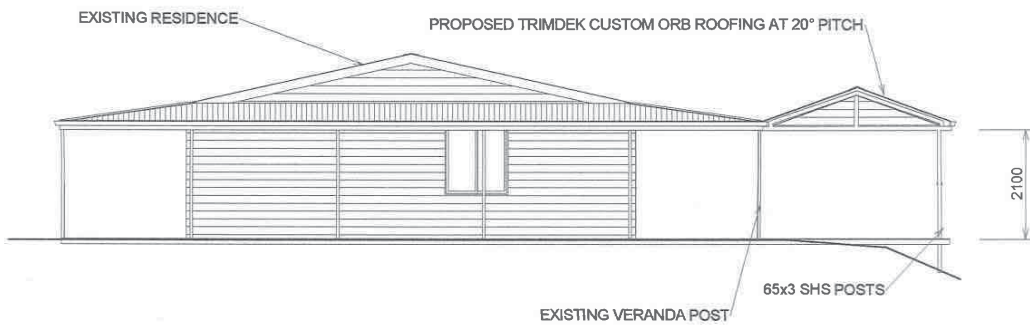
FLOOR PLAN

DRAWN S.R.C.	DATE MAY 2013	SCALE 1:100
JOB NUMBER 12062	SHEET NO 2	ISSUE B

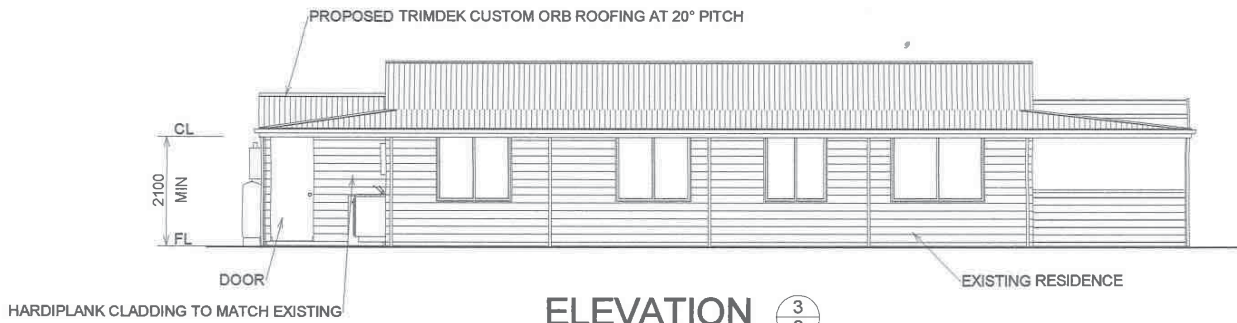




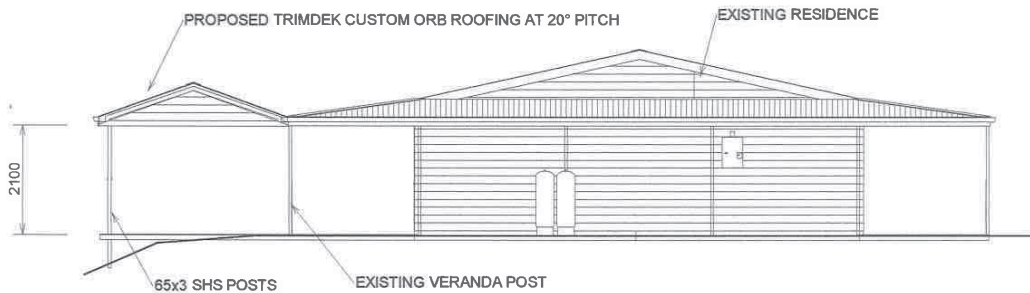
ELEVATION ①  
②



ELEVATION ②  
②



ELEVATION ③  
②



ELEVATION ④  
②

A  
13/7/13

BUILDER SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS  
WHERE APPLICABLE ENGINEERS DRAWINGS SHALL BE READ IN CONJUNCTION WITH THESE DRAWINGS  
WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS

A3

ASSOCIATE MEMBER  
BUILDING DESIGNERS ASSOCIATION W.A.



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AMENDMENTS  
A. ISSUED FOR CLIENT REVIEW  
B. ISSUED FOR CONSTRUCTION

**AVON VALLEY DESIGN  
AND DRAFTING SERVICE**

ABN 44 819 114 721  
56 WOODLEY FARM DRIVE NORTHAM W.A. 6401  
PHONE/FAX (08) 9622 2816  
MOBILE 0419 909 485  
e-mail : avonvds@bigpond.com

PROPOSED ADDITIONS/ALTERATIONS  
FOR MR W. & MRS M. NEILSEN  
LOT 5 - 21 LLOYD PLACE  
COONDLE  
13

ELEVATIONS

DRAWN S.R.C.	DATE MAY 2013	SCALE 1:100
JOB NUMBER 12062	SHEET NO 3	ISSUE B

PRINTED 7:04:45 PM 2/05/2013 VERSION X5

ATTACHMENT EMAILED TO COUNCILLORS AT THE REQUEST OF PLANNING OFFICER  
15 July 2013

**From:** Bill Neilsen [<mailto:bneilsen@maroomba.com.au>]  
**Sent:** Friday, 12 July 2013 1:33 PM  
**To:** Daniel Hills  
**Cc:** [billneilsen@iinet.net.au](mailto:billneilsen@iinet.net.au); 'Meredith Neilsen'  
**Subject:** Proposed planning approval attn Danial

Hi Daniel,

We recently applied to the Toodyay council for planning approval for the decking at our home. I understand that there is a need for us to justify the location of the decking because it is too close to the boundary of our property. We have given serious consideration to the location, and the main points for the location are -

When you enter our property, you actually approach the rear of the house. This is because the house was originally built to take in the views of the valley from the front of the house, so actually faces away from the property entrance. So, the decking is designed to take in these views and therefore is located on the front of the house (opposite to the entrance gate).

The plans state that the deck comes out to the limit of the verandah which runs along the fence line, however, this is incorrect. The deck has not been built that far out and is in line with the walls of the house and not as far out as the verandah line. However, the deck is wider and looks out over the valley and it is the very corner of the deck that is in question of impinging.

When the house was originally built, it complied with the regulations at the time, being 20M. Now the new regulations state it is 30M. We felt that we had no alternative but to build the deck over the original verandahs and in line with the house walls.

With this in mind, we had consultations with the owners of the neighbouring property and they expressed no objections to building the deck where it is and no objections to the distance of the decking from their boundary. In no way does it impact on their privacy and they have indicated this with a statement handwritten on the plans we have submitted to the council.

As a side note we have experienced serious rabbit tunnelling close to the house foundations where the decking is located and the new design will totally eliminate any future threat from them. I hope this information is helpful in the decision making process and if I can be of any more help, please yell out.

Regards

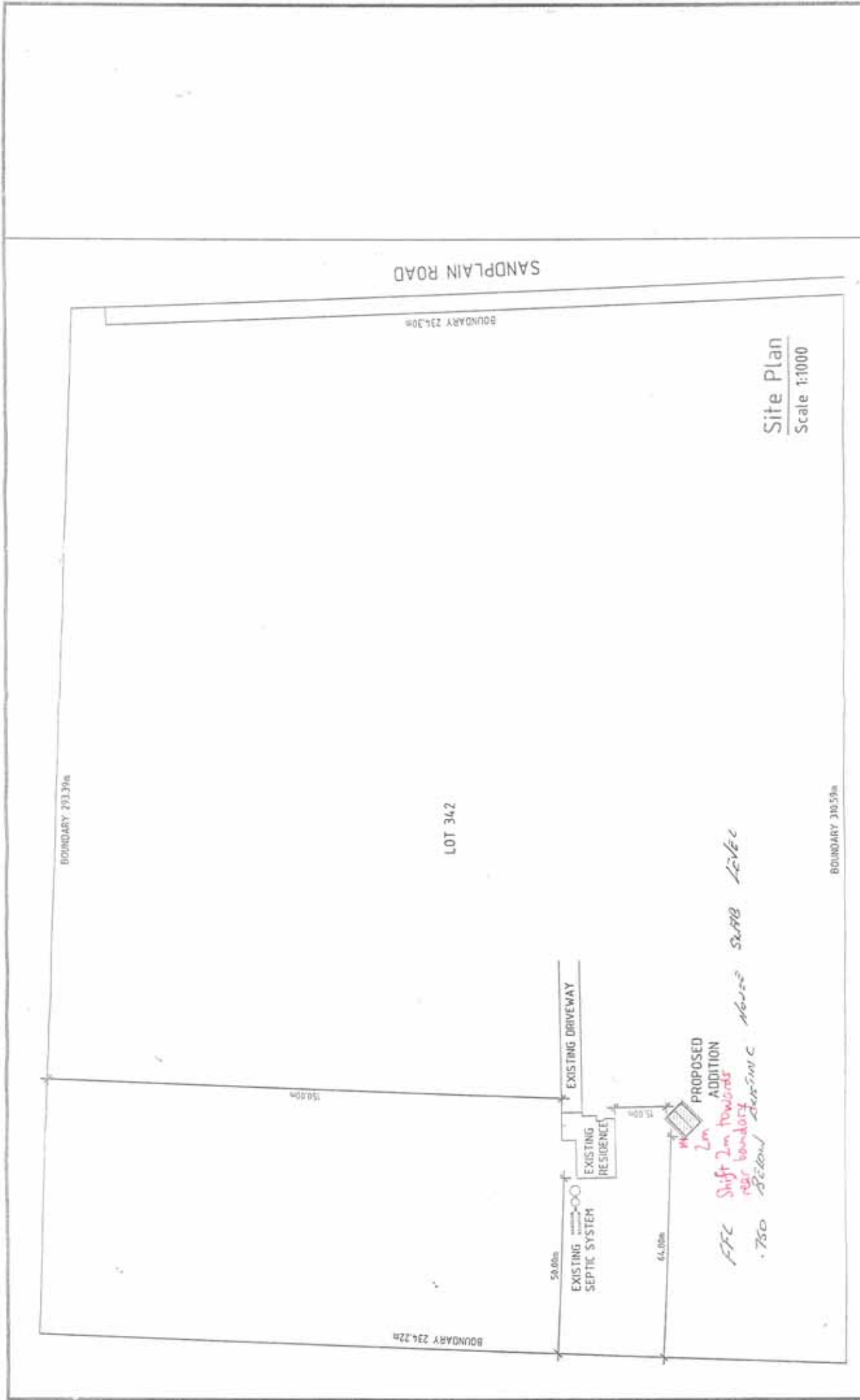
Bill and Meredith Neilsen, 21 Lloyd Place, Coondle

**Bill Neilsen** | Maintenance Planner | **Maroomba Airlines**

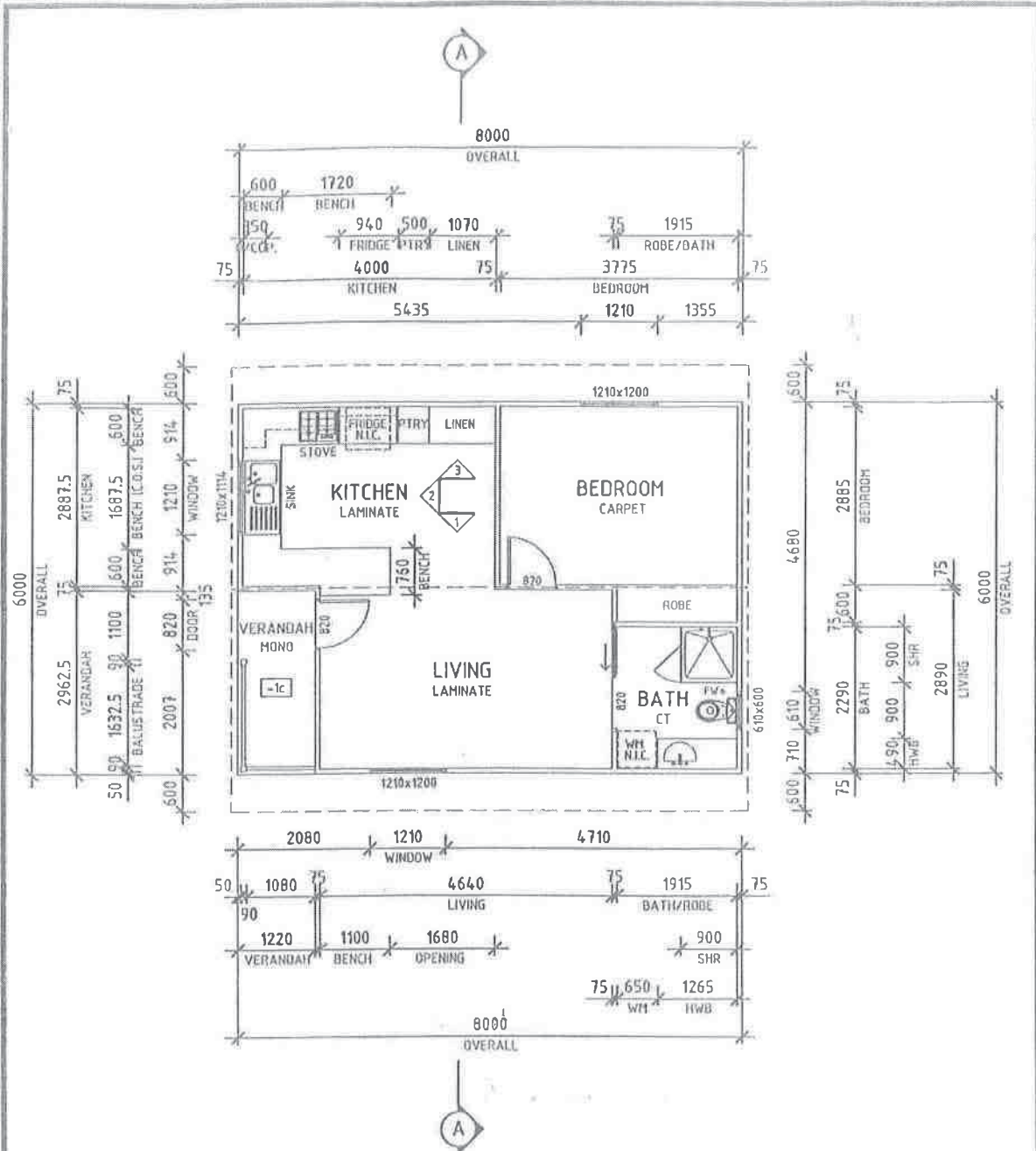
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**P:** (08) 9478 3850 | **F:** (08) 9479 7689 | **E:** [maintenance@maroomba.com.au](mailto:maintenance@maroomba.com.au)  
| [www.maroomba.com.au](http://www.maroomba.com.au)

**A:** 165 Fautleroy Avenue, Perth Domestic Airport, Western Australia 6105



 34 WOODSIDE DRIVE, SANDPLAIN WA 6051 PH (08) 9391 2122   FAX (08) 9398 2322	CLIENT: <b>Mr. James Don &amp; Mrs. Tracy Greentree</b>	ADDRESS: <b>PROPOSED ONE BEDROOM GRANNY FLAT AT: 88 SANDPLAIN ROAD TOODYAY WA 6566</b>	No. OF REVISION 01 Issue for client approval	DATE 24.05.13	NORTH 	DRAWN FA SCALE: 1:100 @ A3	CONTRACT No. 1343 DRAWING No. A 01	TITLE: <b>Site Plan</b>	REVISION <b>01</b> DATE 24 May 13
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## Floor Plan

Scale 1:100

**NOTE:**

- CEILING HEIGHTS:
  - BATH - FLAT CEILING AT 2400mm.
  - BEDROOM - FLAT CEILING AT 2400mm.
  - KITCHEN - RAKED CEILING.
  - LIVING - RAKED CEILING.
  - VERANDAH - FLAT CEILING AT 2229mm.
- CT - CERAMIC TILES.



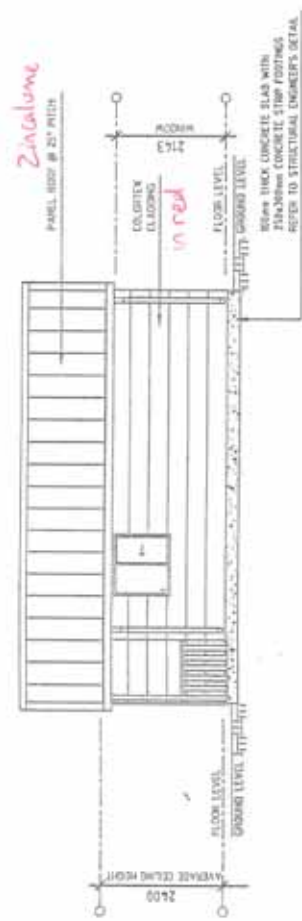
CLIENT:  
**Mr. James Don & Mrs. Tracy Greentree**

ADDRESS:  
**PROPOSED ONE BEDROOM GRANNY FLAT AT:  
 88 SANDPLAIN ROAD  
 TOODYAY WA 6566**

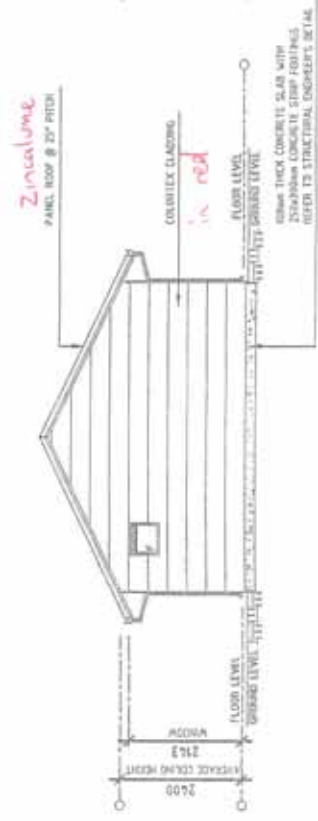
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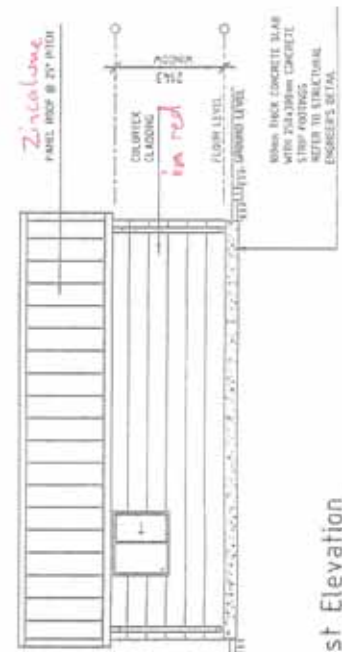
South Elevation  
Scale 1:100



East Elevation  
Scale 1:100



North Elevation  
Scale 1:100



West Elevation  
Scale 1:100

**Classic**  
PATIOS & POOLS

27 WHICH ROAD JOONDUP WA 6107  
TEL: (08) 9387 1212 FAX: (08) 9387 2025

CLIENT:  
Mr. James Don &  
Mrs. Tracy Greentree

ADDRESS:  
PROPOSED ONE BEDROOM  
GRANNY FLAT AT:  
88 SANDPLAIN ROAD  
TOODYAY WA 6566

NO.	REVISION	DATE
01	Issue for client approval	24.05.13

DRAWN: FA  
SCALE: 1:100 @ A3

CONTRACT NO.: 1343  
DRAWING NO.: A 04

TITLE:  
West, South, East and  
North Elevations

REVISION: 01  
DATE: 24 May 13

EMAILED ADDITIONAL OFFICER COMMENT TO COUNCILLORS

15 July 2013

(to be tabled at Ordinary Meeting of Council on 16 July 2013)

**ADDITIONAL OFFICER'S COMMENT**

It has since been brought to the attention of the Shire of Toodyay that incorrect plans for the ancillary accommodation had originally been submitted. The Shire of Toodyay has recently received the correct plans. The new site plan indicates that the ancillary accommodation is located further in front of the existing dwelling, being setback 79m from the rear boundary and 225m from the front boundary. The applicant has stated that they wish to have the ancillary accommodation in the new proposed position for the following reasons:

- The new location is on a mostly clear and flat piece of land, as opposed to the existing location which is heavily forested;
- The new location is directly connected to the driveway;
- The new location requires less earthworks as the current proposed location is hilly and at a different level to the existing dwelling;
- The new location will still result in the ancillary accommodation not being visible from the front road and from neighbouring properties.

A site visit has confirmed the justification reasons submitted by the applicant as being correct. In addition, it should be noted that the existing dwelling is already located far back from the road.

Given the above considerations, it is considered that the proposed ancillary accommodation at Lot 342 Sandplain Road with the modified site plan be approved. Please note that the alternative officer's recommendation has removed the original condition 8, which related to moving the ancillary accommodation 2m further back into the property.

**OFFICER'S RECOMMENDATION**

It is recommended that Council grant planning approval for the proposed dwelling and ancillary accommodation at Lot 342 Sandplain Road, Toodyay, subject to the following conditions:

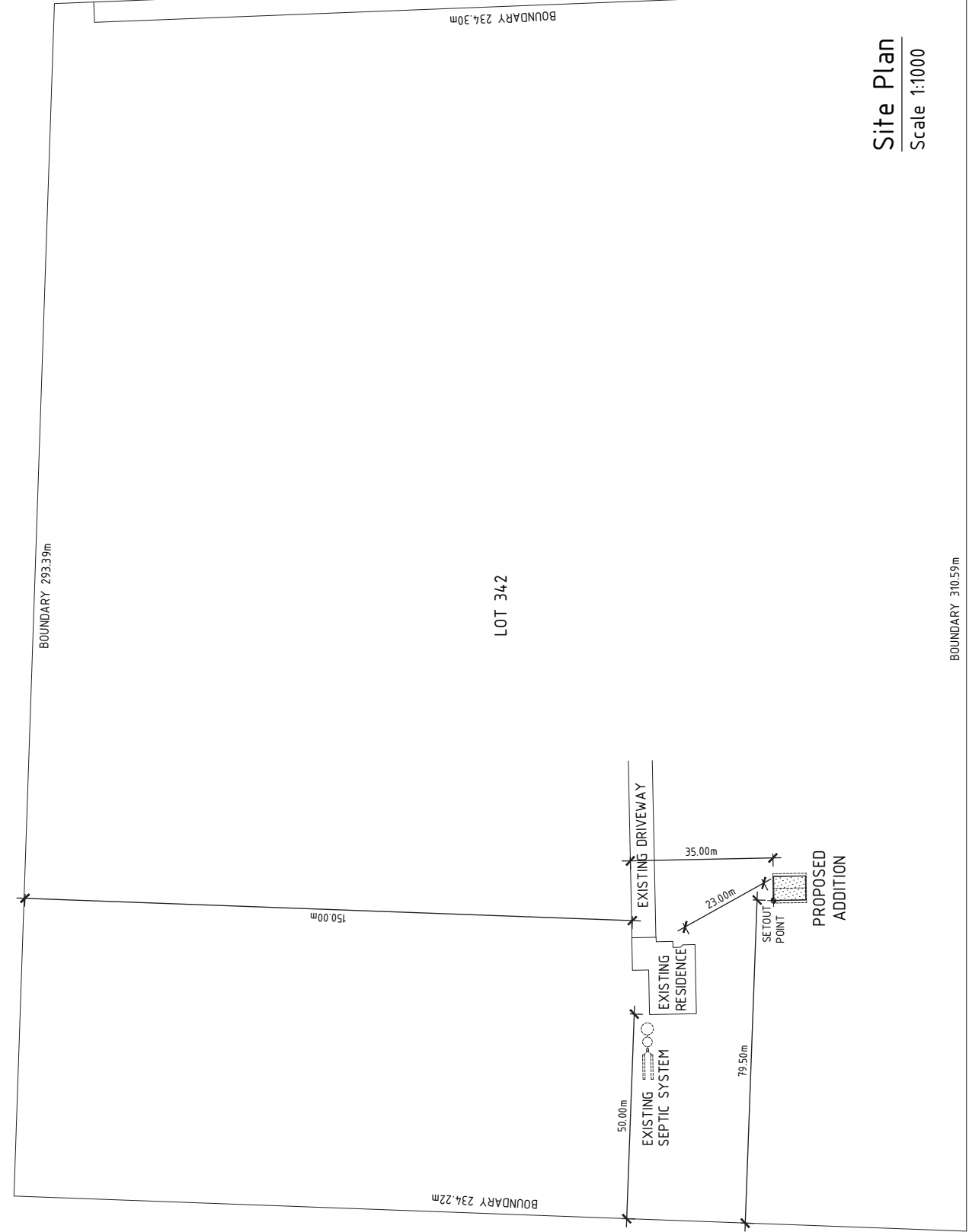
1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The ancillary accommodation must be accessed from the same crossover and driveway as the main dwelling.
4. A building permit being obtained prior to commencement of any building works.

