



SHIRE OF
COOROW
ALWAYS IN SEASON

URGENT REPORTS AGENDA

FOR THE

ORDINARY COUNCIL MEETING

TO BE HELD ON

WEDNESDAY 18 SEPTEMBER 2024

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such times as they have been advised in writing by Shire staff

Agenda

11 NEW BUSINESS OF URGENT NATURE 3

11.1.4 Matters for Decision - State Council Agenda 3

11 NEW BUSINESS OF URGENT NATURE**11.1.4 MATTERS FOR DECISION - STATE COUNCIL AGENDA**

Reporting Officer:	M Maxfield, Chief Executive Officer
Responsible Executive:	M Maxfield, Chief Executive Officer
File Reference:	ADM0080
Disclosure of Interest:	Nil
Voting Requirement:	Simple Majority

COUNCIL'S ROLE:

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

REPORT PURPOSE

For Council to give direction on the Council's position on "Matters for Decision" from the State Council Agenda.

BACKGROUND

Matters for Decision from the State Council agenda are discussed and voted on through Council's voting delegate at the Northern Country Zone meeting.

COMMENT

The purpose of this report is to obtain the Council's position and voting preference for each of the items for decision.

As listed in the State Council Agenda, as included in the attachments, the Matter's for Decision are listed at item 7 and are as follows (including page number of the State Council Agenda);

- 7.1 Amendments to the Cat Act 2011 – allow Local Governments to make local laws to contain cats to the owner's property
- 7.2 Advocacy for Legislative Reforms to counter land-banking
- 7.3 Advocacy for expansion of differential rating to include long term unoccupied commercial buildings) Property Activation Levy
- 7.4 Action of asbestos for Western Australia
- 7.5 Addressing the impracticability of Local Governments funding Department of Communities and Government Regional Officer Housing
- 7.6 Advocacy for accessibility

7.1 AMENDMENTS TO THE CAT ACT 2011 – ALLOW LOCAL GOVERNMENTS TO MAKE LOCALS TO CONTAIN CATS TO THE OWNER’S PROPERTY

WALGA RECOMMENDATION

That: WALGA advocates to the State Government to make changes to the Cat Act 2011 to permit local laws to be made to the following effect.

1. Cats are to be confined to the cat owner’s residence premises;
2. Cats within public places are to be under effective control and not to create a nuisance;
3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;
4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.

7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

WALGA RECOMMENDATION

That WALGA:

1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:
 - a. Prohibiting demolition of habitable housing until a Development Application (DA) has been approved;
 - b. development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.
 - c. provide Local Authorities with the ability to apply a “penalty fee” over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.
 - d. Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.
2. Distributes the draft “WALGA Advocacy Position for Legislative Reforms to counter Land-Banking” to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.

7.3 *ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)*

WALGA RECOMMENDATION

That WALGA

1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:
 - a. Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and
 - b. Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;
 - i. is commercially habitable with annual investment in maintenance
 - ii. remains connected to essential services
 - iii. is undergoing periodic compliance checks and,
 - iv. has a plan in place to redevelop or make operational.
 - c. Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.
2. Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones

7.4 *ACTION ON ASBESTOS FOR WESTERN AUSTRALIA*

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

IN BRIEF

- The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose.
- The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support.

**7.5 ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING
DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER
HOUSING**

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing

IN BRIEF

- **Housing Funding Impracticality:** Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- **Financial Risk:** Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds.
- **State Responsibility:** Housing should be funded through state taxes and mining royalties, not Local Government budgets.

7.6 ADVOCACY FOR ACCESSIBILITY

WALGA RECOMMENDATION

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

IN BRIEF

- **Housing Funding Impracticality:** Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- **Financial Risk:** Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds.
- **State Responsibility:** Housing should be funded through state taxes and mining royalties, not Local Government budgets.

STAKEHOLDER ENGAGEMENT

No stakeholder engagement has been undertaken

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

There are no strategic implications identified

POLICY IMPLICATIONS

There are no policy implications identified

FINANCIAL IMPLICATIONS

There are no major financial implications identified

RISK IMPLICATIONS

There are no major risk implications identified

ATTACHMENTS**1. WALGA Agenda 2024** [↓](#)**OFFICER RECOMMENDATION**

That Council

1. Support / Don't support "Matters for Decision" - 7.1 Amendments to the Cat Act 2011 – Allow Local Governments to make local laws to contain cates to the owner's property
2. Support / Don't support "Matters for Decision" - 7.2 Advocacy for legislative