EMAILED ADDITIONAL OFFICER COMMENT TO COUNCILLORS

15 July 2013

(to be tabled at Ordinary Meeting of Council on 16 July 2013)

5. The ancillary accommodation unit must be provided with an additional 22,500 litre potable water supply in addition to the 92,000 litre potable water supply of the existing residence.
6. Prior to the issue of a Building Permit, a notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot advising:  
  
"The ancillary accommodation is only to be occupied by a member or members of the same family as the occupiers of the main dwelling. The existence of ancillary accommodation on the property should not be construed to mean that the property is suitable for subdivision."  
  
All costs associated with the lodgement of the Notification on the Certificate of Title will be borne by the applicant.
7. The ancillary accommodation is only to be occupied by a member or members of the same family that occupy the main dwelling.
8. The wall cladding of the ancillary accommodation is to be red in colour.
9. The roof of the ancillary accommodation is to be zincalume.



SANDPLAIN ROAD

Site Plan  
Scale 1:1000

**CONSTRUCTION NOTES:**

**SITE PREPARATION:**  
CLEAR ALL ORGANIC MATTER UNDER THE SITE TO A DEPTH OF 300mm BELOW SLAB LEVEL.

**SAND PAD:**  
UNDER FOOTINGS & SLAB TO BE CLEAN FILL & COMPACTED TO GIVE 7 BLOWS PER 300mm ON A STANDARD FALLING WEIGHT PENETROMETER.

**POISON:**  
PROVIDE TERMITICIDE TREATMENT FOR SOIL UNDER SLAB IN ACCORDANCE WITH AS 3660.1.

**MEMBRANE:**  
WATERPROOF MEMBRANE TO BE PVC WITH ALL EDGES LAPPED & SEALED.

**CONCRETE:**  
FOR SLAB TO HAVE FC = 20MPa MIN. AT 28 DAYS & SLUMP NOT GREATER THAN 80mm. REINFORCEMENT TO BE #2 MESH PLACED AT TOP OF SLAB WITH COVER 25mm.

**DAMP COURSE:**  
TO BE 200PM PVC VPM & ALL JOINTS TO BE LAPPED & SEALED.

**BASE CHANNEL:**  
TO BE ITEM (C) WITH LEG REMOVED LAD ON DPC & BOLTED TO SLAB AT 1200mm CTS UNDER PANEL JOINTS WITH 8 DIA. DYWA BOLTS.

**INTERNAL LINING:**  
10mm PLASTERBOARD LINING WITH TAPE & FLUSH JOINTS FASTENED TO STUDWORK AT 600mm CTS.

**CONNECTORS:**  
PANEL CONNECTORS ARE TO BE ITEM (D) FLANGES ARE TO BE FITTED OVER & SCREWED TO THE TOP LIP OF THE BASE CHANNEL WITH ONE No. 10 TEK PER EXTERNAL FN.

**WINDOWS & DOORS:**  
TO BE SLIDING MODULES IN ALUMINIUM FRAMES. EXTERNAL GLASS SERVICES SUITABLE FOR CATEGORY 3 TERRAIN.  
POP RIVET FIXED THROUGH THE FLASHING LIP TO ITEM (C) SURROUND & SEALED WITH A SILICON BEAD.

**EXTERNAL LINING:**  
TO BE WEATHERBOARD OVER INSULATION ONTO METAL CLADDING AS SELECTED FASTENED TO THE VERTICAL STUDS.

**BEAM:**  
ITEM (A) TO BE FIXED EACH END WITH CLEATS AS DETAILED. BOLTS TO 8 DIA. MILD STEEL GALVANIZED BOLTS. SCREWS TO #9 No. 10 TEKS.

**PURLINS:**  
ITEM (B) TO BE FIXED EACH END WITH CLEATS AS DETAILED AND FASTENED AS FOR THE BEAM.

**ROOF SHEETING:**  
TO BE 'TRIMDEK' FITTED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION. COLORBOND OR ZINCALUME STEEL FINISH AS SELECTED.

**GUTTERS & FLASHINGS:**  
TO BE COLORBOND OR ZINCALUME AS SELECTED.

**DOWNPIPES & SOAKWELLS:**  
PROVIDE ONE 80/60 DOWNPIPE PER 25m<sup>2</sup> OF ROOF DRAINED. DOWNPIPES TO BE 100mm DIA. OWNERS SOAKWELL & LOCATED AWAY FROM THE SLAB EDGE.

**CEILING:**  
10mm PLASTERBOARD (TAPE & FLUSH JOINTS).

**ELECTRICAL:**  
TO BE PROVIDED TO CLIENTS REQUIREMENTS & INSTALLED IN ACCORDANCE WITH WESTERN POWER REGULATIONS. FITTINGS TO BE SELECTED BY CLIENT.

**CONNECTIONS TO EXISTING STRUCTURE:**  
ALL POINTS OF CONNECTION TO THE EXISTING BUILDING ARE TO BE FLASHED AS INDICATED ON THE DRAWINGS OR TO BE SPECIAL REQUIREMENTS BY THE LOCAL AUTHORITY.

**EXTERNAL WALL:**  
WHERE SELECTED, THE LINING OF THE EXISTING WALL TO BE 10mm PLASTERBOARD OVER INSULATION ONTO METAL CLADDING AS SELECTED. WINDOW OPENINGS TO BE TRIMMED & CORNERS FLASHED OR FITTED WITH PVC COVER BEADS.

**INSULATION:**  
INSULATION TO BE INSTALLED BEHIND EXTERNAL WALL CLADDING & UNDER ROOF SHEET. BRADFORD GOLD CEILING BATTS ABOVE PLASTERBOARD CEILING.

**MODIFICATIONS TO STRUCTURE:**  
MODIFICATIONS TO STRUCTURE REQUIRES THE APPROVAL OF A CONSULTING ENGINEER.

 37 WINTON ROAD   JOONDULLUP WA 6027 PH (08) 9301 2122   FAX (08) 9300 2522	CLIENT: <b>Mr. James Don &amp; Mrs. Tracy Greentree</b>	ADDRESS: <b>PROPOSED ONE BEDROOM GRANNY FLAT AT: 88 SANDPLAIN ROAD TOODYAY WA 6566</b>	No. REVISION 01 Issue for client approval 02 Issue for client final approval 03 Issue for client final approval	DATE 24.05.13 18.06.13 19.06.13	NORTH: 	DRAWN: FA SCALE: 1:100 @ A3	CONTRACT No.: 1343 DRAWING No.: A 01	TITLE: <b>Site Plan</b>	REVISION: 03 DATE: 24 May 13
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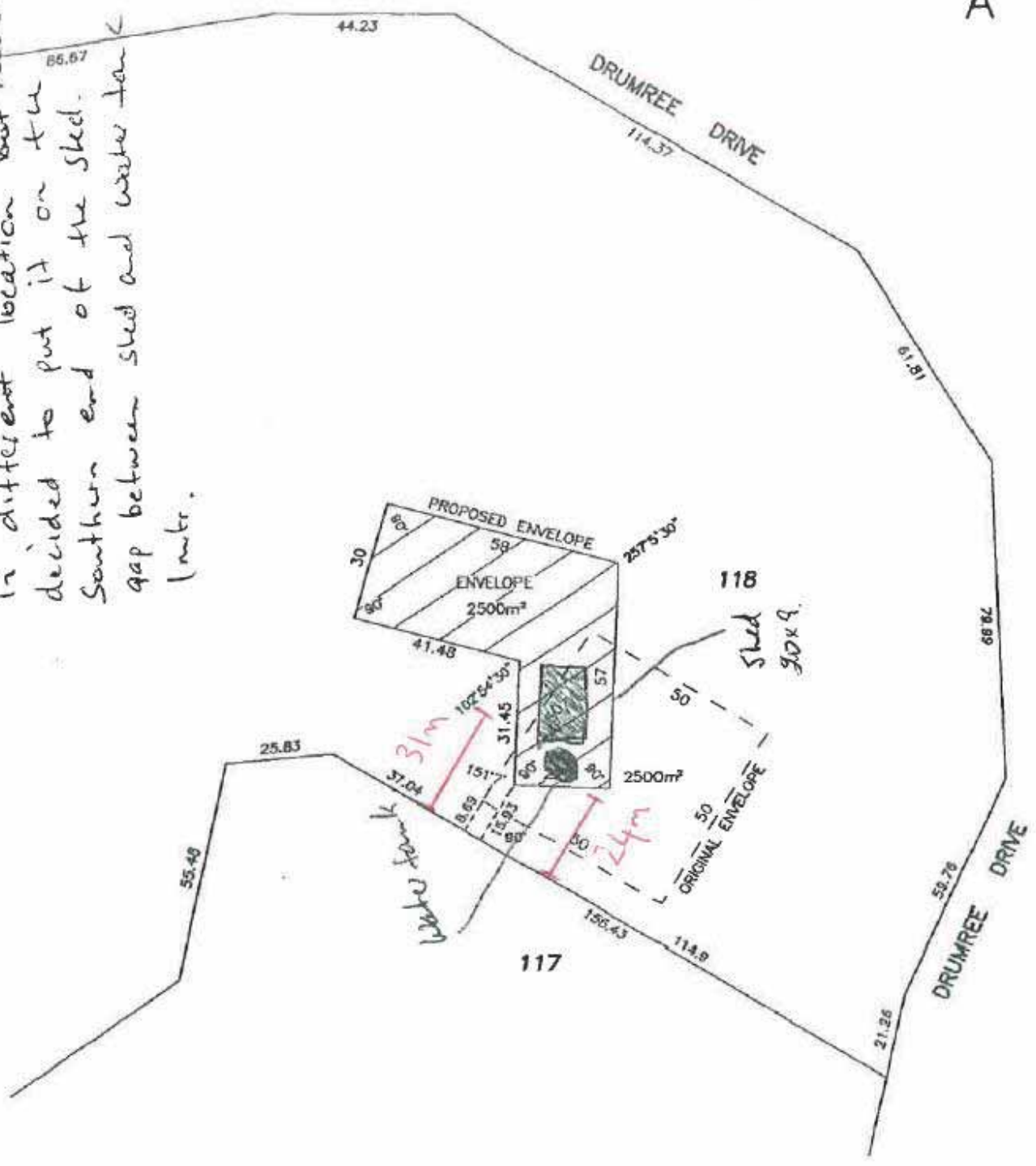
NOTE:  
ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER ANY SCALED MEASUREMENTS.  
ALL DIMENSIONS SHALL BE VERIFIED ON SITE PRIOR TO CONSTRUCTION BEGINNING. ANY DISCREPANCIES FOUND SHALL BE REPORTED TO THE OWNERS FOR CLARIFICATION.



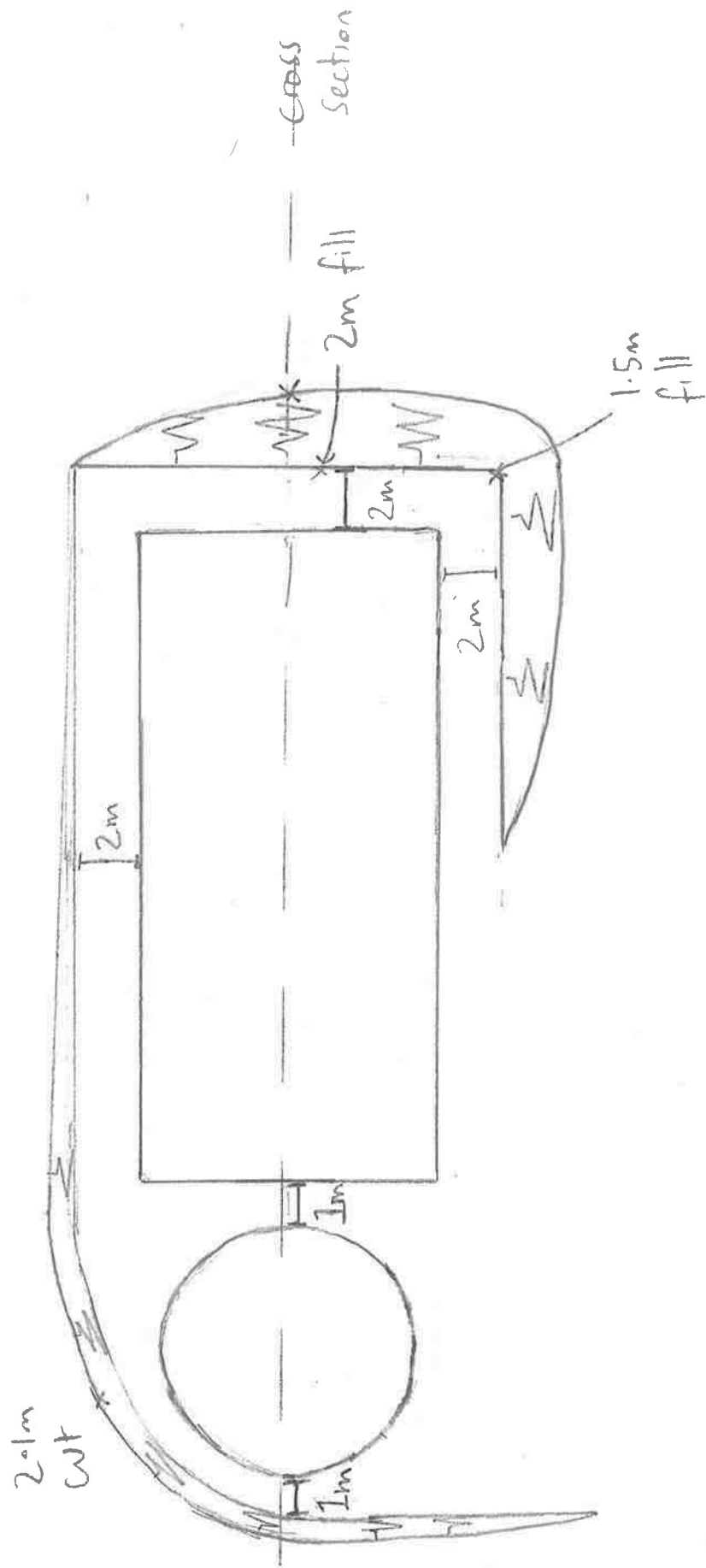
# Site Plan: Lot 118 Drumree Drive

originally going to put water tank  
 in different location but have  
 decided to put it on the  
 southern end of the shed.  
 gap between shed and water tank  
 1mtr.

A

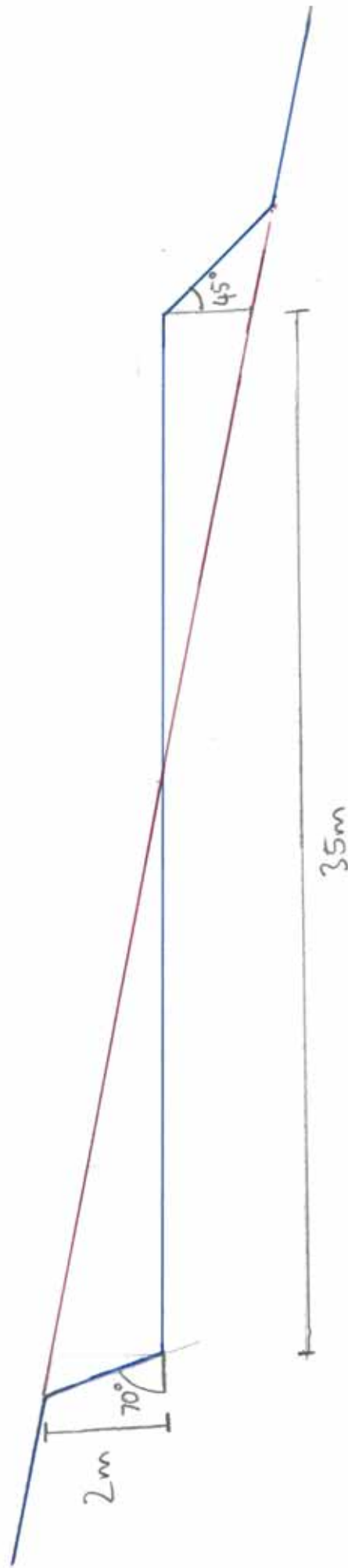


# SITE PLAN OF STRUCTURES

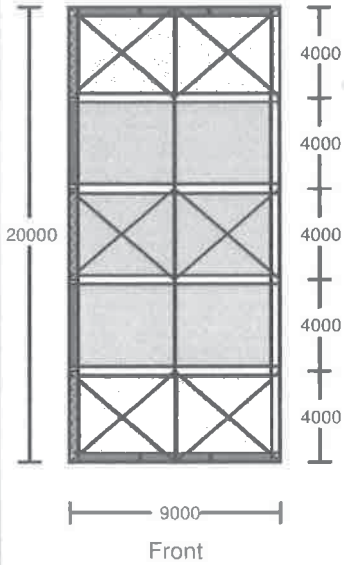


# CROSS SECTION

- former ground level
- proposed (current) ground level



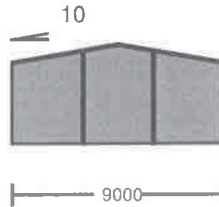
**Plan View**



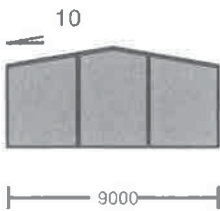
**Left View**



**Rear View**



**Front View**



**Right View**



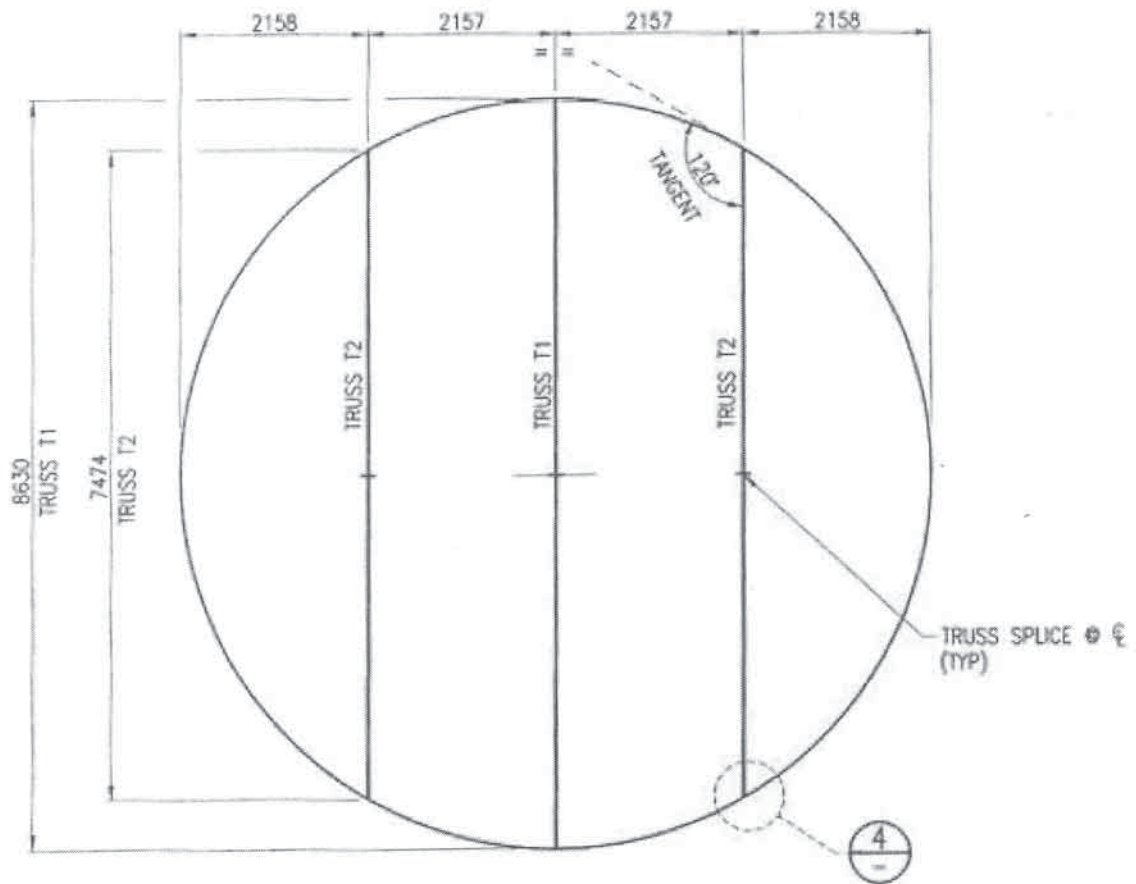
TG & DT Edwards T/as THE Shed Company Mundaring

Unit 2/18 Wandeara Crescent  
Mundaring WA  
Phone: (08) 6394 5020  
Fax: (08) 9295 0725

Client - MAHAR Peter  
Site Address - Toodyay - Northam  
Road Toodyay WA 6566  
Quote Number - MAH-T813

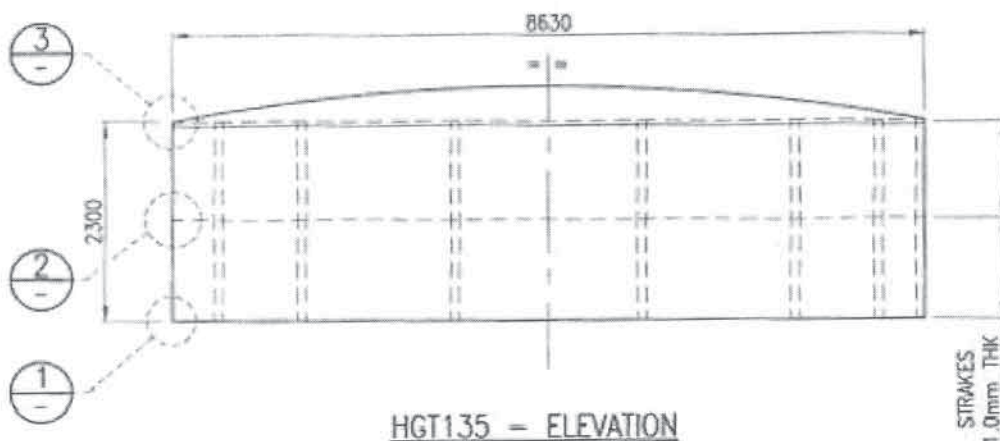
Date - 2/05/2013  
By - Terry  
Wind Region - N/A  
Wind Speed - 40 m/s

Sheet No - 1/1



**HGT135 - PLAN VIEW**

ø8.63m TANK x 2.3m HIGH  
SCALE 1:100



**HGT135 - ELEVATION**

SCALE 1:100

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Dear Mr Hills

RE: POSSIBLE CHANGE OF USE TO ARTS AND CRAFTS  
CENTRE - LOT 5 NORTHAM TOODYAY ROAD, DUMBARTON

I have enclosed a site plan detailing

- 1) the area to be used for the operations
- 2) the location of customer parking
- 3) the location of signage

I have also enclosed a detailed drawing  
of the proposed signage.

I will be selling hand made, solid timber,  
custom designed furniture and gift ware.  
The equipment being used will be predominantly  
basic hand tools and some powered machinery.  
I will be the only person employed onsite.  
I will be open most weekends or by  
appointment

Should you wish to discuss this, please  
contact me

Yours Faithfully

Michael Robinson

24/6/13

scale 1:1000



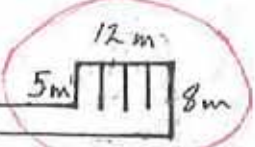
NORTHAM-TOODYAY F

WAXY RD

UCL  
P24478  
29376  
516 m<sup>2</sup>

SIGNAGE

Four car bays and one disabled bay are to be constructed according to Australian Standard



UCL  
P24478  
29375  
883 m<sup>2</sup>

OPERATIONS  
8m  
16m

loading bay

UCL  
P195164  
29468  
8085 m<sup>2</sup>

HOUSE

UCL  
P24478  
29375  
4490 m<sup>2</sup>

P32196  
5  
1.4716 ha

P32615  
302  
5324 m<sup>2</sup>

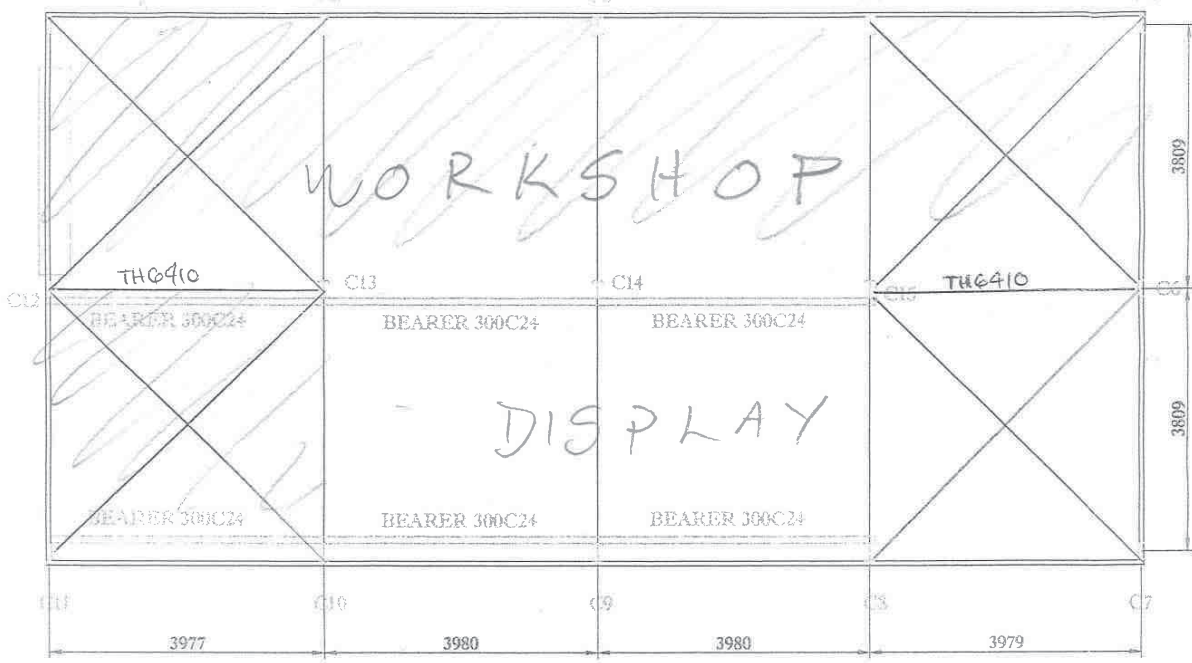
TOODYAY RD

UCL  
2821346  
29539

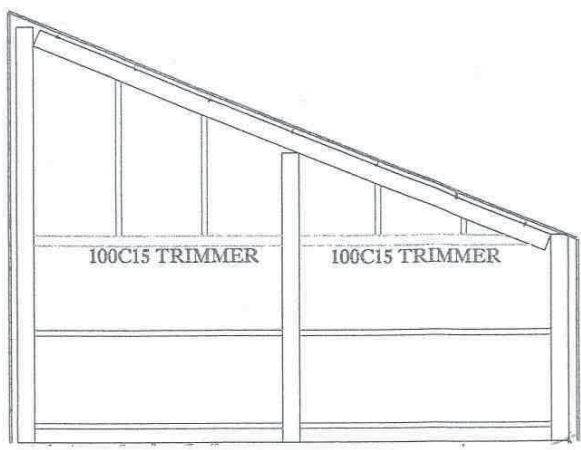
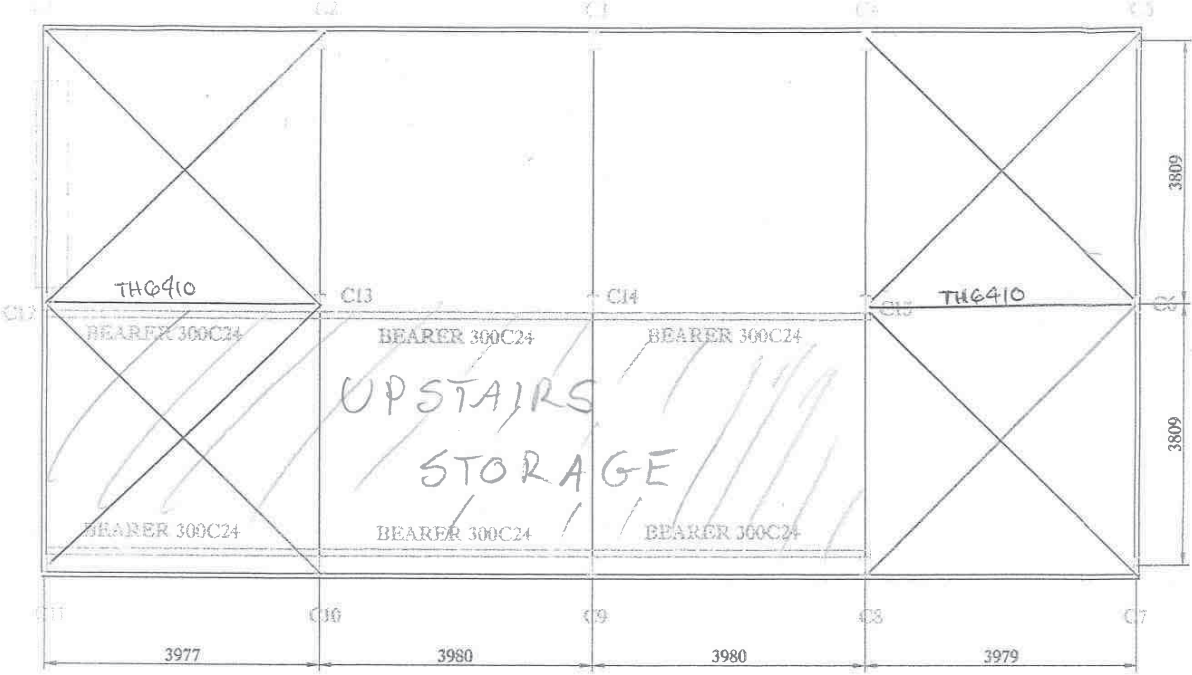


4

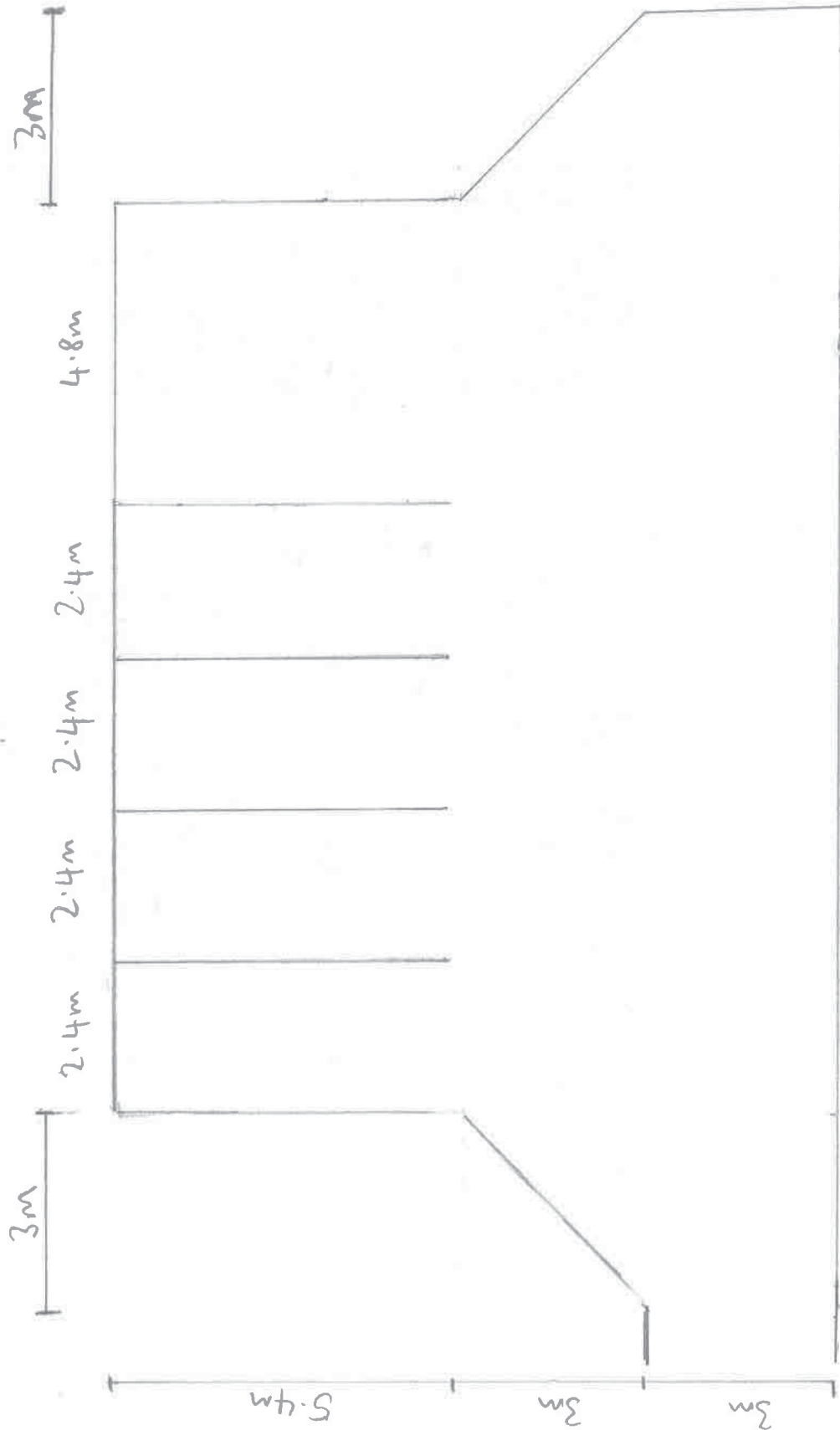
### BOTTOM FLOOR



### TOP FLOOR



PARKING REQUIREMENT





NCR 2743

# MEMORANDUM



**MEMO TO:** Mr S Scott  
 Chief Executive Officer  
 Shire of Toodyay

**FROM:** Cr Prater

**DATE:** 8 July 2013

**FILE NO:** MTG6

**SUBJECT:** Notice of Motion

**Administration Centre**  
 15 Fiennes Street  
 PO Box 96  
 TOODYAY WA 6566  
 T (08) 9574 2258  
 F (08) 9574 2158  
 E [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)  
 W [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

Dear Stan

This memorandum is notice, in accordance with the Section 4.4 of the Shire of Toodyay Standing Orders, of a motion I wish Council to consider at the next Ordinary Meeting of Council as follows:

**That the start time of Ordinary Council Meetings and Council Forums to be 9.00am.**

Yours sincerely

Cr J Prater  
**DEPUTY PRESIDENT**

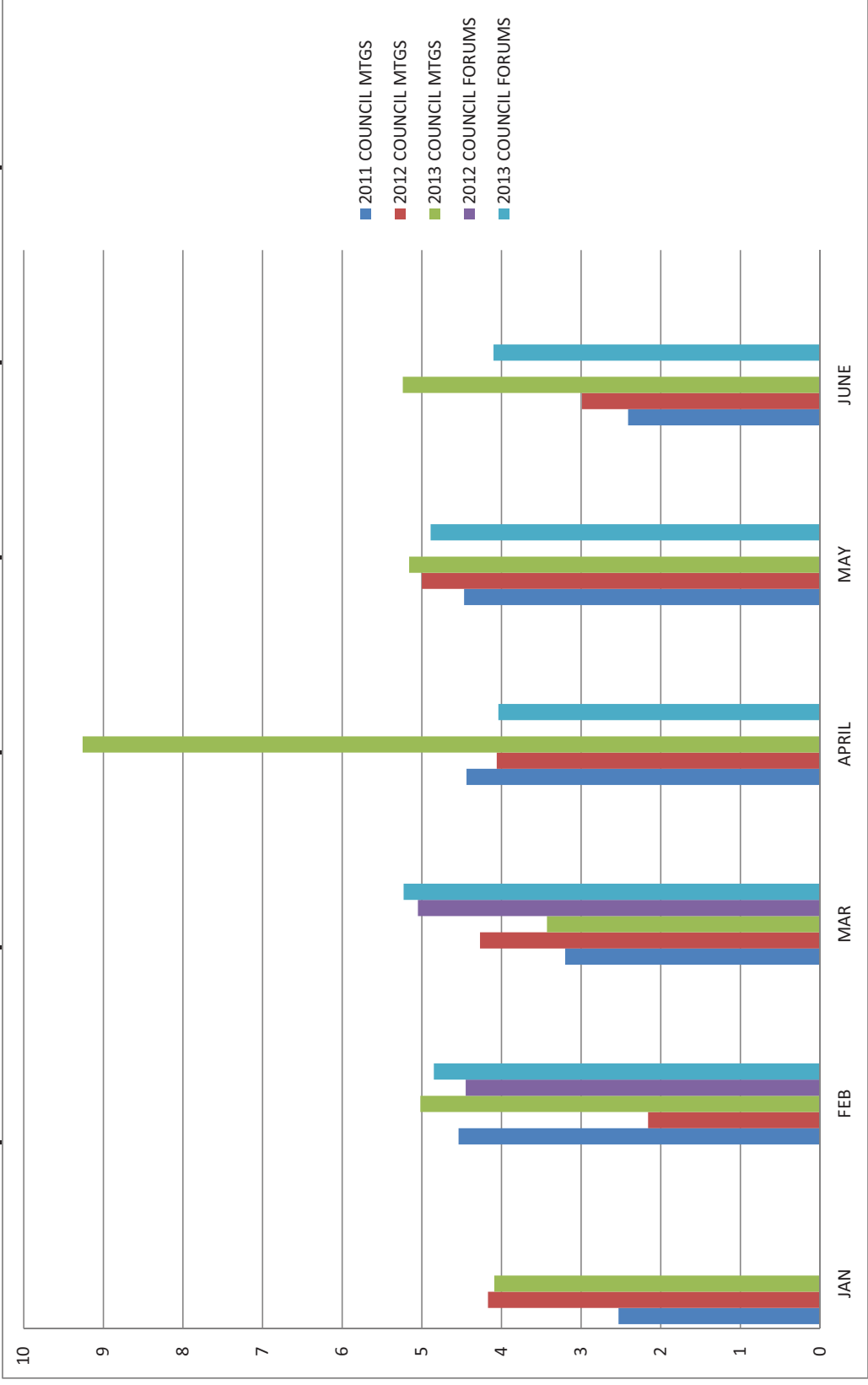
Timetable of Meetings  
2011-2013

	JAN		FEB		MAR		APRIL		MAY		JUNE		JULY	
	START	FINISH	START	FINISH	START	FINISH	START	FINISH	START	FINISH	START	FINISH	START	FINISH
<b>2011 COUNCIL MTGS</b>	7.05 PM	9.58 PM	7.02 PM	11.56 PM	7.05 PM	10.25 PM	7.05 PM	8.42 PM	7.02 PM	11.49 PM	7.01 PM	9.42 PM	7.03 PM	9.35 PM
TOTAL HOURS	2.53		4.54		3.2		4.44		4.47		2.41		2.32	
<b>2012 COUNCIL MTGS</b>	7.02 PM	11.19 PM	7.04 PM	9.20 PM	7.02 PM	11.29 PM	7.04 PM	11.10 PM	7.04 PM	12.04 AM	7.03 PM	10.02 PM	7.05 PM	11.09 PM
TOTAL HOURS	4.17		2.16		4.27		4.06		5		2.99		4.04	
<b>2013 COUNCIL MTGS</b>	7.10 PM	11.19 PM	7.05 PM	12.07 AM	7.07 PM	10.50 PM	7.10 PM	12.34 AM	6.08 PM	10.10 PM	7.05 PM	12.21 AM	7.09 PM	12.33 AM
TOTAL HOURS	4.09		5.02		3.43		5.24		4.02		5.16		5.24	
<b>2012 COUNCIL FORUMS</b>	N/A	N/A	4.00 PM	8.45 PM	4.00 PM	9.05 PM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL HOURS	0		4.45		5.05		0		0		0		0	
<b>2013 COUNCIL FORUMS</b>	N/A	N/A	4.15 PM	9.00 PM	4.05 PM	9.28 PM	4.10 PM	8.12 PM	4.16 PM	9.05 PM	4.05 PM	8.15 PM	4.04 PM	8.39 PM
TOTAL HOURS	0		4.85		5.23		4.04		4.89		4.1		4.35	

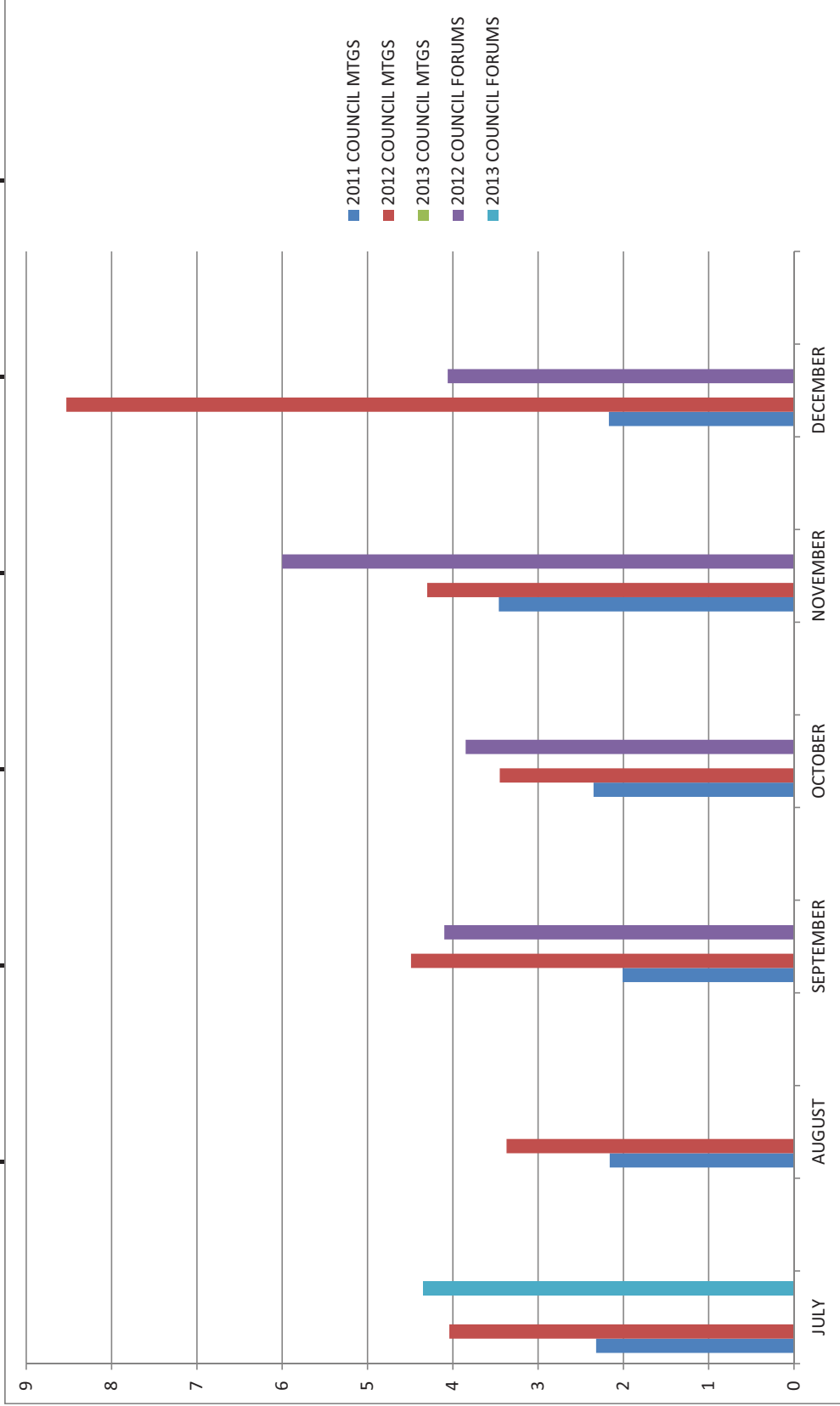
Timetable of Meetings  
2011-2013

<b>2011 COUNCIL MTGS</b>	AUGUST	START	FINISH						
		7.04 PM	9.20 PM	2.16					
TOTAL HOURS									
<b>2012 COUNCIL MTGS</b>	AUGUST	START	FINISH						
		7.03 PM	10.40 PM	3.37					
TOTAL HOURS									
<b>2013 COUNCIL MTGS</b>	JULY	START	FINISH						
TOTAL HOURS									
<b>2012 COUNCIL FORUMS</b>	AUGUST	START	FINISH						
		N/A	N/A	0					
TOTAL HOURS									
<b>2013 COUNCIL FORUMS</b>	AUGUST	START	FINISH						
TOTAL HOURS									
	SEPTEMBER	START	FINISH						
		7.04 PM	9.05 PM	2.01					
	OCTOBER	START	FINISH						
		7.10 PM	9.45 PM	2.35					
	NOVEMBER	START	FINISH						
		7.05 PM	10.51 PM	3.46					
	DECEMBER	START	FINISH						
		7.08 PM	9.25 PM	2.17					
	SEPTEMBER	START	FINISH						
		7.01 PM	11.50 PM	4.49					
	OCTOBER	START	FINISH						
		7.02 PM	10.47 PM	3.45					
	NOVEMBER	START	FINISH						
		7.00 PM	11.30 PM	4.3					
	DECEMBER	START	FINISH						
		7.03PM	12.05 AM	5.02					
	SEPTEMBER	START	FINISH						
	OCTOBER	START	FINISH						
		4.33 PM	8.18 PM	3.85					
	NOVEMBER	START	FINISH						
		4.05 PM	10.05 PM	6					
	DECEMBER	START	FINISH						
		4.09 PM	8.15 PM	4.06					
	SEPTEMBER	START	FINISH						
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	OCTOBER	START	FINISH						
	NOVEMBER	START	FINISH						
	DECEMBER	START	FINISH						

	JAN	FEB	MAR	APRIL	MAY	JUNE
2011 COUNCIL MTGS	2.53	4.54	3.2	4.44	4.47	2.41
2012 COUNCIL MTGS	4.17	2.16	4.27	4.06	5	2.99
2013 COUNCIL MTGS	4.09	5.02	3.43	9.26	5.16	5.24
2012 COUNCIL FORUMS	0	4.45	5.05	0	0	0
2013 COUNCIL FORUMS	0	4.85	5.23	4.04	4.89	4.1



	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
2011 COUNCIL MTGS	2.32	2.16	2.01	2.35	3.46	2.17
2012 COUNCIL MTGS	4.04	3.37	4.49	3.45	4.3	8.53
2013 COUNCIL MTGS	0	0	4.1	3.85	6	4.06
2012 COUNCIL FORUMS	0	0	4.1	3.85	6	4.06
2013 COUNCIL FORUMS	4.35	0	0	0	0	0



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# A G E N D A

## Annual General Meeting

Perth Convention Exhibition Centre  
Perth

7 AUGUST 2013



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## AGENDA

# **Annual General Meeting of the Western Australian Local Government Association 2013**

to be held at the  
**Perth Convention Exhibition Centre**  
**21 Mounts Bay Road, Perth**  
**Riverside Theatre (Level 2)**  
on  
**Wednesday 7 August**  
**2013**  
**at 1.30 pm**

## 1.1 Meeting Program

- 1.30pm**      **Welcome address by WALGA President, Mayor Troy Pickard, followed by the National Anthem and the Welcome to Country**
- 1.45pm**      **Address from Hon Anthony (Tony) James Simpson MLA, Minister for Local Government**
- 1.55pm**      **Address from David Templeman MLA, Shadow Minister for Local Government**
- 2.05pm**      **WALGA President's Annual Report**
- 2.20pm**      **Mayor Felicity-ann Lewis, President, Australian Local Government Association**
- 2.35pm**      **Announcement of Local Government Honours for:**
- Long & Loyal Service Awards
  - Merit Awards
  - Local Government Officer Awards
- Recipients are invited on to stage for presentation and group photograph
- Presentation of Local Government Diploma Certificates and WALGA President Local Government Scholarship Diploma
- 2.55pm**      **Presentation of Local Government Biodiversity Awards by the Hon Bill Marmion, Minister for Environment; Water**
- 3.05pm**      **Introduction of the WALGA State Council by CEO Ricky Burges**
- 3.15 – 3.30pm**      **Afternoon tea**
- 3:30pm**      **Announcement of Local Government Honours for:**
- Eminent Service Awards
  - Life Membership Awards
- Recipients are invited on to stage for individual presentation & photograph
- 3.40pm**      **AGM Business Session Commences:**
- Attendance, Apologies and Announcements;
  - Confirmation of Minutes from last AGM (Attachment 2);
  - Adoption of President's Report;
  - Consideration of 2012/2013 Financial Statements; and
  - Consideration of Executive and Member Motions
- 5:30pm**      **Close of Annual General Meeting**

## 1.2 Annual General Meeting – Order of Proceedings

### 1.1 Record of Attendance and Apologies

### 1.2 Announcements

### 2.0 Confirmation of Minutes

Minutes of the 2012 WALGA Annual General Meeting are contained within this AGM Agenda.

#### **DRAFT MOTION:**

**That the Minutes of the 2012 Annual General Meeting be confirmed as a true and correct record of proceedings.**

### 3.0 Adoption of President's Annual Report

The President's Annual Report for 2012/2013 is contained within this AGM Agenda.

#### **DRAFT MOTION:**

**That the President's Annual Report for 2012/2013 be received.**

### 4.0 WALGA 2012/2013 Financial Statements

The audited 2012/2013 WALGA Financial Statements will be distributed to all members prior to the meeting.

#### **DRAFT MOTION:**

**That the WALGA Financial Statements for 2012/2013 be received.**

### 5.0 Consideration of Executive and Member Motions

As per motions listed.

### 6.0 Closure

## 1.3 Metropolitan and Country Zones

The Zones of the metropolitan and country Local Governments of the Western Australian Local Government Association are as listed below.

### Metropolitan Zones

#### Central Metropolitan

Town of Cambridge  
Town of Mosman Park  
City of Perth

Town of Claremont  
City of Nedlands  
City of Subiaco

Town of Cottesloe  
Shire of Peppermint Grove  
City of Vincent

#### East Metropolitan

Town of Bassendean  
Shire of Kalamunda

City of Bayswater  
Shire of Mundaring

City of Belmont  
City of Swan

#### North Metropolitan

City of Joondalup

City of Stirling

City of Wanneroo

#### South Metropolitan

City of Cockburn  
City of Kwinana

Town of East Fremantle  
City of Melville

City of Fremantle  
City of Rockingham

#### South East Metropolitan

City of Armadale  
City of South Perth

City of Canning  
Town of Victoria Park

City of Gosnells

### Country Zones

#### Avon – Midland Country Zone

Shire of Chittering  
Shire of Gingin  
Shire of Northam  
Shire of Wongan-Ballidu

Shire of Dalwallinu  
Shire of Goomalling  
Shire of Toodyay  
Shire of York

Shire of Dandaragan  
Shire of Moora  
Shire of Victoria Plains

#### Central Country Zone

Shire of Beverley  
Shire of Cuballing  
Shire of Lake Grace  
Shire of Pingelly  
Shire of Wandering  
Shire of Williams

Shire of Brookton  
Shire of Dumbleyung  
Shire of Narrogin  
Shire of Quairading  
Shire of West Arthur

Shire of Corrigin  
Shire of Kulin  
Town of Narrogin  
Shire of Wagin  
Shire of Wickiepin

#### Goldfields Esperance Country Zone

Shire of Coolgardie  
City of Kalgoorlie-Boulder  
Shire of Menzies  
Shire of Wiluna

Shire of Dundas  
Shire of Laverton  
Shire of Ngaanyatjaraku

Shire of Esperance  
Shire of Leonora  
Shire of Ravensthorpe



Gascoyne Country Zone

Shire of Carnarvon  
Shire of Upper Gascoyne

Shire of Exmouth

Shire of Shark Bay

Great Eastern Country Zone

Shire of Bruce Rock  
Shire of Kellerberrin  
Shire of Merredin  
Shire of Narembeen  
Shire of Trayning  
Shire of Yilgarn

Shire of Cunderdin  
Shire of Kondinin  
Shire of Mount Marshall  
Shire of Nungarin  
Shire of Westonia

Shire of Dowerin  
Shire of Koorda  
Shire of Mukinbudin  
Shire of Tammin  
Shire of Wyalkatchem

Great Southern Country Zone

City of Albany  
Shire of Denmark  
Shire of Katanning  
Shire of Plantagenet

Shire of Broomehill-Tambellup  
Shire of Gnowangerup  
Shire of Kent  
Shire of Woodanilling

Shire of Cranbrook  
Shire of Jerramungup  
Shire of Kojonup

Kimberley Country Zone

Shire of Broome  
Shire of Halls Creek

Shire of Christmas Island  
Shire of Wyndham/East Kimberley

Shire of Derby/West Kimberley

Murchison Country Zone

Shire of Cue  
Shire of Murchison

Shire of Meekatharra  
Shire of Sandstone

Shire of Mount Magnet  
Shire of Yalgoo

Northern Country Zone

Shire of Carnamah  
City of Geraldton-Greenough  
Shire of Morawa  
Shire of Perenjori

Shire of Chapman Valley  
Shire of Irwin  
Shire of Mullewa  
Shire of Three Springs

Shire of Coorow  
Shire of Mingenew  
Shire of Northampton

Peel Country Zone

Shire of Boddington  
Shire of Waroona

City of Mandurah  
Shire of Serpentine-Jarrahdale

Shire of Murray

Pilbara Country Zone

Shire of Ashburton  
Town of Port Hedland

Shire of Cocos (Keeling) Islands  
Shire of Roebourne

Shire of East Pilbara

South West Country Zone

Shire of Augusta-Margaret River  
City of Bunbury  
Shire of Collie  
Shire of Harvey

Shire of Boyup Brook  
City of Busselton  
Shire of Dardanup  
Shire of Manjimup

Shire of Bridgetown-Greenbushes  
Shire of Capel  
Shire of Donnybrook-Balingup  
Shire of Nannup





## 1.4 Zone Representatives to State Council 2012/2013

Five (5) ordinary meetings and one (1) special meeting of the WALGA State Council were held between July 2012 and May 2013 with attendance as follows:

### Members Attendance

#### **WALGA President**

Mayor T (Troy) Pickard 5

#### **Deputy President**

President Cr Lynne Craigie 6

#### **Avon-Midland Country Zone**

Cr L (Lawrie) Short 6

#### **Central Country Zone**

Mayor D (Don) Ennis 4

President Cr P (Phil) Blight (Deputy) 2

#### **Central Metropolitan Zone**

Cr J (Janet) Davidson JP 3

Mayor H (Heather) Henderson 5

Cr R (Roslyn) Harley (Deputy) 2

Cr L (Libby) Eustance (Deputy) 1

#### **East Metropolitan Zone**

Mayor Cr G (Glenys) Godfrey<sup>1</sup> 4

Mayor T (Terence) Kenyon JP<sup>2</sup> 0

Cr M (Mick) Wainwright 4

Cr D (Darryl) Trease (Deputy) 2

Cr B (Bob) Emery (Deputy) 2

#### **Goldfields Esperance-Country Zone**

Mayor R S (Ron) Yuryevich AM RFD 6

#### **Gascoyne Country Zone**

Cr R (Ross) Winzer 5

#### **Great Eastern Country Zone**

Cr E (Eileen) O'Connell 6

#### **Great Southern Country Zone**

Cr B (Barry) Webster 4

#### **Kimberley Country Zone**

Cr E (Elsia) Archer (Deputy) 2

President Cr J (John) Moulden<sup>3</sup> 1

Cr C (Chris) Mitchell 1

### Members Attendance

#### **Murchison Country Zone**

Cr S (Simon) Broad 5

#### **North Metropolitan Zone**

Cr D (David) Michael 3

Cr Geoff Amphlett 5

Mayor T (Tracey) Roberts 5

Cr Stuart MacKenzie (Deputy) 1

#### **Northern Country Zone**

President Cr K (Karen) Chappel 5

Cr L (Lou) Parker (Deputy) 1

#### **Peel Country Zone**

Cr W (Wally) Barrett 6

#### **Pilbara Country Zone**

Cr L (Lynne) Craigie 6

#### **South Metropolitan Zone**

Mayor Cr C (Carol) Adams 4

Cr D (Doug) Thompson 5

Cr T (Tony) Romano 4

Cr M (Maria) Rico (Deputy) 2

Cr D (Dennis) Wood (Deputy) 2

#### **South East Metropolitan Zone**

Mayor H (Henry) Zelones JP 6

Cr J (Julie) Brown 6

#### **South West Country Zone**

President Cr J (John) Gardiner<sup>4</sup> 3

Cr W (Wayne) Sanford 2

#### **LGMA (ex-officio)**

Mr M (Mark) Chester (LGMA)<sup>5</sup> 1

Dr S (Shayne) Silcox 3

#### **Associate Member (ex-officio)**

Rt Hon Lord Mayor, City of Perth

Ms L (Lisa) Scaffidi 0

<sup>1</sup> Retired 2013

<sup>2</sup> Appointed 2013

<sup>3</sup> Retired 2012

<sup>4</sup> Deceased 2013

<sup>5</sup> Retired 2012

## 1.5 Local Government Medal Recipients and Honorary Life Members

### LOCAL GOVERNMENT MEDAL RECIPIENTS (Alphabetical order)

Lang OAM, Mr HM (Murray)(2003)	Mitchell AM JP Mr W (Bill) (2010)
Manea AM, Dr E (Ern)(2000)	Morris AM JP, Mrs P (Pat) (2006)
Maslen AM AFSM, Mr R (Rich)(1999)	Reynolds AM JP, Mayor Cr L (Linton)(2005)
Mickel AM JP, Cr I (Ian)(2005)	Robartson AM, OAM, Cr C (Clive)(2005)

### HONORARY LIFE MEMBERS (Alphabetical order)

Archer, President Cr Elsie	Manea AM, Dr E (Ern)
Bajada, Mr A (Alex)	Maslen AM AFSM, Mr R (Rich)
Barrett-Lennard OAM JP, Mr I (Irwin)	Mickel AM JP, Mr I (Ian)
Boothman, Mayor D (David)	Mitchell, AM JP, Mr W (Bill)
Brockman, OAM Mr F (Frank)(Deceased)	Monagle, Cr P (Peter)
Broad, Cr S (Simon)	Morris AM JP, Mrs P (Pat)
Campbell JP, Mr P (Peter)	Norris, Mayor R (Ron)
Chown, Mr EL (Ted)	North AM JP, Mr J (Joe)(Deceased)
Cole, Mrs D (Delys)	Park OAM, Mr H (Humphery)
Cook OAM JP, Cr J (Jim)	Parry AM JP, Dr J (John)
Cooper JP, Mr P (Phil)	Paterson JP, Dr J (John)
Cowan, Cr H (Halley)	Patroni, OAM JP Cr R (Romolo)
Cox OAM JP, Mr J (John)	Pech AM JP, Cr K (Ken)
De San Miguel OAM JP, Mr D (Don)	Reynolds AM JP, Mayor Cr L (Linton)
D’Orazio, Mr J (John) (Deceased)	Robartson AM, OAM, Cr C (Clive)
Donaldson, Hon Mr BK (Bruce)	Rowell OBE, Mr RM (Rob)
Donohoe, Mr K (Ken)	Sabourne OAM JP, Cr J (John)
Finlayson AM MM JP, Mr R (Ray) (Deceased)	Snook, Mr G (Gary)
Foulkes-Taylor OAM, Mr HMJ (Michael)	Star, AM Mrs J (Jan)
Hardwick AM JP, Mrs C (Christine)	Strugnell SC, Mr P (Peter)
Kelly, Mr P (Paul)	Stubbs AM, Mr R (Roger)
Kenyon, JP Mayor T (Terence)	Trent, Cr K (Kevin)
Knight AM JP, Mrs A (Annette)	Tyzack, Cr T (Terence)
Kyle AM, Mr P (Peter)	Yuryevich AM RFD, Mayor RS (Ron)
Lang OAM, Mr HM (Murray)	
Lynch, Mr J (John)	

### 3.0 PRESIDENT'S MESSAGE

For the first time in a long time we have some clarity as to the future for our sector. From as far back as my first annual report as WALGA President it has seemed our AGM has been held under the shadow of uncertainty on structural reform. Constantly we were preparing for change while questioning if the State Government had a framework or timetable. This year all that has changed.

We now have a commitment to produce a plan from the State Government for structural reform in the metropolitan area. As with all change there are some in the sector who disagree with the proposed model. However, I believe that this is to ignore the opportunity before us in having a clear outline of what the State Government, and many in the Local Government sector, believes is necessary to best serve the community in the metropolitan area.

This time should also be seen as an opportunity to challenge the framework. The Local Government Minister has said repeatedly that if a Council disagrees with the State Government's proposal, they are entitled to suggest an alternative. However the Minister has also said that any alternative would have to be demonstrated to be better for the community than that proposed. That is, disagreeing for its own sake will not be enough.

As the Association has been drawn into the metropolitan review, I am aware of the potential for some in country Councils to feel overlooked. To this I would offer that the focus on metropolitan reform was the decision of the State Government to which the Association responded. And in the meantime we have not relented in representing all Members. For example on the very issue of reform, Councils in regional WA now have a commitment from the Premier of no forced amalgamations. That commitment was secured by the Association as part of its advocacy and advertising campaign in the lead up to the March State Election.

Indeed while the metropolitan reform has taken up much of the media commentary over the past 12 months, the Association has continued to advocate across a wide range of issues. These have included lobbying for WA Elected Members remuneration to have parity with other states; leading a State wide campaign for a container deposit system; assisting Councils redress the impact of heavy vehicles on local roads; securing increased planning fees and charges; scheduling more than 150 training courses for Members; leading the nation in promoting the value of Local Government facilities and services to the community; and delivering Members almost \$50 million in savings through negotiating an unprecedented array of preferred supplier contracts.

It is undoubted that in the coming year the Association's resources will continue to be drawn on assisting metropolitan Local Governments transition within the State Government framework however that is not to say

regional Councils will be secondary. The Association will concurrently advocate to the State Government on additional legislative amendments and initiatives, including Regional Subsidiaries and Council Controlled Organisations, necessary to also enable non-metropolitan Local Governments to capitalise on the reform agenda through implementing new business models and regional agility to help improve sustainability.

WALGA is an organisation created on the principle of representing and servicing all Local Governments in Western Australia. You may have felt that during the year you have heard more about one issue facing one part of the sector but I believe the following pages demonstrate that the Association has maintained its commitment to all Members. Outlined next are details of the raft of achievements and initiatives by the Association over the past year across all operations.

I would like to conclude by recognising the outstanding efforts and assistance of the Chief Executive Officer Ricky Burges, her executive team and staff and the support and contribution of State Council in helping to make this a year of progress for WALGA and the sector.

**Mayor Troy Pickard**  
**President**

#### **OVERVIEW OF KEY OUTCOMES FOR 2012/2013**

In serving its Members WALGA is committed to provide representation and services that deliver value to Member Local Governments. WALGA will deliver these benefits by:

- Providing Strong Representation
- Providing Effective Leadership
- Building a Positive Profile
- Enhancing the Capacity of the sector

Within the framework of these objectives, significant achievements by WALGA for its Members during the past year are as follows:

#### **Strong Representation**

##### **Elected Member Fees, Allowances and Expenses**

WALGA successfully advocated for the review of Elected Member fees, allowances and expenses to be determined by the Salaries and Allowances Tribunal. This action resulted in the Minister for Local Government amending the *Local Government Act* in 2012. The Tribunal carried out their review in the first part of 2013 and the new allowances came into effect on 1 July 2013.

##### **Regional Subsidiary Model**

The Association supported the regional subsidiary model proposed through the introduction of a *Local Government Amendment (Regional Subsidiaries) Bill*

2012 to State Parliament. This model is based on the South Australian Subsidiary Model whereby a Regional Group forms a legal entity for the delivery of services on a Regional basis without the need for becoming a formal Regional Council and suits Councils who prefer a representative structure to carry out a Shared Service Delivery Model. WALGA's advocacy enabled the bill to be considered in the Parliamentary process; unfortunately the bill did not progress through Parliament before the Parliament retired prior to the 2013 State election.

### **Review of Planning Fees and Charges**

As a result of a study and advocacy undertaken by WALGA on the level of cost recovery Local Governments achieve under the current planning fees and charges regulations, State Parliament agreed to a number of increases to the fees and charges for 2013/2014. The prescribed fees and charges had not increased in recent years, as the State Government Standing Committee wanted a review be undertaken first to demonstrate that the fees and charges were based on an appropriate cost recovery model. As the Department of Planning stated it didn't have funding to undertake such a review, Local Governments were losing out. To address this WALGA funded a review, engaged financial consultants and worked together with a sample group of Local Governments, to assess the current system. The review concluded that the type, categories and amounts of fees and charges set under the *Planning and Development Regulations 2009* should be re-examined and a full review undertaken with all stakeholders. The Association advocated for an immediate fee increase, including compounding of previous years increases that should have occurred, to ensure that members were not adversely affected on an ongoing basis. The new fees and charges were gazetted in May and all Local Governments have had the opportunity to incorporate the increases into their new budgets for this year.

### **Safer Local Roads**

In May Guidelines and invitations to nominate projects for funding by the Rural Run-off Road Crash Program and Metropolitan Intersection Crash Program were released to Local Governments. Once fully operational it is anticipated that these two programs will provide an additional \$16 million per year to invest in making Local Government roads safer. These programs, which are funded by the Road Trauma Trust Account, are the result of many years of advocacy, highlighting the potential reduction in the number of people killed or seriously injured on the local road network through strategic investment in roads and roadsides. These programs provide funding to assist Local Governments apply a range of proven treatments to roads and intersections which have been prioritised based on crash history.

### **Industrial Claims**

During the 2012-13 year, up until 1 April 2013, the Association has been involved in 53 formal industrial

claims - 42 of those have been finalised and another 11 currently remain on foot. In four of those 53 matters, Local Governments elected to engage external legal advice. The formal industrial claims were predominantly unfair dismissal claims and adverse actions in the Fair Work Commission but there was a wide variety of different types of claims. Eight matters have been taken to an arbitrated hearing during the 2012-13 financial year, all of which were successfully advocated.

### **Review of the WAIRC and Industrial System**

WALGA has provided a composite submission on the Labour Relations Legislation Amendment and Repeal Bill 2012 on behalf of member Local Governments. The Association submitted that the State Government should refer its industrial relations powers with respect to Local Government to the Federal Government. This reflects the WALGA State Council position and advocacy to the relevant Minister to endorse representation to the State Government of the sector's need for clarity regarding the jurisdiction which applies to member Local Governments. WALGA has also submitted that any new State award(s) that are created out of the award modernisation process mirror the terms of the Federal Local Government Industry Award 2010 as much as possible and also advocated for amendments to a number of draft proposals relating to General Orders, Unfair Dismissal, Union Right of Entry and the proposed State Employment Standards.

### **Review of the Federal Local Government Industry Award 2010**

Submissions and evidence have been filed in the Fair Work Commission in relation to this review, and is the culmination of extension collaboration with all other State and Territory Local Government Associations and consultation with the relevant employee organisations.

### **Urban Drainage Partnership Agreement**

Two years' work by the Association's Swan Canning Policy Forum culminated in the development of the "Priority Plan for Investment in the Swan Canning Catchment", endorsed by State Council in August 2011. A key policy outcome of the Plan was a drainage partnership agreement to improve the governance arrangements for urban drainage in the metropolitan area. In December 2012, an agreement was reached and formally signed by the Director General of the Department of Water, the General Manager of the Swan River Trust, and the CEOs of the Association and the Water Corporation, respectively. The Agreement commits the parties to a schedule of works within the metropolitan area, designed to improve roles and responsibilities, harmonise data for asset management and identify knowledge gaps for redressing in the future.

### **Crime Prevention and Community Safety Advocacy**

The Association's continued advocacy and research on crime prevention and community safety has resulted in the State Government committing to developing a State CCTV Strategic Plan. Such a plan will assist Local

Government to inform our future investment in CCTV, the placement and monitoring of cameras, the development of standardised agreements between WA Police and Local Governments as well as ensuring the use of appropriate software and technologies. In addition, WALGA advocated for tougher legislation and penalties to deal with graffiti vandalism. Working together with the State Graffiti Taskforce this advocacy has resulted in the doubling of existing penalties and legislative inclusions banning sale and supply of spray paint and certain implements to juveniles elevates the seriousness of graffiti as a criminal damage offence. Most recently the Association's continued call for a consolidation of graffiti vandalism legislation into a single, stronger Act has been successful. This year our advocacy paid off with a commitment from the State Government to commence development of a comprehensive *Graffiti Management Act* which incorporates existing graffiti legislation and investigates new legislative initiatives.

### **Effective Leadership**

#### **Metropolitan Local Government Review**

Through a detailed consultation process, WALGA developed a comprehensive representative submission to the State Government in response to the Metropolitan Local Government Review Panel's final report. The development of the submission was overseen by the President's Advisory Group – a policy forum consisting of State Councillors from each of the Metropolitan Zones along with CEO/LGMA representation – and was then considered by all Local Governments via the Zone and State Council process. The Association has been strongly advocating the sector's positions in relation to Local Government reform throughout the entire Metropolitan Local Government Review process.

#### **Local Government Reform**

WALGA continued to assist Local Governments through the Local Government Reform process, whether they are Councils involved in amalgamation, Regional Transition Groups, Regional Collaborative Groups or those Councils looking for regional co-operation and shared service proposals. Association staff assisted to facilitate discussions with the view to obtain the best possible outcomes for the Local Governments involved and their communities. WALGA also provides input into the reform process by participating in the Local Government Reform Implementation Working Groups.

#### **Procurement Management Services**

WALGA provided a wide range of procurement and contract management services to Members around Western Australia, protecting Local Governments from the risks, compliance burdens and costs associated with purchasing. In support the 2013 Procurement Handbook is widely regarded as the best procurement resource for Local Government in Australia. Developed by leading procurement experts and WALGA's Procurement

Consultancy Service, the handbook provides comprehensive guidelines, resources, templates and model contractual conditions to enable Local Governments to implement best practice procurement and contract management within their organisations. In addition the Association's Procurement Consultancy Service delivered a number of complimentary Procurement Workshops around Western Australia to raise awareness on key procurement issues and build capacity for compliant and well governed procurement and contract management to be undertaken within Local Governments. More than 300 Local Government officers attended the Workshops. In 2013/14, WALGA will commence a formal Procurement Training course for Officers (basic and advanced) and Elected Members.

#### **Cash for Containers**

Through the Container Deposit System Policy Forum, WALGA continued to advocate on the need for a Cash for Containers scheme in WA. Some of the highlights included

- 1590 people signing a WALGA petition;
- Over 1000 emails being sent to the Minister for Environment on this topic;
- Over 25 Councils, representing one fifth of the State's population, formally endorsed the campaign, with many participating in community events such as the City of Vincent's Beaufort St Festival and the City of Joondalup's Little Feet Festival;
- With more than 80,000 containers collected for recycling at the various events.

#### **ROADS 2030 Updated Development Strategies for Significant Regional Local Roads**

During 2012/13 a five yearly review of the development priorities for regionally significant local roads was undertaken by Local Governments in conjunction with Regional Road Groups and Main Roads Regional Offices. This provides a contemporary view of the priorities identified within each region that will guide Road Project Fund investment into the future.

#### **ONE70 – New WALGA Offices**

Construction of the new WALGA premises at 170 Railway Parade, Leederville is scheduled to be completed in December with operations to move into the new building in January. The \$45 million project in partnership with Cube Property Group, will achieve a 5 Star Green Star rating. It will accommodate both WALGA and the Local Government Insurance Service in addition to commercial tenants. At the time of this report the building was 70 per cent leased.

#### **Recruitment Services**

WALGA's recruitment service has supported 20 member Councils with the recruitment, selection and appointment of their new Chief Executive Officers and a number of senior management placements. In addition in April 2013 WALGA held a recruitment drive held in Dublin, Ireland which was a resounding success. The UK and Ireland have proved to be valuable sources of labour

supply, due to the transferability of their qualifications, the relative similarity of their systems and compatibility of their work experiences. The poor performance of these economies also contributed to the enthusiasm of candidates to pursue opportunities in WA. In all 39 applicants were interviewed from over 500 applications that were received. The occupations of the candidates interviewed ranged from Asset Managers, Building Surveyors, Town Planners, Environmental Health Officers, Environmental Scientists, Engineers and Works Managers. Applicants were able to demonstrate a broad range of experience and skills that will be valuable within the WA Local Government Sector. The service has completed four placements. In addition WALGA has supported member Local Governments in processing fourteen visas which include temporary and permanent residency (employer sponsored) visas. Meanwhile in November 2012 WALGA attended the Department of Immigration and Citizenship's consultation meeting of industry peak bodies to ensure that priority of skills shortage professionals in Local Government remained on the relevant Codes and Migration Program intakes.

#### **Emergency Management Training**

In a first for Australia, WALGA has developed an accredited training unit, called 'Work in an Emergency Context' for delivery through an online learning environment. The unit is an elective within the Advanced Diploma and Diploma of Public Safety (Emergency Management) qualifications and provides a much needed professional unit of study in the Emergency Management field in Western Australia. The unit provides the foundation for Local Governments to increase knowledge and capacity in their responsibilities under the *Emergency Management Act 2005*, including all relevant concepts, legislation, policies and procedures, which will assist with emergency management planning and decision making. The Association's advocacy for better resources and support for Local Governments to meet their Emergency Management responsibilities has led to greater inclusion and consideration of Local Government issues and requirements in the development of State-wide policy.

#### **Local Government Convention and Exhibition**

The Local Government Convention and Exhibition provided more than 500 delegates with insights from a combination of inspiration, motivational and practical speakers from a wide diversity of fields and expertise. Included in the program were Formula 1 triple-world champion Sir Jackie Stewart; Tim Manning from US Federal Emergency Management Authority; former Hawke Government Minister Graham Richardson; award-winning journalists Glenn Milne (*The Australian*) and Andrea Burns (*Today Tonight*); and Qantas hero pilot Captain Richard de Crespigny.

#### **Decision Tool to Manage Native Vegetation/Roadside Hazards**

The Road Reserve Asset Management Plan (RRAMP) Project was funded by the State Government Natural

Resource Management Office to assist Local Governments to balance the sometimes competing demands of road safety and conservation of native vegetation on roadsides. In some cases, Local Governments are the custodians of the last remnants of native vegetation where past policy and practice has resulted in the over-clearing of large areas. The project has developed and trialled an assessment tool to enable Local Government officers to produce a list of actions to assist with the reduction of any roadside safety hazards while minimising the impact on native vegetation. The spread sheet tool and final report can provide assistance when preparing clearing permit applications under the *Environmental Protection Act 1986*.

#### **Speed Enforcement Program**

The Local Government Speed Enforcement Program was successfully launched in October 2012 following development in consultation with Local Governments and WA Police. This program helps Local Governments to formally provide vehicle travel speed data to the WA Police assisting them to effectively deploy traffic enforcement resources and develop road policing strategies. Both Police and Local Governments have provided feedback as to the effectiveness of this arrangement in ensuring safer local roads.

#### **Positive Profile**

##### **Local Government Television Campaign**

There was an overwhelmingly positive response to the television campaign during the 2012 Olympic Games that highlighted that many sport stars get their start using Council provided facilities. The TV campaigns and promotional tactics have community recognition of WALGA at 70 per cent, up from less than 20 per cent in 2005. Following the success of the Olympics campaign, it was expanded from the initial two advertisements (featuring athletics and swimming) to include netball (featuring state and national player Caitlin Bassett) and Australian rules football (featuring former West Coast Eagles player David Wirrpanda). The ongoing appeal of the campaign in promoting the sector has the potential for the series to be expanded in the coming year to other sports closely aligned to the sector and community.

##### **Constitutional Recognition:**

The Association's leadership in promoting the Local Government sector has WA better placed than other states in winning community support in the referendum to recognise Local Government in the Australian Constitution. In addition the funding conditions the WALGA State Council required of the Australian Local Government Association, has ensured that approximately \$300,000 at least will be spent in WA as part of the national campaign.

##### **Media Reports**

Throughout the course of the past 12 months, WALGA and the Local Government sector were featured in

approximately 2400 media reports of which the overwhelming majority were either positive or neutral in their representation.

**State Election Campaign:** In the six weeks leading up to the State Election in March, WALGA conducted a press advertising campaign in local media to highlight positions of the four major parties on 13 issues critical to the sector. Prior to the campaign the Association had written to each party requesting their position on the various issues and advising that they would form the basis for our advocacy in the lead up to the State election. One of the major commitments achieved during the campaign was the statement by the Premier for no forced amalgamations of Local Governments in the non-metropolitan area.

#### **Members of Parliament Breakfasts**

Throughout the year WALGA coordinates special breakfast events to help leverage the relationship with Members of State and Federal Parliament. The most recent State politicians' breakfast with State Council attracted both the new Local Government Minister and the Opposition spokesperson along with 25 other Members of State Parliament. A special breakfast for WA delegates attending the National General Assembly in Canberra attracted 15 Federal MPs including the Defence Minister and 100 delegates. WALGA is the only state association to organise a breakfast with Federal politicians to coincide with the NGA. In addition a Meet the Minister breakfast event, open to all Member Councils to hear from the new State Local Government Minister, was fully subscribed with 110 attendees.

#### **Enhancing Capacity**

##### **Royalties for Regions - Country Local Government Fund**

The Association provided assistance to Local Governments to assist with meeting their compliance obligations under the funding guidelines of the Country Local Government Fund (CLGF). WALGA also participated in Working Group meetings that followed the 2011/12 review of the CLGF to ensure that the funding model continues to assist Country Local Governments in addressing the infrastructure backlog.

##### **Preferred Supplier Contracts**

WALGA delivered superior prices and value for money to Members purchasing goods and services through preferred supply contracts. Almost \$50 million in quantifiable financial savings were provided to Members on the basis of almost \$200 million in expenditure during 2012/13. WALGA contracts are tender exempt which saves Local Governments on the costs, time and risks of procurement and mitigates against non-compliance and anti-avoidance. During the year new contracts were launched in the areas of Bulk and Retail Fuel (including fuel cards); Sustainable Energy Infrastructure and LED Lighting; Software and ICT Services; Environmental and

Sustainability Consulting Services; Office Stationary and Workplace Supplies; Interior Design and Workplace Furniture; and Temporary Personnel Services.

##### **eQuotes**

WALGA continued the roll-out of eQuotes which is a secure web-based procurement tool for Members to purchase goods and services from preferred suppliers and their own local panels. eQuotes saves time and money on the procurement process as well as ensuring that Local Governments can achieve probity, transparency and good governance over their quotation-based purchasing.

##### **Heavy Vehicles on Local Roads**

The Association has taken significant steps to support Local Governments managing heavy vehicle access to the local road network and where appropriate seek to recover the costs from significant additional life-shortening wear of the road from particular freight tasks. In conjunction with Main Roads Heavy Vehicle Operations, WALGA held four workshops in regional WA with 120 Local Government staff and Elected Members provided information on the regulatory controls that can be used to manage Restricted Access and Concessional Mass permit vehicles. Following discussions, Main Roads have provided Local Governments the opportunity to receive funding from Concessional Mass Permit vehicles using local roads under certain circumstances. The Association also completed work with ARRB Group to calculate the appropriate cost recovery for a specific range of roads which is being piloted with Local Governments.

##### **Metropolitan Local Government Structural Reform – Support to HR Managers**

WALGA conducted a forum on Local Government Structural Reform to provide an overview of the prevailing situation and to address some key areas. The forum, titled Metro Local Government Structural Reform: Contingency Planning for the HR Impact, was held at the City of Vincent in April. A range of speakers, including representatives from Herbert Smith Freehills, Ingrid Bishop (Alchemy Corporate Consulting Services), Andrew Brien (Chief Executive Officer, City of Bunbury) as well as senior WALGA and Workplace Solutions Industrial staff discussed issues including the actual on the ground impact of reform (as drawn from the Queensland experience); how Workforce Plans will assist as an important tool in the process; industrial impacts on existing collective agreements; any transfer of business implications; redundancy processes and recruitment outcomes; and support mechanisms.

##### **WALGA Training**

During the year WALGA conducted a total of 157 training courses with 1689 total attendances recorded which represents a 24 per cent increase in course attendances from last financial year. As mentioned previously, a new course in Emergency Management face-to-face and online training was added and early in



the new financial year will see the delivery of procurement training as well as the nationally accredited skill set for new Elected Members endorsed in the Local Government training package. The online training course, Working in Emergency Management, was launched in March and over a two month period there have been 61 enrolments on this nationally accredited online training. An additional online program, Introduction to Local Government, was launched in May while the Understanding Local Government for Elected Members' course is currently under construction. A new WALGA training website, which incorporates the student portal for online training, was completed in March. Additionally, a monthly eNewsletter of upcoming training activities was launched with more than 500 subscribers.

#### **Planning Improvement Program Endorsement**

Following extensive consultation with members on possible improvements to the State and Local Government planning systems, the WALGA Planning Improvement Program Action Plan was endorsed by State Council in September 2012. The Action Plan outlines numerous actions that can be taken to deliver more consistency and efficiency in planning policy and process, including actions which can and should be undertaken by the sector and those that will require advocacy on behalf of the sector for improvements to the State Planning system. The individual actions are currently being further scoped, but the first priority of development of a central Local Government Planning Portal, to provide best practice models, tools and guidance for members, as well as being a resource for current and emerging planning issues, well underway.

#### **Councils Online**

The Association continued the roll-out of Councils Online, which is a centralised online portal that enables the efficient and effective online preparation, lodgement and processing of planning and building applications. So far 12 Local Governments are early adopters of Councils Online, with more than 85 registered builders using the portal for building and development applications. Almost 4000 applications have been processed through the system, with statistics supporting an improvement in the number of valid applications and shorter approval timeframes. The MBA, HIA and UDIA have all endorsed Councils Online as an initiative which will streamline the application and approval process.

#### **Launch of CouncilConnect**

Replacing the old LCC program, CouncilConnect is a new strategic partnership between WALGA and a WA-based website specialist (Market Creations) which will see major upgrades to subscribing Local Governments' websites. CouncilConnect will see existing websites significantly improved and become more contemporary so as to provide a superior platform for Local Governments to communicate with their communities. The new websites will also ensure that Local Governments are fully compliant with State and Federal Government requirements. A local helpdesk and

ongoing training will also be provided to Local Governments through the new CouncilConnect program.

#### **Service Delivery to Aboriginal Communities**

WALGA has continued its push for greater engagement and collaboration with Local Governments on the proposed transfer of responsibility for delivery of municipal services to Aboriginal Communities as outlined in the National Partnership Agreement on Indigenous Remote Housing. As a result of prolonged advocacy by WALGA on behalf of affected Local Governments in Western Australia, the Department of Local Government has been working towards responding to the issues highlighted by the sector, and adopted a service delivery planning approach to further investigate the cost to Local Governments if a transfer of responsibility was to occur. A pilot project is being undertaken with several Northwest Councils and this will inform the bilateral negotiations between the State and Commonwealth Government when it's completed. In addition the Federal Municipal and Essential Services (MUNS) program, which currently supports the delivery of services to remote Aboriginal communities, will be extended for another 12 months to June 2014.

#### **Perth and Regional Bicycle Network Program**

During the year the Association worked with the Department of Transport and Local Governments on the Western Australian Bicycle Network Plan. This Plan, which expands and enhances the previous 1996 Perth Bicycle Network Plan has already received a significant funding injection from the State Government. The additional funding includes an extra \$1 million per year, to a total of \$2 million per year, for the Perth Bicycle Network Grants Program which provides funding to Local Governments for local cycling infrastructure and network planning. Funding for the Regional Bicycle Network Plan which supports non-metropolitan Local Governments to develop cycling infrastructure was increased from \$0.75 million per year to \$2 million per year. This additional funding to Local Governments assists to develop cycling infrastructure for both transport and recreational purposes.

#### **CEO Round Table Events**

During the course of the year, the Association conducted five special round table events to provide Local Government Chief Executive Officers with direct access to various state departmental Directors General. These events usually have attendance limited to 10 CEOs and are regularly oversubscribed.

#### **Local Biodiversity Project**

A change in grant funding and a strategic alignment to the development priorities of the State has seen the renowned Perth Biodiversity Project undertake a name change to reflect the new direction of the work. Now known as the Local Biodiversity Project, the highlights include assisting nine Local Governments with preparation and implementation of Local Biodiversity Strategies, through integration of local biodiversity





conservation objectives into land use planning. New model texts on special biodiversity conservation provisions for Local Planning Frameworks were also developed. Other activities included the update of the on-line spatial data viewer, the Environmental Planning Tool, organisation of a Natural Area Managers Forum, a Biodiversity Planners Forum and assisting several State Government and Local Government stakeholders with spatial datasets and modelling. Several training sessions were held on how to use the Regional Framework for Local Biodiversity Conservation Priorities for Perth and Peel Regions.

#### **Household Hazardous Waste Program**

WALGA continued the successful delivery of the \$10m Household Hazardous Waste Program through Local Government and Regional Council facilities, ensuring that hundreds of tonnes of household hazardous waste including pesticides, paints and solvents, were appropriately disposed of. For the first time, temporary collection days for HHW have been held in the non-metropolitan area, including Kalgoorlie and Busselton.



## 5.0 Consideration of Executive and Member Motions

### 5.1 Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)

Executive Member to move:

***Special Majority required***

#### MOTION

**1. That the Constitution be amended as follows:**

**a. In clause 2:**

**Insert a new definition of Commissioner –**

**“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the *Local Government Act 1995*.”**

**b. In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” –**

**“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the *Local Government Act 1995*.”**

**c. Amend the definition of Member by inserting after the words “sub-clause 14(2)” – “; or**

- A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”**

**d. Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” -**

**“and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”**

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

- Concern has been raised by Zone Delegates as to whether they have continuing rights and membership during transitional phases where mergers may occur between Governments.
- Legal advice was sought by WALGA. As a result amendments to the Constitution have been proposed to take into account the recognition of the legal position of the new Councils and Commissioners that may be formed as a result of a merger.



- e. In clause 5 insert a new clause (3) as follows –  
“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”  
All subsequent subclauses are renumbered.
- f. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”
- g. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

## BACKGROUND

A question was raised by a zone delegate as to the legal status on WALGA Zones of a Commissioner administering a new Council created after a voluntary amalgamation. The specific proposal included the appointment of Commissioners that would consist of the existing Mayors/Presidents and independent commissioners. The query was; if the Commissioners appointed the current State Councillor as the new Shire’s delegate to the Zone, would the current State Councillor continue in his/her role as the State Councillor?

The Constitution was silent on the legal position of a Commissioner as appointed under the Act. The Constitution refers only to a Councillor and an Ordinary Member, neither of which include in their definition a former Councillor of a Local Government being appointed to the role of Commissioner after an amalgamation.

Legal advice was sought on the issue to clarify if the current Constitution could allow an existing State Councillor to continue in the role if they became a Commissioner of a new Council after an amalgamation and to also determine the status of the new Council with WALGA during the transitional phase.

The advice determined that amendments to the Constitution would be required. The current WALGA Constitution would not allow a present State Councillor to continue in his/her role as a State Councillor if appointed as a Commissioner of a new legal entity after an amalgamation. While this would mean the need for a new election of a zone delegate and a State Councillor, it would also limit the recognition of the new entity and the Commissioners appointed during the transitional phase.

As a means to deal with this situation in a fair and reasonable way, it was advised that amendments to the WALGA Constitution would be needed to address the issue.

## SECRETARIAT COMMENT

There are seven amendments proposed to the Constitution. The majority of these amendments are minor.



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These amendments seek to clarify the issue of WALGA membership where two or more councils amalgamate, thereby creating a new Local Government entity and the need for Commissioners in the interim.

The issue was initially raised by a Zone Member who queried whether they would have a continuing right to sit as a Zone Delegate if their Local Government merged with a neighbouring Local Government. They would no longer be the Mayor of the previous entity but a Commissioner of the new Local Government until a date was set for the inaugural elections of that new entity.

The amendments deal with inserting a new definition of Commissioner into the WALGA Constitution as follows.

*“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) and 2.36A(3) of the Local Government Act 1995.”*

This allows for a Commissioner appointed by the Governor to a newly created Local Government to sit as a Zone Delegate and possibly as a State Councillor.

The definition of a Commissioner does not include a Commissioner appointed as a result of a suspension of Council. It was thought that this situation was significantly different from the appointment of Commissioners arising from an amalgamation.

The definitions of a Councillor, Member and an Ordinary Member also needed amending in order to accommodate a Commissioner and confer membership on the newly created entity.

The final amendment simply clarifies the termination of a role.

The proposed amendments were unanimously endorsed by State Council at their Special State Council meeting held on 30 May 2013 and a copy of the marked up version of the Constitution showing these amendments are marked in red. This is attached and follows agenda Item 5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date.



## 5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-0001TB)

Executive Member to move:

***Special Majority required***

### **MOTION**

#### **1. That the Constitution be amended as follows:**

**In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:**

**“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”**

- 2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.**
- 3. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.**

### **BACKGROUND**

Amendments to the WALGA Constitution in 2011 changed the State Council's meeting schedule and as a consequence, required that the term of office of a State Councillor commence at the first meeting in an even numbered year (with that meeting occurring in March).

The Association has been requested by the Great Eastern Country Zone to consider amending the WALGA constitution as it relates to the commencement date for the formation of the new State Council.

It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).

### ***IN BRIEF***

- A request by the Great Eastern Country Zone to consider amending WALDA constitution as it relates to the commencement date for the formation of the new State Council.
- It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).
- Presently, a State Councillor's term commences at the March meeting.



The reasoning for the delay in the past was to allow Councils enough time to nominate their delegates to the Zone and then the Zones to nominate their delegate to State Council. This was of particular importance where Local Governments had a number of newly elected councillors. The first State Council meeting after the elections is in December with the Zone meetings held in November. The timeframes would require nominations to be addressed straight after elections. The current situation is if State Councillors retire or are not re-elected, at the October elections the Zones deputy delegate becomes the State Councillor until the Zone election. If both the State Councillor and the Deputy are not re-elected the Zone nominates a State Councillor for the one meeting before the new State Council.

### **SECRETARIAT COMMENT**

Contemplation of this amendment must also take into account any unintended consequences or Zone-specific issues that may affect the State Council delegate election occurring in time for a December commencement.

A review of Zone Minutes from 2011 indicates that the majority of Zones conducted their State Council delegate election in November, and those that did not, simply deferred the election until the next Zone meeting prior to the March round of State Council. One Zone did not conduct a meeting leading up to the December round of State Council.

From WALGA's perspective, considerable effort is devoted to the induction of State Council delegates elected for the first time. However, this process can be reviewed and managed administratively.

The only hindrance that exists, is the need for all Local Governments to elect their delegates to the Zones prior to the Zone meetings commencing in late November (in 2013 Zone meetings commence on 22 November).

To assist State Council with consideration of this issue, the secretariat canvassed Local Governments by conducting a quick survey on the issue. There was not a lot of time given for feedback, so a number of the responses were administrative responses and did not have the Councils formal position.

47 responses were received with 39 Local Governments supporting the proposal and 8 opposing.

If this amendment is supported it would effectively reduce the current term of State Councillors by 3 months from March 2014 to December 2013.

The proposed amendments were unanimously endorsed by State Council at their Special State Council meeting held on 30 May 2013 and a copy of the marked up version showing these amendments of the Constitution, relating to this item are marked in blue. This is attached and follows this agenda item.



### 5.3 Election of Shire President or Mayor (05-034-01-0001 TB)

Shire of Dardanup Delegate to move:

#### MOTION

##### **“Election of Shire Presidents or Mayors**

**That the Western Australian Local Government Association lobby the State Government not to amend the Local Government Act 1995 with regard to election of Shire Presidents or Mayors”**

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

The Metropolitan Review report recommends that Mayors and Shire President be elected by the community at large. The Shire of Dardanup contends that Shire Presidents or Mayors should be elected by their peers, selecting one of their group to lead the Council.

#### MEMBER COMMENT

This matter was included in the Metropolitan Review report at recommendation 18. The expert panel recommended to the community that Mayors and Presidents should be elected by the community at large.

The Shire of Dardanup contends that the person who leads the Council at meetings and in the public arena should be a leader that is appointed by the people whom they are to lead.

This position is advocated on the premise that a person who is a part of the Council will align themselves more closely with the views and policies of the Council, views that have been debated and arrived at through the Council planning for the future of their communities. A community elected President may run their election campaign on a platform that is at odds with the Council as a group, therefore being tempted to promote their own personal views at every opportunity rather than promoting the views of the elected Council.

A Council elected President is considered more likely to accept challenges from the Council, whereas a community elected President may hold the view that the people within the community have mandated them to pursue the agenda they canvassed during their campaign. They may also be strongly influenced by those supporters, being aloof to the majority of the other elected Councillors to follow a different path and therefore use their new found influence and access to government bureaucrats and politicians to tread a path that is not supported by the majority of the Council.

Election of Presidents from amongst the elected members reflects the current Westminster system employed by both state and federal government levels. It seems to be anachronistic to have the State legislate for Local Government a practice that itself is unwilling to adopt.

This recommendation has been put forward in good faith to reduce the risk of creating an environment whereby dysfunctional Local Governments evolve through public disagreements between the elected Councillors and the Shire President or Mayor. Unity in leadership is considered to be more likely if the leader is appointed by the people they are to lead.



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## SECRETARIAT COMMENT

As stated above, Recommendation 18 of the Metropolitan Local Government Review Panel's final report stated that: *"All Mayors and Presidents be directly elected by the community"*.

WALGA developed a comprehensive and detailed submission in response to the Panel's Final Report, including the Panel's 30 recommendations.

Following feedback from Local Governments, WALGA opposed recommendation 18 in its submission to the Government:

***"Panel Recommendation 18 is OPPOSED. Local Governments should be able to determine the election method of their Mayor or President."***

Further, in commentary, WALGA's submission stated:

*"In line with the principle of 'general competence', the Association supports Local Governments being able to determine the method of electing their Mayor or President as per current arrangements."*

At the time of writing, the State Government has not provided its response to the Metropolitan Local Government Review Panel's Final Report and it remains unclear whether the State Government intends to require all Mayors and Presidents to be popularly elected as the Panel recommended. Nevertheless, the Shire of Dardanup's motion is in line with WALGA's existing advocacy position.





## 5.4 Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)

City of Mandurah Delegate to move:

### MOTION

**That WALGA prepare a position paper to support the lobbying of the Minister of Local Government to amend the Local Government Act (1995) to allow Local Governments an exemption from liability on flood liable land, land subject to bushfire and land in coastal zones where that Council has acted in good faith in relation to its decision on the land in question.**

### ***IN BRIEF***

- The New South Wales Local Government Act (1993) includes Section 733 which states:
- “733 Exemption from liability-flood liable land, land subject to risk of bush fire and land in coastal zone.....”

### MEMBER COMMENT

The New South Wales Local Government Act (1993) includes Section 733 which states:

733 Exemption from liability-flood liable land, land subject to risk of bush fire and land in coastal zone

(1) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

(2) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land in the coastal zone being affected by a coastline hazard (as described in a manual referred to in subsection (5) (b)) or the nature or extent of any such hazard, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being so affected.

(2A) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land being subject to the risk of bush fire or the nature or extent of any such risk, or



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(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being subject to the risk of bush fire.

(3) Without limiting subsections (1), (2) and (2A), those subsections apply to:

(a) the preparation or making of an environmental planning instrument, including a planning proposal for the proposed environmental planning instrument, or a development control plan, or the granting or refusal of consent to a development application, or the determination of an application for a complying development certificate, under the Environmental Planning and Assessment Act 1979, and

(b) the preparation or making of a coastal zone management plan, or the giving of an order, under the Coastal Protection Act 1979, and

(c) the imposition of any condition in relation to an application referred to in paragraph (a), and

(d) advice furnished in a certificate under section 149 of the Environmental Planning and Assessment Act 1979, and

(e) the carrying out of flood mitigation works, and

(f) the carrying out of coastal management works, and

(f1) the carrying out of bush fire hazard reduction works, and

(f2) anything done or omitted to be done regarding beach erosion or shoreline recession on Crown land, land within a reserve as defined in Part 5 of the Crown Lands Act 1989 or land owned or controlled by a council or a public authority, and

(f3) the failure to upgrade flood mitigation works or coastal management works in response to projected or actual impacts of climate change, and

(f4) the failure to undertake action to enforce the removal of illegal or unauthorised structures that results in erosion of a beach or land adjacent to a beach, and

(f5) the provision of information relating to climate change or sea level rise, and

(f6) anything done or omitted to be done regarding the negligent placement or maintenance by a landowner of temporary coastal protection works, and

(g) any other thing done or omitted to be done in the exercise of a council's functions under this or any other Act.

(4) Without limiting any other circumstances in which a council may have acted in good faith, a council is, unless the contrary is proved, taken to have acted in good faith for the purposes of



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this section if the advice was furnished, or the thing was done or omitted to be done, substantially in accordance with the principles contained in the relevant manual most recently notified under subsection (5) at that time.

- (5) For the purposes of this section, the Minister for Planning may, from time to time, give notification in the Gazette of the publication of:
- (a) a manual relating to the management of flood liable land, or
  - (b) a manual relating to the management of the coastline, or
  - (c) a manual relating to the management of land subject to the risk of bush fire.

The notification must specify where and when copies of the manual may be inspected.

- (6) A copy of the manual must be available for public inspection, free of charge, at the office of the council during ordinary office hours.
- (7) This section applies to and in respect of:
- (a) the Crown, a statutory body representing the Crown and a public or local authority constituted by or under any Act, and
  - (b) a councillor or employee of a council or any such body or authority, and
  - (c) a public servant, and
  - (d) a person acting under the direction of a council or of the Crown or any such body or authority,

in the same way as it applies to and in respect of a council.

- (8) In this section:

**"coastal management works"** includes the placement and maintenance of temporary coastal protection works.

**"coastal zone"** has the same meaning as in the Coastal Protection Act 1979, and includes land previously in the coastal zone under that Act and land that adjoins the tidal waters of the Hawkesbury River, Sydney Harbour and Botany Bay, and their tributaries.

**"manual"** includes guidelines.

A similar provision in the WA Local Government Act would allow Local Governments to act with confidence in their decision making on land potentially vulnerable to flood erosion or fire, and would suitably protect the Council and the decision makers.



## SECRETARIAT COMMENT

The amendment requested above refers to the imposition of an exemption clause similar to that of section 733 of the *Local Government Act 1993 (NSW)*. This section seeks to make exempt from liability Local Governments where advice is furnished in good faith that relates to the likelihood of any land being flooded or the nature or extent of any flooding; or anything done or omitted to be done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding. There is similar provision in relation to bush fire risks and land in a coastal zone.

The City of Mandurah has requested a position paper be prepared by WALGA to support the lobbying of the Minister in order for an amendment to be made to the *Local Government Act 1995*. The *Local Government Act 1995 (WA)* already makes provision for protection from liability in specific instances. Section 9.56 provides protection for defined persons from liability for wrongdoing as follows –

- (2) *An action in tort does not lie against a protected person for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act or under any other written law.*
- (3) *The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act or under any other written law may have been capable of being done whether or not this Act or that law had been enacted.*
- (4) *This section does not relieve the Local Government of any liability that it might have for the doing of anything by a protected person.*
- (5) *In this section –*
  - (a) *a reference to the doing of anything includes a reference to the omission to do anything;*
  - (b) *a reference to the doing of anything by a protected person in the performance or purported performance of a function under any written law other than this Act is limited to a reference to the doing of anything by that person in a capacity described in subsection (1)(a), (b) or*
  - (c) *as the case may be.*

While an amendment similar to s. 733 of the *Local Government Act 1993 (NSW)* may facilitate confidence when making decisions in relation to climate change, it does not provide any further assurances than the current section 9.56 of the *Local Government Act 1995*.

Furthermore, it does not negate the Local Government's possible liability to pay compensation to a landowner for injurious affection. Under s. 173 of the *Planning and Development Act 2005*, any person whose land is injuriously affected by the making or amendment of a planning scheme is entitled to obtain compensation in respect of the injurious affection from the responsible authority.

Section 174 denotes when land is injuriously affected. Therefore, an amendment to a local planning scheme reserving land for a public purpose may attract a claim for injurious affection compensation. The compensation payable is effectively treated as the reduction in value of land caused by its reservation/development prohibition.

Section 733 of the *Local Government Act 1993 (NSW)* affords limited protection to Local Governments if they carry out their statutory power in good faith in relation to such land. It is not an ideal remedy and neither is it an exhaustive solution. Local Governments are afforded a defence in cases where they have acted in good faith and where they have not been negligent.



It should be noted that s. 733 has not as yet been rigorously tested judicially. Furthermore, as changes in climate become more certain, it is likely that Local Government will become more conservative in adopting development approvals. Developers will need to provide more stringent adaptation strategies and measures or attract contributory negligence.

The preferred approach to address climate change would be a coordinated national approach. If this is not forthcoming, it would then be prudent for Local Government to lobby the State Government to develop a coordinated approach to land use planning. This would be appropriate given the potential exposure of the WAPC in respect of injurious affection claims and that where region planning schemes operate they must guide local planning schemes

Local Governments would be protected from liability in coastal areas under the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012*. This Bill specifies planning and development in the coastal zone, and the management of the coastal zone. The Bill has been tabled in Parliament, and the second reading was on 20 June 2013. Section 74 protects Local Governments from liability.

#### *74. Protection from liability*

(1) *In this section —  
coastal management works includes the placement and management of emergency coastal protection works;*

*protected person means any of the following —*

- (a) a public authority;*
- (b) a member or employee of a public authority;*
- (c) a public service officer;*
- (d) a person acting under the direction of a public authority or the State;*
- (e) a member of the council, or of a committee of the council, of a local government.*

(2) *In this section a reference to the doing of anything includes a reference to the omission to do anything.*

(3) *A civil action does not lie against a protected person for —*

- (a) anything that the protected person has done, in good faith, in the performance or purported performance of a function under this Act; or*
- (b) any advice furnished in good faith by the protected coastal zone being adversely affected by a coastal hazard or the nature or extent of a coastal hazard; or*
- (c) anything that the protected person has done, in good faith, insofar as it relates to the likelihood of land in the coastal zone being adversely affected by coastal processes.*

(4) *The State and the Minister are also relieved of any liability that either of them might otherwise have had for another person having done anything as described in subsection (3).*

(5) *Without limiting subsection (3), that subsection applies to the following —*

- (a) the preparation or making of a scheme;*
- (b) the grant or refusal of approval of development;*
- (c) the imposition of a condition in relation to an approval of development;*
- (d) the preparation or making of the WA coastal plan;*



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- (e) *the giving of a coastal protection notice;*
  - (f) *the carrying out of coastal management works in the coastal zone;*
  - (g) *the failure to upgrade coastal management works in the coastal zone in response to projected or apparent actual person relating to the likelihood of any land in the impact of climate change;*
  - (h) *anything done regarding beach erosion or shoreline recession;*
  - (i) *the failure to take action to enforce the removal of illegal or unauthorised structures in the coastal zone that results in erosion of a beach or land adjacent to a beach;*
  - (j) *the provision of information relating to projected impacts of climate change, including mean sea level rise.*
- (6) *Without limiting any other circumstances in which a protected person may have acted in good faith, a protected person is, unless the contrary is proved, taken to have acted in good faith for the purposes of this section if the advice was furnished, or the thing was done, substantially in accordance with the WA coastal plan and any local coastal adaptation plan or local coastal management plan for the relevant area.*
- (7) *The protection given by this section applies even though the thing done as described in subsection (3) may have been capable of being done whether or not this Act had been enacted.*

There is a possibility that this Bill will not be passed. In response, the Western Australian Local Government Association will lobby the Minister for Planning, John Day, to include the above section of the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012* (section 74 – protection from liability) into the *Planning and Development Act 2005*. The Association will be meeting with Minister Day shortly to discuss this option.



## 5.5 Impacts of Climate Change (05-028-03-0015 MB)

City Rockingham Delegate to move:

### MOTION

**That WALGA seek a more committed and coordinated approach through the Western Australian State Government, Western Australian Local Government Association and Western Australian Local Governments in addressing the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities.**

### **IN BRIEF**

- Requesting a more coordinated approach in addressing the impacts of Climate Change between member Councils and relevant State Government agencies as well as advocating for more cross sector cooperation at a national level.

### MEMBER COMMENT

The City of Rockingham has for some time been undertaking extensive research and establishing a range of networks in the area of climate change adaptation and mitigation, central to which emerges the issue of sea level rise and extreme storm events which will have a significant impact of the City's coastal infrastructure management, development control and land use planning efforts. Whilst some good work has been done at an isolated Local Government level in Western Australia and at a state / Local Government level in New South Wales and Queensland, there is a very real absence of a truly coordinated approach across all tiers of government throughout the nation.

The issue of climate change and sea level rise is real and a major strategic risk and should be a significant influence in coastal management throughout Australia.

There is currently a lack of consistency between the approach to coastal policy and implementation adopted by the Australian, State and Territory governments. There is also, as identified by the recent Productivity Commission report into *Barriers to effective climate adaptation*, a need to clarify the roles, responsibilities and legal liability of Local Governments in relation to climate adaptation, and to improve their capacity to manage climate risks.

Coastal councils face significant challenges in dealing with a range of pressures affecting the coastal zone, including coastal erosion and projected climate risks such as sea level rise, and gaining resources to address the impact of population growth and seasonal tourism peaks.

The recent Productivity Commission inquiry into *Barriers to effective climate adaptation* has identified several barriers to effective service delivery by Local Governments in the current climate.

*The roles and responsibilities of Local Government are not always clear.* These include responsibilities for managing the risks of climate change, especially in the areas of emergency management and existing areas of settlement at risk from climate change, but also extend to many areas beyond adaptation.



*Local Governments have capacity constraints.* Shortages of professional and technical expertise, and financial constraints, are preventing some Local Governments from planning for climate change and implementing effective adaptation actions. There is also inadequate information and guidance to support Local Government decision making. It is the responsibility of state and territory governments to ensure that councils have the capacity to fulfill their regulatory functions, including those that relate to climate change adaptation.

There is a need for a mechanism such as a Council of Australian Governments (COAG) Standing Council on Coasts and Climate Change to enable the federal, state and Local Government to achieve effective collaboration on coastal management and climate change matters. Such a mechanism needs to define the roles and responsibilities of the three tiers of government involved in coastal zone management, as recommended in the 2009 Coastal Inquiry report of the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts.

## **SECRETARIAT COMMENT**

Over the past six years, the Association has provided a broad range of support to the Local Government sector in the area of Climate Change Management. This has been done through the delivery of policy advice, policy development, targeting mitigation project, inventory support projects (Emission Reporting Platform), the development of a web based adaptation management toolkit, communication projects, educational road-shows, policy/ legislative analysis and a suite of other services.

In September 2007, the Association's Climate Change survey highlighted the sectors increased need for policy, advocacy and project support on climate change risks, liability and opportunities and in April 2008, created the Climate Change Coordinator position as a strategic response. In June 2009, the Association Local Government Climate Change Policy was endorsed by State Council.

### *The Association Climate Change Policy*

This policy position outlines a series of high level acknowledgement and commitments for climate change management. It was developed through consultation from WA Local Governments, State and Territory Local Government Associations and the State Office of Climate Change (now the Climate Change Unit). The Association Local Government Climate Change Policy was the first climate change policy endorsed by a State Association within Australia.

### *Association Climate Change Declaration*

The Association has also developed the Local Government Climate Change Declaration and held a signing ceremony in May 2012. To date, twenty-eight Local Governments have formally signed the Declaration, which is a voluntary opportunity for Local Governments to reiterate their political commitment to climate change management and participate in a leadership approach across the entire sector. In many circumstances the Declaration merely consolidates the ongoing work already being undertaken by Local Government.

### *Association Climate Change Management Toolkit*

In partnership with the then Office of Climate Change, the Association developed a web based Climate Change Management Toolkit to assist Local Governments to adapt to the challenges that climate change will bring. As well as housing a large database of information including Local Government contacts, policy and project information and a communication portal for events and





changing legislation and funding opportunities, the Toolkit provides essential resources to Local Government in developing their adaptation responses.

#### Local Government Project Map

The Association's 'searchable map' details climate change projects, programs and policies being developed by proactive Local Governments across the State. The map will provide a complete picture of the depth and breadth of Local Government's vital contribution to the climate change management space, and is a visual tool for advocacy on future funding and support needs for the sector.

The map details specifics of the projects allowing Local Governments to communicate with their neighbours and colleagues across the sector to ensure that successful projects are shared, celebrated and efforts not duplicated.

#### Local Government Emission Reporting Platform

To assist Local Governments monitor and set reduction targets on their greenhouse gas emissions, the Association and Greensense Climate Change Consulting developed the Emissions Reporting Platform.

The Platform enables the 22 participating Local Governments (as well as the Association) to track and monitor greenhouse gas emissions, energy use, providing a simple to use interface to input raw data such as electricity consumed or fuel purchased. The platform then completes all required calculations to determine the greenhouse gas emissions resulting from Local Government activities.

These calculations are based around methodologies prescribed by National frameworks and allow Local Governments to meet any mandatory or voluntary commitment through the National Greenhouse and Energy Reporting Scheme (NGER), the National Carbon Offset Standard (NCOS) and the Greenhouse Gas Protocol (ISO14061.1).

A steering committee of subscribed Local Governments meets quarterly to determine functional upgrades to the Platform and to discuss any issues or concerns relating to reporting and data uploading.

#### The Associations Climate Change and Planning Policy Guideline

The Association developed a resource package to assist Local Government Planners, Elected Members and other senior officers to access relevant resources, recommendations, policy guidance, template policy frameworks and information.

The final guideline was developed by the Association as a joint initiative with the Department of Planning and the Department of Environment and Conservation to service the needs of the Local Government Sector. The Guidelines for incorporating climate change impacts into the Local Government Planning framework was sent out to each Local Government earlier in 2013 and is available for download on the Association Climate Change Management Toolkit website.

#### Stakeholder Engagement

The Association facilitates a number of stakeholder groups to ensure a committed and coordinated approach to climate change management.

The Association meets with representatives of other State and Territory Associations a number of times annually, to share information and discuss important climate change issues that have



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implications across Australia. The Association also attended information sessions held by other States (such as South Australia's Climate Change Adaptation workshop), to investigate opportunities for a coordinated approach.

The Climate Change Councillors Group meets quarterly and provides policy input to the Association. The group's main role is to share understanding on climate change issues and priorities from the perspective of Elected Members, raise issues with the Association. The group also provides advice on the best response to these issues.

The Climate Change Senior Officers Group meets quarterly and is an advisory group that ensures that the Association is meeting the needs of Local Government state-wide in the development of further resources, useful events and consideration of strategic advocacy. This group can also highlight issues for noting at the upcoming Councillors meeting, which provides a link between officers and elected members.

#### COAG

The Select Council on Climate Change indicated that its term is now complete and has recommended that ongoing adaptation tasks and recommendations from the Productivity Commission's final report "Barriers to Effective Climate Change" now be delegated to COAG's Standing Council on Environment and Water. It should be noted that ALGA has representation on this Standing Council.

The abovementioned measures and commitments are just a few examples of the Association's commitment to providing ongoing support to the WA Local Government sector in the area of climate change. The Association understands that there is still a range of work to undertake in this field and is committed to working alongside the sector to provide valuable support, management tools, policy and advocacy in the climate change adaptation and mitigation endeavours.

At the 2013 ALGA National General Assembly the following motion was considered and supported:

***That the National General Assembly calls on the Australian Government to initiate a coordinated approach, involving all three levels of government, to planning and managing the Australian coast for the benefit of future generations.***



## 5.6 Proposed Local Government Amendment – Council Controlled Organisations (05-034-01-0015 TB)

City of Greater Geraldton Delegate to move:

### MOTION

**That the proposed amendments to the Local Government Act 1995 in relation to Council Controlled Organisations prepared by WALGA in October 2011 be endorsed and resubmitted to the State for consideration.**

### MEMBER COMMENT

Local governments in WA have been advocating for the ability to establish corporate entities (called Local Government Enterprises) as vehicles for greater efficiency and improved partnering practices for Local Government involvement in a range of commercial activities that are distinct from the commonly understood “core functions” of local government.

WALGA has for a number of years been developing a proposal for corporate entities which is based on the New Zealand model and termed “Council Controlled Organisation”.

The Council Controlled Organisation model can be used for activities including urban regeneration projects, measures to address economic decline in regional centres, public private partnerships to develop Local Government assets and measures to enhance the income-generating asset base of Local Governments.

The benefits of establishing arms-length entities to undertake these activities include:

- the ability to employ professional directors/trustees and management with experience specific to the commercial objectives of the entity;
- removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the broad strategy;
- the ability to quarantine the ratepayers from legal liability and financial risk arising from commercial or investment activities; and

### ***IN BRIEF***

Council controlled organisations will allow:

- the ability to employ professional directors/trustees and management with experience specific to the commercial objectives of the entity;
- removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the broad strategy;
- the ability to quarantine the ratepayers from legal liability and financial risk arising from commercial or investment activities; and
- greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.



- greater flexibility to enter into joint venture and partnering relationships with the
- private sector on conventional commercial terms.

## **SECRETARIAT COMMENT**

The Association has been advocating for Council Controlled Organisations since the Systemic Sustainability Study (SSS) in 2008 (referred to as ‘Local Government Enterprises’). As part of the SSS, the report “Achieving Best Practice in Urban Regeneration: A Review of Statutory Constraints to Local Government Guided Outcomes” was adopted.

This was followed by the discussion paper “Local Government Enterprises as a Means of Improving Local Government Efficiency” which was adopted by the WALGA State Council in October 2010 with the following resolution;

**That;**

- 1. WALGA endorse the ability for Local Governments to establish Local Government Enterprises through the creation of arms-length corporate subsidiaries.**
- 2. The comprehensive approach as identified in the discussion paper be the preferred approach.**
- 3. WALGA advocate to the Minister for Local Government for the Local Government Act to be amended to permit Local Government Enterprises to be established and for the creation of a Working Group comprising of WALGA, LGMA and the Department of Local Government to implement the proposal.**
- 4. WALGA coordinate the following for further input to the advocacy and implementation process;**
  - a. Development of guidelines and best practice resources.**
  - b. Further development of legal, technical and accountability issues associated with the Local Government Act amendment proposals in line with Sector feedback.**
  - c. Development of educational and informational support.**

Local Government Enterprises was based on the New Zealand model and termed “Council Controlled Organisation”. In 2011, as there had been some misinterpretation of the proposal, WALGA re-wrote the proposal to align more closely with the New Zealand model and to incorporate the same name being “Council Controlled Organisation”

WALGA had been advocating this proposal to the former Minister for Local Government the Hon John Castrilli and recently raised the proposal with the new Minister for Local Government, the Hon Tony Simpson. The discussion paper that includes proposed legislative amendments is being updated to provide more current examples of the type of proposal that would utilise a Council Controlled Organisation model and also highlight examples where the current Act has restricted certain Council activity.



## 5.7 Effects of Structural Reform On WALGA (05-034-01-0015 TB)

*Shire of Dardanup Delegate to move:*

### **MOTION**

#### **“Possible WALGA Power Base Diminishment**

***Members of WALGA discuss and consider the implications to the organisation, if as a result of the amalgamation of Local Governments in the Perth metropolitan area, the power base and need for WALGA as the voice for Local Government for the proposed new larger mega sized Councils is diminished and largely not required by those Local Governments.”***

#### **IN BRIEF**

Amalgamations may result in larger Local Governments being in a more powerful position to be independent of WALGA and each other. Will the loss of a large number of metropolitan members to the organisation lessen the ability of WALGA to influence government policy?

### **MEMBER COMMENT**

This recommendation is designed to have the membership discuss whether the new larger Local Governments will have increased capacity to influence state and federal government policy making due to the larger populations that they will represent. The implication being that these new Councils won't have a need for the collective voice of WALGA as they may be in a more powerful position independent of WALGA and each other.

As a member of the organisation located outside the metropolitan area it is a concern that loss of a large number of metropolitan members to the organisation would lessen the ability of WALGA to influence government policy.

The Shire of Dardanup encouraged the State President and State Council to share with the members whether they have considered the implications as outlined; and if they have, what conclusion have they come to and what is the basis of that conclusion?

The question of financial viability is also a concern if larger metropolitan Local Governments form the view that their new found power makes WALGA obsolete and they consider withdrawing their membership.

### **SECRETARIAT COMMENT**

The State Government is currently considering the Metropolitan Local Government Review Panel's final report on metropolitan reform. The State Government's pre-election commitment was for no forced amalgamations in country areas and also that it believed that the State Government could work with metropolitan Councils on reform and that forced reform would not be required.

Based on this, it is likely that the number of Local Governments in WA would not reduce to less than 122. The impact of reducing Local Governments to this number will not have a significant



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effect on WALGA's representative or service delivery functions. Notwithstanding this, the Association is continuously monitoring the effect of any changes to the sector on WALGA's operating environment.

WALGA believes that a structure has been created that provides great value for Local Governments in terms of policy advice and representation together with significant savings through the use of WALGA's Business Solutions products and services. Strategic and contingency planning assures that the quality and value of WALGA to its members will not be impacted by the current structural reform proposals. Also it is worth noting that despite the potential changes in the metropolitan area, there will be no change to the composition of the WALGA State Council.

The current composition comprises of 12 country and 12 metropolitan representatives, ensuring balance between the metropolitan and rural constituencies on State Council. It's a formula that has worked successfully since the inception of WALGA. It has worked well in representing the broad issues of the Local Government Sector over the past 12 years and there will be no change to this successful formula regardless of the outcomes in metro reform.



## 5.8 Eradication of Cotton Bush (05-046-03-0010 MB)

Shire of Dardanup Delegate to move:

### MOTION

That WALGA:

- 1. Raises with the Minister for Agriculture and all local Members of Parliament Local Government urgent concerns in relation to the infestation of Cotton Bush in the south west and the lack of attention to this and other weed and pest control by DAFWA.**
- 2. Seeks a commitment from the State Government to adequately resource DAFWA to enable it to address weed and pest control in the state.**
- 3. Advises the state government of the ongoing concerns with the lack of management of pest and weed control of other government agencies on their controlled lands.**

### ***IN BRIEF***

Cotton Bush is a declared weed and is out of control on properties within the Shire of Dardanup. Council call on the Minister and the Department of Agriculture and Food (WA) to invest resources in action to eradicate this weed that has significant implications the agricultural industry.

### MEMBER COMMENT

The Shire of Dardanup raised this matter at the South West Zone meeting and with the Zones support the matter is now presented to the Annual General Meeting for support.

The Dardanup Shire wishes to bring to your attention the matter of Cotton Bush and the impact it is having on the rural areas in the Shire.

Cotton Bush is a declared weed, which has rapidly spread in recent years and is now posing a significant threat to rural and agricultural properties. A reduction in Department of Agriculture and Food (DAFWA) resources in the region combined with recent weather conditions has seen the prolific spread of the weed.

The Shire is under increasing pressure from the community to address the issue, but do not have the resources or the power to take action. Cotton Bush is classified under the Biosecurity and Agricultural Management (BAM) Act, which gives powers to the DAFWA to take action on landowners that allow the invasive weed to propagate on their property.

However, the level of resources allocated to the problem by the DAFWA is significantly below that needed to halt and control the spread of the weed.

We are therefore seeking the support of WALGA in this matter and request that WALGA petition the DAFWA to:



- Actively address the spread of Cotton Bush and to develop a program to halt its spread; or
- Requests that the DAFWA change the status of Cotton Bush to be declassified, which would allow Local Government to legislate for it, whilst providing Local Governments with the necessary financial and scientific support in order for it to be able to effectively do so.
- WALGA are requested to take immediate action on this matter on behalf of the South West member shires as this is becoming an increasingly alarming problem.

### **SECRETARIAT COMMENT**

The President and senior Association staff raised the issue with the Minister for Agriculture at a meeting on Wednesday 12<sup>th</sup> June 2013. The Minister was both aware of, and is sympathetic to the concerns and agreed to the issues being presented to and discussed with the State Government interagency Biosecurity Senior Officers Group at the earliest opportunity.

The Association raised the concern in relation to funding for DAFWA to carry out its statutory functions, and this was acknowledged in the context of the overall state budget situation. The Biosecurity and Agricultural Management Act (2007) does require the State Government to co-fund 50% of an approved plan developed by a Recognised Biosecurity Group.

The Association cautions against calls for the immediate delisting of Cotton Bush as a declared species, as under the Act, any Recognised Biosecurity Group will receive 50% funding from the State Government. There is a concern that by requesting a delisting of Cotton Bush, a greater liability may befall the sector, as in effect it would be seeking a complete cost shift in Cotton Bush management to Local Government. With the regulations required to enable the Act finally coming into effect as of 1<sup>st</sup> May 2013, it is recommended that affected Shires await the outcome of the Association meeting with the Biosecurity Senior Officers Group before taking further action.





## 5.9 Political Advertising (06-024-01-0001 JMc)

City of Mandurah Delegate to move:

### MOTION

**That WALGA prepares a position paper to lobby the relevant State Government ministers to ensure that all Local Governments have certainty with respect to their local laws and local planning requirements in relation to political signage and the protection of the amenity of local areas, without unduly restricting the principle of freedom of political expression.**

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

- There appears to be a level of uncertainty with respect to political signage and when local government local laws and planning requirements have effect.

### MEMBER COMMENT

There appears to be a level of uncertainty with respect to political signage and when Local Government local laws and planning requirements have effect. Local Governments have a responsibility to ensure that there is adequate protection of local amenity. Our local laws and planning scheme do this. Local Governments also understand the value and importance of political expression and the role that this plays in a democracy. What is required is a uniform approach across Western Australia to the issue of local amenity and political expression in relation to political signage.

### SECRETARIAT COMMENT

The Australian Constitution contains within it an implied freedom of political communication; this implied freedom was essentially conceptual in nature until it was first judicially considered in the 1992 Australian Capital Television Pty Ltd v. Commonwealth Case.

This case concerned the constitutional validity of Part IIID of the Broadcasting Act 1942, which regulated political advertising during election campaigns, and required broadcasters to broadcast political advertisements free of charge at other times. The High Court found the laws to be invalid, since they contravened an implied right to freedom of political communication in the Australian Constitution.

The implied freedom of political communication is therefore a constitutional freedom. Consequently, the implied freedom of political communication is neither a State matter nor one that the State is able to influence or change.

Notwithstanding, it would be a misconception to construe from the aforementioned judgement that the implied freedom of political communication contained within the Australian Constitution is unfettered.



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The High Court in *Lange v Australian Broadcasting Corporation* (1997) said that laws which affect communication on political matters can still be valid if the law is reasonably appropriate and adapted to serve a legitimate end, the fulfilment of which is compatible with the maintenance of the constitutionally prescribed system of representative and responsible Government.

This allows Local Government the ability to deal with political advertising on private property on the basis of form rather than content. For example, a Local Government may deal with a sign on private property under its Local Planning Scheme based on issues of amenity and safety.

The most recent example of the application of the implied right of political communications was the recent *City of Armadale* case, brought by the Liberal Party of Australia (WA Division) as the Plaintiff in relation to certain restrictions on election signage under the City's Local Planning Policy. The Court found in favour of the Plaintiff.

Under the City's Local Planning Policy for signage it specifically mentions that certain types of signage are not permitted, and includes a category of 'election sign', as follows:  
"A sign erected to encourage persons to vote for a candidate, political party or issue which may be for a forthcoming election of the Parliament of the Commonwealth or State or Local Government or a referendum unless erected within the grounds of a polling place on the voting day and removed within 24 hours of the close of polls on the voting day."

In his judgement, Justice Martin explained that "there may, in proper circumstances based say, on health or safety considerations, a legitimate justification for some degree of constraint against temporary electoral signage" (Paragraph 20 page 6). However, it was not considered legitimate for 'amenity' provisions of the Local Planning Scheme to be used exclusively in the control of the temporary signage, as "amenity must give way to the democratic process" in the lead up to the election.

The underlying premise of the Court's decision is that the City's planning provisions offend the implied freedom of political communication in the Australian Constitution. A number of preceding High Court and State Jurisdiction Court decisions regarding the freedom of political communication informed Justice Martin's decision.

Local Governments need to be aware that limits exist in relation to local signage control and compliance regimes by the implied freedom of political communication in the Australian Constitution, and to be cautious when formulating or acting upon restrictions on political communication during election periods. It may be prudent to review and assess current practices relating to election signage to minimise the prospect of similar action.

WALGA is currently formulating a political signage guideline for Local Governments that meets legal and public amenity issues.



## 5.10 Rate Exemption (05-034-01-0007 JMc)

Shire of Dardanup Delegate to move:

### MOTION

#### Rate Exemptions Charitable Bodies

**That the Western Australian Local Government Association continues to lobby the State and Federal governments for:-**

- 1. The rate exemption status for Not for Profit organisations to be removed; and**
- 2. If the rate exemption status is not removed that all Local Governments be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury.”**

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

- Local Government to be compensated for loss of revenue as a result of rate exemptions on independent living units within retirement villages operated by organisations recognised as charitable bodies.

### MEMBER COMMENT

This matter was last raised at the 2008 and the 2011 state convention and has been an issued raised during the debate on the structural reform of Local Government.

Members are aware, property owners that are registered as a charity by the Australian Taxation Office are eligible to claim a rate exemption for their property under section 6.26 (2) (g) of the Local Government Act 1995.

The Shire of Dardanup has two properties that qualify for this exemption, as a result of an appeal against paying rates to the State Administrative Tribunal (SAT), the SAT upheld the appeal based on precedents set by the Uniting Church versus the City of Stirling, subsequently Council had to comply with the ruling.

During 2006, 2007, 2008, 2010 and 2011 this Council was a party to a lobbying effort by the WALGA to the Minister for Local Government to amend the Local Government Act to empower Local Governments to rate only the Independent Living Units (ILUs) within estates owned and operated by groups registered as charities.

Residents (owners/life time leaseholders) of ILUs continue to enjoy the quality of life as a land owner owning and living in a residential area of the Shire, that is, they continue to be mobile, use the Local Government facilities such as footpaths, roads, libraries, parks and reserves, enjoy life as much as they did prior to entering their ILU. It is a widely held view that these residents are taking an unfair advantage of the law by not making a contribution to the provision of services by Local



Government when they continue to enjoy the benefits of the services. (Readers should not misconstrue the officers or the elected members views toward helping the aged, widows, widowers, the injured and the disabled, the Shire of Dardanup has a powerful testimony of making provision for all of the members of the community in the way of services and facilities by improving buildings, disability access and other services, including mobile library visits to homes and to the aged care facility and more recently expending over \$60,000 on construction of guard rails on local roads to protect the residents of aged care facilities. Council has a strongly held view and sound record for helping the disadvantaged, this report and the objective is about equity and fairness).

Council is on the record as not opposing the rate exemption status for the value of the property that is the Aged Person Hostel.

Previous Ministers holding the Local Government portfolio have rejected the lobbying effort by this Shire, WALGA and others, stating that the Local Government Act did not preclude Local Governments from negotiating a contribution toward rates from the charities. What the Ministers have not acknowledged is that negotiation requires cooperation from both parties, it is a voluntary process.

The Shire of Dardanup has foregone an estimated revenue total of \$351,960 between 2010 and 2012. The loss of revenue represents opportunity lost for the community to benefit from new services and investment in facilities, or at minimum a reduction in the rates raised.

Council continues to provide the following as direct benefit to the residents of the aged facilities:

- Visiting library service.
- Keep fit programs and social interaction at the Eaton Recreation Centre.
- Construction of bus stop and dual use path on Eaton Drive.
- Construction of dual use path on Edith Cowan Avenue.
- Reconstruction of dual use path access at the intersection of Glen Huon Boulevard and Eaton Drive.
- Construction of dual use path on Eaton Drive from the village to the Shopping Centre on the South Side of Eaton Drive.
- Intersection improvements to alleviate the fear of vehicles crashing into the boundary fence and adjacent residence.
- Installation of two guardrails to protect brick walls and residence at aged care facilities.

(Note: This list does not include general services enjoyed by the community at large.)

The Shire of Dardanup seeks member support to have WALGA lobby the State and Federal government through the Minister for Local Government and the Treasurer, for the rate exemption status on independent living units to be removed or for Local Government to be compensated for the loss in revenue that is forgone when a body registered as a charity or religious body owns land



and claims the rate exemption under Section 6.26 (2) (d) (e) and (g) of the Local Government Act 1995 as Amended.

Council believes that the presentation of this item for debate at the State Convention is relevant and timely as it has been in previous years given the ongoing focus on Local Government sustainability and the obvious trend and need for more aged accommodation for our aging population and because we have a new Minister for Local Government.

The government, State and Federal, run the risk of creating a situation where Local Governments may not approve re-zonings of their Town Planning Schemes to allow for development of aged persons accommodation. This will lead to a shortfall in facilities that would have to be considered by government to be a potential catastrophe, notwithstanding that the government has the power to take away Local Governments planning powers if they are not happy with decisions made.

Both tiers of government ought to be lobbied as the Federal Government is responsible for accommodation for the aged and provide funding for them and the Australian Taxation laws, and the State government is responsible for the Local Government Act.

It is important to note that such charitable bodies are not exempt from the State Government imposed Emergency Service Levy that is raised on behalf of the State by Local Governments.

This was highlighted in the inquiry by the Local Government Advisory Board into the operation of the provisions of the Local Government Act relating to rating of land used for charitable purposes in November 2005.

The matter of rate exemptions for charitable bodies goes directly to the question of financial sustainability. The state and federal government are aware of the impacts of cost shifting on Local Government yet choose to do nothing to increase Local Governments share of revenue, the states themselves cry foul and seek compensation when the federal government considers making a decision to reduce goods and services tax revenue to the states. This is nothing short of double standards and an issue that the Shire of Dardanup believes the Association can use to demonstrate the impacts that government decisions have on Local Government revenue.

Local Government cannot accept the do nothing option, the two options are:-

1. Amend the Local Government Act to enable the rating of Independent Living Units that are located within not for profit aged accommodation estates; or
2. That State and Federal Government compensate Local Governments for the loss of revenue that would otherwise be raised if the independent living units were rated.

## **SECRETARIAT COMMENT**

The Association's current advocacy position is:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either



- 
- a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;
- or
- b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.
3. Provide support by approaching the Minister for Planning and the State Treasurer, seeking an amendment to the WALA Act so that LandCorp is required to pay property rates to Local Government or alternatively, provide for a compensatory scheme.

It is the long-held view of the Association that the rate exemption provision under Section 6.26(2)(g) of the Local Government Act 1995, which has been the subject of much correspondence with the State Government, is in urgent need of review. WALGA is concerned that the purpose for which Section 6.26(2)(g) was intended by State Parliament when making the Local Government Act 1995 is now exceeded beyond its intended scope and is subject to ever-broadening interpretation, particularly through decisions of the State Administrative Tribunal.

It is the view of WALGA State Council that State Parliament should urgently assess the scope and purpose of rate exemptions for land used exclusively for charitable purposes as they are currently applied, and enact appropriate legislative amendments to ensure alignment with Parliament's intended principles. This view was most recently expressed in correspondence to the Premier in June 2013.



## 5.11 Weed Management and Administration of the Biodiversity in Agriculture Management Act (05-046-03-0011 MB)

Shire of Murray to move:

### MOTION

**That WALGA lobby the Minister for Agriculture and Director General of the Department of Agriculture and Food to ensure that the Department accepts its responsibility for the management of invasive species classified under the Biosecurity in Agriculture Management Act 2007. This should be through either direct action or funding to establish and maintain Recognised Biosecurity Groups to directly manage this increasingly important issue.**

### ***IN BRIEF***

- Invasive weeds are becoming a serious management issue.
- DAFWA are not currently resourced to manage this issue and have suggested establishing Recognised Biosecurity Groups.
- RBG set up needs to be state led and funded.

### MEMBER COMMENT

- **Invasive weeds and animals are becoming a serious management issue.**

Invasive weeds are among the most serious threats to Western Australia's natural environment and primary production industries. Weeds have major economic, environmental and social impacts in Australia, causing damage to natural landscapes, agricultural lands, waterways and coastal areas.

In recent years following two wet summers this issue has become much more pressing with huge uncontrolled outbreaks of Narrow-Leaf Cotton Bush (*Gomphocarpus fruticosus*) the length of the Darling Scarp.

- **DAFWA not currently equipped to manage this**

It is the responsibility of the Department of Agriculture and Food (DAFWA) to control declared weeds under the Biosecurity in Agriculture Management (BAM) Act and this precludes Local Government preparing its own local laws to control such weeds. DAFWA however do not appear to be sufficiently resourced to deal with the spread of weeds and this lack of action is threatening our natural areas.

On Friday the 17<sup>th</sup> May, Shire of Murray officers attended a meeting with representatives from twelve other Local Governments throughout the South-West and Peel regions, the Southwest Catchments Council (SWCC) and members of the DAFWA including the Director of the Invasive Species Programme, Mr Viv Read. Mr Read stated that it is the DAFWA intention not to declassify Cotton Bush until all avenues had been used within the remit of the BAM Act as it considers the BAM Act to be a more powerful piece of legislation than a Local Government local law and that its preferred method for future management of biosecurity and implementation of the BAM Act is therefore through a Recognised Biosecurity Group (RBG) established under this Act.



- **RBG set up needs to be state led/funded.**

The establishment of any potential RBG will incur significant resources. The funding model recommended by the DAFWA was a regional levy matched by the state treasury. This will require extensive initial investment and public consultation. The Shire of Murray is of the opinion that if this is the preferred method of management of invasive weeds then this should be led and funded by DAFWA and not on already stretched Local Governments, this is especially significant given the cross regional nature of invasive species.

### **SECRETARIAT COMMENT**

The President and senior Association staff raised the issue with the Minister for Agriculture at a meeting on Wednesday 12<sup>th</sup> June 2013. The Minister was both aware of, and is sympathetic to the concerns and agreed to the issues being presented to and discussed with the State Government interagency Biosecurity Senior Officers Group at the earliest opportunity.

The Association raised the concern in relation to funding for DAFWA to carry out its statutory functions, and this was acknowledged in the context of the overall state budget situation. The Biosecurity and Agricultural Management Act (2007) does require the State Government to co-fund 50% of an approved plan developed by a Recognised Biosecurity Group.

The Association cautions against calls for the immediate delisting of Cotton Bush as a declared species, as under the Act, any Recognised Biosecurity Group will receive 50% funding from the State Government. There is a concern that by requesting a delisting of Cotton Bush, a greater liability may befall the sector, as in effect it would be seeking a complete cost shift in Cotton Bush management to Local Government. With the regulations required to enable the Act finally coming into effect as of 1<sup>st</sup> May 2013, it is recommended that affected Shires await the outcome of the Association meeting with the Biosecurity Senior Officers Group before taking further action.





## 5.12 Presidential Public Comments (01-002-01-0001 TB)

Town of Claremont Delegate to move:

### MOTION

- 1 **The President of WALGA is censured for his public comments as President of WALGA about Local Government reform which purport to represent the WALGA position although he knows (or should know) that they do not reflect the adopted position of WALGA, and in particular where such comments are, or can be reasonably be interpreted to be) a disrespectful attack on some members of the association.**
- 2 **State Council is reminded that it should act and be seen to act in the interests of its members and not the perceived interests of a majority of a sub-set of members.**
- 3 **No association funds are to be expended on advertorials of any other form of publicity that does not accurately and clearly represent the adopted position of WALGA.**

### ***IN BRIEF***

- The President is empowered to make public comments that reflect the Association's Policy.
- Town of Claremont is dissatisfied with the way certain positions have been presented and seeks censure of the WALGA President.

### MEMBER COMMENT

1. The President confuses his personal preferences and his position as Mayor of the City of Joondalup and his role and responsibility as president of a membership based organisation, WALGA.
2. His responsibility it is to accurately and consistently represent the adopted positions of WALGA and show proper respect for all members of the Association.
3. The President and State Council appear to have interpreted the WALGA submission to the Metropolitan Local Government Review Panel (framed within the terms of reference of the inquiry) as WALGA policy on Local Government amalgamation. There has been no Association position developed which takes the unequivocal position of supporting abolition of smaller Local Governments though a pro amalgamation policy.
4. The President, in advertorials and other press comment, has denigrated small councils in an attempt to justify State Government imposed change on metropolitan Local Government. He has used the advertorial paid for by members to advocate positions not adopted by WALGA and which are adversarial to some members.
5. State Council has not considered motions from Zones that questioned or challenged the position adopted re metropolitan Local Government amalgamation or abolition.
6. State Council has adopted a position accepted by the majority of a sub-set of members, viz. larger metropolitan Councils, against the interests of the majority of members (Councils over 50,000 population 13, 20,000 – 50,000 population 18, under 20,000 population 107) and to the identified detriment and opposition of some smaller metropolitan Councils.



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## SECRETARIAT COMMENT

### State Council Process

The process that State Council utilises to determine sector policy positions is as follows;

- State Council Agenda Item prepared with recommendations on 'Items for Decision'
- Consideration at the 17 WALGA Zones, where the Zones can put forward their position i.e. support, amendment or opposition.
- Following the Zone meetings, State Council is presented with a Consolidated Recommendations paper which includes the WALGA Officer recommendation and the position of every Zone.
- The WALGA secretariat reviews the Zone positions with the aim of including these in the recommendation, if it is a majority view or an amendment that adds to the recommendation and is consistent with the position.
- The Consolidated recommendation is then presented to State Council together with all Zone recommendations and any State Councillor can move a recommendation or any amendment.

The State Council process is very transparent and accountable.

### Metropolitan Reform Position

WALGA's submission on metropolitan reform was developed utilising a Policy Forum and the above State Council/Zone decision making process. A position was developed on the 30 recommendations and the sector position adopted on the structure for the metropolitan area is as follows;

*"WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 Local Governments, and will work towards achieving this objective, based on sustainability principles, with reference to Directions 2031, using existing Local Government boundaries as a starting point".*

State Council at its May 2013 meeting resolved the following in regard to the issue of advocacy in respect to Local Government Reform;

*"State Council reinforces and endorses the sectors position on reform as presented by the President and WALGA staff – Carried Unanimously"*

### Advertorial

WALGA has utilised advertorial space in the West Australian for a number of years. The President is empowered to make public comments that reflect the Association's Policy.

Over the previous 12 months the following topics have been reported on;

Tuesday, 21 August

*Community Planning: We Need to Talk*

Emphasised the need for all stakeholders involved in planning and development to adopt a more collaborative approach.



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Tuesday, 18 September

*Who Cares for Your Community Election Campaign*

Outlined the sector's upcoming State Election campaign

Tuesday, October 16

*Tragedy Shines Light on local CCTV Failings*

Challenged the State Government and WA Police for action on closed circuit television systems

Tuesday, 13 November

*Community Could Clean Up with Cash 4 Containers*

Highlighted the sector's campaign for container deposit legislation

Tuesday, December 11

*Risk Reform Will Be In One Year And Out The Other*

Outlined the risk in the Local Government reform process losing inertia with the delay to the State Government declaring its position on the Robson Review.

Tuesday, February 26

*Councils Reform Now About Making it Work*

Provided commentary on the reform process and the sector's response.

Tuesday, April 9

*New Opportunities for Councils with New Minister*

Highlighted the potential for the sector to re-engage the State Government on metropolitan reform given the election result and change in Local Government Minister.

Tuesday, May 14

*Imagine Going Eight Years with No Pay Adjustment*

Support for SAT review of determining Elected Member fees and allowances



## Attachment 1: Association Standing Orders

- 1. INTERPRETATIONS**

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

The proceedings and business of meetings of the Association shall be conducted according to these Standing Orders.
- 3. NOTICE OF MEETING**
- 3.1 Annual General Meeting**

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

A Special General Meeting of the Association is to be held if a request is received by the Association President, in accordance with the requirements of the Association's Constitution. No business shall be transacted at a Special General Meeting other than that for which the Special General Meeting was called.
- 3.3** Notice shall be given at the destinations appearing in the records of the Association.  
  
Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.
- 4. QUORUM**
- 4.1** The Association shall not conduct business at a meeting unless a quorum is present.
- 4.2** At any meeting of the Association greater than one half of the delegates who are eligible to vote must be present to form a quorum.
- 4.3** The Association is not to transact business at a meeting unless a quorum is present.
- 4.4** If a quorum has not been established within the 30 minutes after a meeting is due to begin then the Association can be adjourned –
  - (a) by the President or if the President is not present at the meeting, by the Deputy President;
  - (b) if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;
  - (c) if only one delegate is present, by that delegate; or
  - (d) if no delegate is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.
- 4.5** If at any time during a meeting a quorum is not present, the President shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it for some future time.
- 4.6** Notice of a meeting adjourned because of absence of a quorum is to be given to all Member Local Governments.
- 5. MEETINGS OPEN TO THE PUBLIC**

The business of the Association shall be open to the public except upon such occasions as the Association may by resolution otherwise decide.
- 6. ORDER OF BUSINESS**

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

  - (a) Record of attendance and apologies;
  - (b) Announcements;



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

## 7. VOTING ENTITLEMENTS

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

## 8. SPECIAL URGENT BUSINESS

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

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

## 9. PRESIDENT

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

## 10. DELEGATE AND DEPUTY DELEGATE

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

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

## 11. PRESIDENT TO PRESIDE

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

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

## 12. SPEAKING PROTOCOL

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

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

- 12.3 Speakers are to use the microphones supplied.

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

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

## 13. DEBATE PROCEDURES

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

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

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



- 13.4** As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.
- 13.5** No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.
- 13.6** The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.
- 13.7** When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.
- 13.8** No more than two delegates shall speak in succession on one side, either for or against the question before the meeting, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment may be put to the vote.
- 13.9** Notwithstanding clause 13.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put.
- Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.
- 13.10** At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the meeting, after the mover has replied.
- 14. QUESTIONS**  
Any delegate seeking to ask a question at any meeting of the Association shall direct the question to the President.
- 15. POINT OF ORDER**  
A delegate who is addressing the President shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.
- 16. MOTION - SUBSTANCE TO BE STATED**  
A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President, shall put the motion or amendment in writing.
- 17. PRIORITY OF SPEAKERS**  
If two or more delegates wish to speak at the same time, the President shall decide who is entitled to priority.
- 18. PRESIDENT TO BE HEARD**  
Whenever the President signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President may be heard without interruption.
- 19. WITHDRAWAL OF MOTION**  
A motion or amendment may be withdrawn by the mover with the consent of the meeting, which shall be signified without debate, and it shall not be competent for any delegate to speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 20. PRESIDENT MAY CALL TO ORDER**  
The President shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.
- 21. RULING BY PRESIDENT**  
The President shall decide all questions of order or practice. The decision shall be final and be accepted by the meeting without argument or comment unless in any particular case the meeting resolves that a different ruling shall be substituted for the ruling given by the President. Discussions shall be permitted on any such motion.
- 22. RESOLUTIONS**
- 22.1** Except as otherwise provided in the Association Constitution and these Standing Orders, all motions concerning the affairs of the Association shall be passed by a simple majority.
- 22.2** Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.
- 23. NO DISCUSSION**  
Where there is no discussion on a motion, the President may deem the motion to be passed unless the meeting resolves otherwise.
- 24. PERMISSIBLE MOTIONS DURING DEBATE**
- 24.1** When a motion is under debate, no further motion shall be moved except the following:  
(a) that the motion be amended;



- (b) that the meeting be adjourned;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the meeting proceed with the next item of business; or
- (f) that the meeting sits behind closed doors.
- 24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.
- 24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).
- 25. RESCISSION OF RESOLUTION**
- 25.1 At the same meeting**  
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.
- 25.2 At a Future Meeting**  
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:
- (a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
- (b) by absolute majority, in any other case.
- 26. METHOD OF TAKING VOTES**  
The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.
- 27. DIVISION**  
The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.
- 28. ALL DELEGATES TO VOTE**
- 28.1** At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.
- 28.2** Each delegate shall be entitled to exercise one deliberative vote on any matter considered.
- 29. PRESIDENT'S RIGHT TO VOTE**  
The President shall have a casting vote only.
- 30. SUSPENSION OF STANDING ORDERS**
- 30.1** In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.
- 30.2** Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.
- 31. NO ADVERSE REFLECTION ON ASSOCIATION**  
A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.
- 32. NO ADVERSE REFLECTION ON DELEGATE**  
A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.
- 33. MINUTES**
- 33.1** The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.
- 33.2** The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.
- 33.3** Copies of the minutes will be supplied to all delegates prior to the meeting.

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**Attachment 2: Previous Minutes 2012 AGM**



# MINUTES

## Annual General Meeting

Perth Convention Exhibition Centre  
Perth

wednesday

**1 AUGUST 2012**







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## Annual General Meeting - Order of Proceedings

### 1. Record of Attendance and Apologies

Apologies received from:

Shire of Augusta-Margaret River

Shire of Cocos (Keeling Islands)

Shire of Dowerin

Shire of Kalamunda

Shire of Upper Gascoyne

Shire of West Arthur

Shire of Wongan-Ballidu

The Right Hon Lord Mayor Lisa Scaffidi

Mayor Ron Yuryevich

#### 1.1 Announcements

There were no announcements.

### 2. Confirmation of Minutes

Minutes of the 2011 WALGA Annual General Meeting are contained within this AGM Agenda.

**Moved:** Cr G Pule (Bassendean)

**Seconded:** President Cr W Barrett (Murray)

**That the Minutes of the 2011 Annual General Meeting be confirmed as a true and correct record of proceedings.**

**CARRIED**

### 3. Adoption of President's Annual Report

The President's Annual Report for 2011/2012 is contained within this AGM Agenda.

**Moved:** President Cr J Gardiner (Dardanup)

**Seconded:** Cr B Thomson (Murray)

**That the President's Annual Report for 2011/2012 be received.**

**CARRIED**

#### **4. WALGA 2010/2011 Financial Statements**

The audited 2010/2011 WALGA Financial Statements will be distributed to all members prior to the meeting.

**Moved:** Mayor T Roberts (Wanneroo)  
**Seconded:** President Cr S Love (Dandaragan)

**That the WALGA Financial Statements for 2011/2012 be received.**

**CARRIED**

#### **5. Consideration of Executive and Member Motions**

As per motions listed:

#### **6. Closure**

There being no further business, the President declared the meeting closed at 4.40pm

## Consideration of Executive and Member Motions

### 5.1 Transport Contributions from Heavy Vehicles Users (05-006-03-0001ID)

Shire of Perenjori

#### MOTION

Moved: President Cr C King (Perenjori)  
Seconded: Cr L Butler (Perenjori)

That WALGA press the State Government to regulate large freight campaigns on local roads to either prevent them, or provide a fair means for Local Governments to recover costs arising from these campaigns.

#### AMENDMENT

Moved: President Cr S McDonnell (Kelleberrin)  
Seconded: Cr G Pule (Bassendean)

That WALGA press the State Government to regulate large freight campaigns on local roads to either prevent them, or provide a fair means for Local Governments to recover costs arising from these campaigns and request the President to form a working party to advocate to the State Government on behalf of the sector.

The Amendment was put and

CARRIED

The Amendment became the Motion and was put and

CARRIED

#### MEMBER COMMENT

The Restricted Access Vehicle (RAV) System provides a means for Local Governments to recommend to Main Roads which of its roads should be available to RAV combinations. These recommendations will generally be based on a reasonable understanding of the likely usage of the road by the businesses and the community served by that road.

Once a road has been included on the RAV data base there is nothing to stop the road being used for freight campaigns well outside the scope of the Local Government's expectations. Local Governments have no formal means available to them to recover the costs that arise from these unexpected campaigns.

There have been several recent examples of large freight campaigns on local roads that have been out of proportion with the design and expectations for that road. A particular example involved the transport of in excess of 100,000 tonnes of ballast on local roads that had been designated as RAV routes for the transport of occasional loads of fertiliser, grain or stock. The road was literally destroyed over the course of a few days. By the time the affected Local Governments became aware of the campaign, much of the damage had been done and there was no legitimate means to stop it.

Local Governments rely on instruments such as local planning policies (for timber plantations) and local laws (for the likes of extractive industries) to try to regulate some freight tasks. These instruments are ineffective when the campaign is unexpected and does not require other approvals from Local Government.

The recent WA Transport Forum discussed the problem but no solutions were identified. Providing a RAV network to service local farms and businesses should not expose Local Governments to these large and unexpected campaigns.

### **SECRETARIAT COMMENT**

The existing legislative framework does not provide for effective control of large freight tasks that have a major impact on road infrastructure, without placing an onerous regulatory burden on local businesses and Local Governments.

The COAG initiated reform processes, intended to provide a mechanism to enable road managers, including Local Governments, to recover costs proportional to the damage caused by heavy vehicles, have not progressed significantly. While Local Governments receive a share of motor vehicle licence fee revenue, including that from heavy vehicles, to fund roads the quantum and allocation of this funding does not respond to damage from major freight transport activities.

Changes in State legislation are required in order to enable Local Governments to effectively and efficiently avoid the high costs of road damage from heavy vehicles being transferred to local communities.

## 5.2 Consultation Process with State Government (05-050-01-0001TB)

Town of Narrogin:

### RESOLUTION

**Moved:** Mayor D Ennis (Town of Narrogin)  
**Seconded:** Cr R Madson (Town of Narrogin)

**That the Minister for Local Government, when calling for submissions, comment or advise on proposed amendments to the Act, Regulations or other items that affect the Local Government Sector, provide an adequate allowance for time, being a minimum of six weeks, to review the information and prepare submissions; and if Easter or the Christmas period fall within this consultation period, an additional two weeks for Easter and four weeks for the Christmas period be added to the submission period.**

**CARRIED**

### **MEMBER COMMENT**

The Town of Narrogin has expressed concern with the way that the Minister consults with Local Government and forces some issues through during public holiday times and holidays like Easter and Christmas, reducing the time and ability for Councils to respond formally with Council motions.

The period of six weeks allows any Council to have at least one Council meeting during this time and should the consultation fall over one of the holiday periods, that the consultation period be further extended to all for Councillors to return from leave and inform themselves on the issues at hand.

### **SECRETARIAT COMMENT**

The requirement for adequate consultation with the sector on anything effecting Local Government by the State Government has been a long standing advocacy base for the Association. WALGA together with the Local Government Managers Association (LGMA) has signed a State/Local Government Agreement with the State Government. In the agreement there is provision for a Communication and Consultation Protocol. This provision states;

*“An appropriate protocol will be developed which defines the range of communication and consultation mechanisms to be applied to the development of legislation, regulation, administrative and operation guidelines and other matters impacting on Local Government.”*

WALGA has presented a draft *Communication and Consultation Protocol* to the State Government that suggests the following protocols;

- i. *New legislation and amendments, proposals and legal mandate that will have an impact on Local Government expenditure - Minimum of twelve (12) weeks consultation.*
- ii. *Consultation for a minimum of eight weeks on proposed changes to Regulations or other compliance requirements that will have an impact on Local Government’s responsibilities.*

*iii. Communication between both spheres of government relating to changes in operating procedure or practice which will have minimal impact requires advice prior to any action.*

The above protocol requires either 8 or 12 weeks consultation depending on whether it is legislation or regulation. This is a greater requirement than the 6 weeks proposed in this motion.

The most recent example of the State Government not providing sufficient consultation related to a proposal to amend the Local Government (Financial Management) Regulations 1996, immediately prior to Easter 2012. The consultation carried out in this instance was not adequate and the Association has communicated our objection to the Minister for Local Government.

The most appropriate course of action is for the Communication and Consultation protocol to be signed and then this would require all State Government agencies to follow the protocol.



### 5.3 Revaluation of Unimproved Valuation (UV) Land (05-034-01-0001TB)

Shire of Kulin:

#### MOTION

Moved: President Cr J Sullivan (Kulin)  
Seconded: President Cr T Wittwer (Cuballing)

That this meeting seek an amendment to the Valuation of Land Act 1978 so that individual Local Governments are able to determine if it is considered necessary for a UV revaluation to be applied, for rating purposes, across the whole Shire in any particular year. Further that the legislation be further amended to include provision that every Local Government across the State must accept a general UV revaluation at least once every three (3) years.

#### AMENDMENT

Moved: President Cr M Scott (Capel)  
Seconded: Cr J Scott (Capel)

That this meeting seek an amendment to the Valuation of Land Act 1978 to:-

1. enable individual Local Governments to determine if it is considered necessary for a UV revaluation to be applied, for rating purposes, across the whole Shire in any particular year.
2. include provision that every Local Government across the State must accept a general UV revaluation at least once every three (3) years.
3. enable individual Local Governments to determine if it is considered necessary for a GRV revaluation to be applied every three (3), four (4) or five (5) years.

The Amendment was put and

CARRIED

The Amendment became the Motion and was put and

CARRIED

#### MEMBER COMMENT

*Annual revaluations for UV properties were introduced some 20 years ago due largely to:*

- *Revaluations were somewhat adhoc and there were occasions where a revaluation caused issues when significant changes in rural values for specific areas within a particular LG occurred over a period of time. Many landowners faced significant rate increases and it became a difficult process to explain the reasons for increased rates to those in the affected areas.*
- *The Valuer General's Office (VGO) had concerns over properties that covered two or more Shires where those LG's revaluation schedule were not in sync. In some instances this again caused angst as on occasions one ratepayer would be more severely affected by*

*rate increases on land he held in one LG as opposed to the other, regardless of what the actual overall rate increase was.*

- *Where there was an extended period between revaluations there were occasions where no land sales actually occurred in that particular shire for the year the revaluation was being carried out. This did cause difficulties for the VG in determining the appropriate values.*

While it is agreed the above reasons are sound, revaluations in recent years has seen little change, due mainly to the limited land sales taking place. Examples in the changes for total valuations from year to year are as follows;

<b>Local Government</b>	<b>Last Year</b>	<b>This year</b>
Kulin	+ 0.90%	- 0.50%
Brookton	- 1.05%	- 0.29%
Cuballing	- 0.10%	- 0.03%
Corrigin	- 1.30%	+ 0.02%
Pingelly	- 0.61%	+ 0.26%
Williams	- 3.02%	- 0.24%
Quairading	- 2.00%	- 1.10%
Wickepin	+ 0.78%	- 2.65%

While it is not the intention to return to the “old days” where there were issues with irregular revaluations, it is our belief that it is unlikely there will be any major changes in UV’s into the foreseeable future and we can see little point in:

- Paying the revaluation fee of approximately \$5,000 per annum for little benefit,
- Spending valuable administration time in amending the rate records annually, again for little benefit.

A procedure where individual Local Governments can request annual values can be introduced thereby reducing the financial and resource burden on rural Local Governments as well as reducing the workload on the Valuer General’s Office. If the above is accepted there would need to be a fixed date where a Local Government can request not to have the annual valuation.

## **SECRETARIAT COMMENT**

WALGA recognises the issue in rural areas where there are limited sales evidence and little change in valuations that questions the need for annual valuations and the cost incurred.

The main issue is that there is consistency in the valuation period. The motion proposes that a general UV revaluation is required every three years; this is a logical approach.

The revaluations of Gross Rental Valuation (GRV) properties are re-valued based on activity, however at least every 5 years.

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## **6.0 MATTER OF SPECIAL URGENT BUSINESS:**

### **MOTION**

**Moved: Cr M Wainwright (Swan)**

**Seconded: President Cr P Blight (Wagin)**

That the Members agree that the following two items of Special Urgent Business, relating to:

- **Native Vegetation Management**
- **Grant Applications**

be considered.

**CARRIED BY ABSOLUTE MAJORITY**

## 6.1 MATTER OF SPECIAL URGENT BUSINESS : Native Vegetation Management (05-095-03-0001 KB)

Shire of Bridgetown-Greenbushes:

### RESOLUTION

**Moved:** Cr T Practico (Bridgetown-Greenbushes)  
**Seconded:** Cr G Aird (Boyup Brook)

**That WALGA press the Minister for the Environment to commit to a timeline to amend the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and the consulting process with Local Governments, with a view to providing a general exemption for the sector in relation to clearing of road reserves.**

### **IN BRIEF**

- Road maintenance in existing transport corridors does not require a permit unless in a declared Environmentally Sensitive Area.
- The Min. for Environment has been asked to commit to consultations with the sector on proposed legislative amendments.

**CARRIED**

### **MEMBER COMMENT**

WALGA has been working closely with the Department of Environment and Conservation (DEC) to assist Local Governments to work within the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. WALGA has stated it regularly receives feedback from Local Governments that compliance with the requirement to obtain clearing permits can be time consuming and expensive. DEC has provided advice for Local Governments to streamline their clearing permit application practices which is being provided through Sustainability Officers and Regional Road Group networks. In addition, the Association is focusing on proposals to change the legislation arising from a Middle Committee Review.

The WALGA President, Troy Pickard has written to the Minister for the Environment to request a timeline for the consultation process with Local Governments prior to any legislative amendments being made.

At the June 2012 meeting of the South West Zone, discussion indicated there was conflict with the Policy, especially in relation to road reserves. It was strongly considered by Local Government delegates attending the Zone Meeting that there needs to be an exemption for Local Governments in respect for clearing of road reserves and this needs to be resolved when amending the Regulations.

### **SECRETARIAT COMMENT**

*The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations) provides an exemption for clearing for maintenance in existing transport corridors (Regulation 5, item 22, Schedule 2) providing the site is not within a declared "Environmentally Sensitive Area". Any new works, e.g. road widening or realignment or infrastructure upgrade requires a permit.*

*The WALGA President has written to the Minister for Environment on 2 occasions to request that he honour his commitment to Local Government to consult with the sector on proposed amendments (The Middle Review) to the legislation by late 2011, and will be raising it a matter of priority at the next Ministerial meeting, scheduled for Monday 20 August 2012.*

## 6.2 MATTER OF SPECIAL URGENT BUSINESS : Grant Applications (05-034-01-0003 TB)

City of Kalgoorlie-Boulder:

### RESOLUTION

**Moved:** CEO Don Burnett (Kalgoorlie-Boulder)  
**Seconded:** Cr Anne Petz (Kalgoorlie-Boulder)

**That WALGA requests the State Government to introduce a “One Stop Shop” for Local Government grant applications, dealing with a preregistration process, streamlining of the application process, standardising of the applications and a pre-determined approval/rejection timeline**

### **IN BRIEF**

- Grant application and assessment processes at both a State and Federal level requires updating
- Proposal to streamline the process for Local Governments applying to State Government Agencies for grants.

**CARRIED**

### **MEMBER COMMENT**

The grant application and assessment processes at both a State and Federal level requires updating to enable Local Governments a clearly defined application process that is standard across all departments with a clearly defined timeline for approval and rejection.

To streamline the process:

1. Local Governments are to have the ability to pre-register with one central body for each of the spheres of government. This preregistration will collect the general Council information required for all grants; this information is updated by Councils on a annual basis.
2. Online application forms to be standardised to ensure ease of completion and consistency is maintained.
3. An assessment timeline should be adopted across all agencies so Local Governments can plan the approval process to align with their program and other funding sources/grant providers.

This motion is a motion pertaining to the State Government Departments and the streamlining of grant application processes for Local Government.

Both State and Federal Governments have a myriad of agencies and departments that Councils can apply for grants through. Each one has a different application process, requires different information and has different timelines to do the initial assessment and/or a final determination. There is a need at both State and Federal level for the grant application and assessment process to be modernised, streamlined and centralised.

A similar motion was passed in relation to the Federal Government at the recent ALGA Congress.

### **SECRETARIAT COMMENT**

This item was recently considered at the Australian Local Government Association (ALGA) National General Assembly where the item was carried.

*That the National General Assembly calls on the Federal Government to introduce a "One Stop Shop" for Local Government grant applications, dealing with a preregistration process, streamlining of the application process, standardising of the applications and a pre-determined approval/rejection timeline.*

The issue is also raised in a report prepared by Ernst and Young "*Strong Foundations for Sustainable Local Infrastructure*". The report suggests that the Australian Government develop a portal to bring together information and application material relating to Local Government grants (Recommendation 1), as a response to concerns raised about the complexity of the current administration of grants programs. The portal (or application) could build upon the GrantsLINK website which has been set up by the Australian Government to help individuals, businesses and communities identify Commonwealth grants and assistance.

***"Recommendation 1: Information portal for grants programs***

*The Australian Government should develop a portal to bring together information and application material relating to Local Government grants programs in a single location."*

## Attachment 3: Action Taken on Resolutions of the 2012 Annual General Meeting

### 5.1 Transport Contributions from Heavy Vehicles Users (05-006-03-0001 ID)

That WALGA press the State Government to regulate large freight campaigns on local roads to either prevent them, or provide a fair means for Local Governments to recover costs arising from these campaigns and request the President to form a working party to advocate to the State Government on behalf of the sector.

- The Association has prepared and published a paper titled “The Impact of Vehicle Type on Road Wear” to inform Local Governments of the impact of freight movements on local roads and guide decision-making regarding access for heavy vehicles.
- WALGA has worked with Main Roads WA to evaluate the opportunities and constraints to applying the charging regime for concessional mass permits for large freight tasks used by Main Roads WA. Main Roads indicated that they would be happy to extend this to local roads if this is the preference of the Local Governments concerned.
- However, WALGA has assessed the MRWA policy on marginal cost compensation and concluded that it will, in most cases, provide insufficient compensation for Local Government roads.
- WALGA has developed a methodology to calculate marginal cost compensation. ARRB have been appointed to calculate marginal cost rates for WA road types to populate the model.
- A test case in calculating marginal cost compensation for a specific industry task was performed in conjunction with the Shire of Yalgoo.
- Heavy Vehicle Workshops for Local Government were conducted in Northam, Bunbury, Geraldton and Kalgoorlie between October 2012 and May 2013.

### 5.2 Consultation Process with State Government (05-050-01-0001 TB)

That the Minister for Local Government, when calling for submissions, comment or advise

State Council position on the consultation process with the State Government is as follows;

That:

- A. WALGA reaffirm the requested State/Local

<p>on proposed amendments to the Act, Regulations or other items that affect the Local Government Sector, provide an adequate allowance for time, being a minimum of six weeks, to review the information and prepare submissions; and if Easter or the Christmas period fall within this consultation period, an additional two weeks for Easter and four weeks for the Christmas period be added to the submission period.</p>	<p>Government <i>Communication and Consultation Protocol</i> to the State Government that suggests the following protocols;</p> <ul style="list-style-type: none"> <li><i>i. New legislation and amendments, proposals and legal mandate that will have an impact on Local Government expenditure - Minimum of twelve (12) weeks consultation.</i></li> <li><i>ii. Consultation for a minimum of eight weeks on proposed changes to Regulations or other compliance requirements that will have an impact on Local Government's responsibilities.</i></li> <li><i>iii. Communication between both spheres of government relating to changes in operating procedure or practice which will have minimal impact requires advice prior to any action.</i></li> </ul> <p>B. WALGA again request the State Government to endorse the proposed protocol as part of the State Local Government Agreement.</p> <p>This item was actioned; however the State/Local Government Agreement Communication Protocol was not signed by the State Government prior to the March 2013 State Election.</p> <p>WALGA has raised the need for a Communication protocol with the new Minister for Local Government.</p>
<p><b>5.3 <u>Revaluation of Unimproved Valuation (UV) Land (05-034-01-0001 TB)</u></b></p> <p>That this meeting seek an amendment to the Valuation of Land Act 1978 to:-</p> <ol style="list-style-type: none"> <li>1. enable individual Local Governments to determine if it is considered necessary for a UV revaluation to be applied, for rating purposes, across the whole Shire in any particular year.</li> </ol>	<p>Landgate advised that the Valuation of Land Act 1978 has been recommended for review (this following a review of the WA Land Information Authority Act 2006). This proposal will be considered as part of that review, the timing of which is dependent on the Government's legislative priorities.</p>





<p>2. include provision that every Local Government across the State must accept a general UV revaluation at least once every three (3) years.</p> <p>3. enable individual Local Governments to determine if it is considered necessary for a GRV revaluation to be applied every three (3), four (4) or five (5) years.</p>	
<p><b>6.1 <u>Native Vegetation Management (05-095-03-0001 MB)</u></b></p> <p>That WALGA press the Minister for the Environment to commit to a timeline to amend the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and the consulting process with Local Governments, with a view to providing a general exemption for the sector in relation to clearing of road reserves.</p>	<p>Following the AGM, WALGA staff visited the Shire of Bridgetown (as the proposer of the motion) in September 2012 to meet with representatives from the Shires of Bridgetown, Donnybrook and Boyup Brook. A detailed list of concerns was developed, and subsequently discussed with the Native Vegetation Branch at the DEC. The DEC responded to these concerns and this information was provided to the representatives present at the Bridgetown meeting.</p> <p>Prior to the State election (January 2013) the then Minister gave a commitment at a public forum in Esperance that consultation with stakeholders would be pursued if the Government was elected for another term.</p> <p>Following the Government's re-election in March 2013, the President met with the new Minister for Environment, Hon. Albert Jacob, MLA to stress that the Regulations required review as a matter of urgency. The Minister indicated that he was aware of Local Government's concerns and that he was keen to address them, subject to the Government's legislative program.</p>
<p><b>6.2 <u>Grant Applications (05-034-01-0003 TB)</u></b></p> <p>That WALGA requests the State Government to introduce a "One Stop Shop" for Local Government grant applications, dealing with a preregistration process, streamlining of the application process, standardising of the applications and a pre-determined approval/rejection timeline</p>	<p>A One Stop Shop for Local Government Grant applications is currently being established at the National level with the Federal Government. Advocacy will continue for a State version of this system.</p>

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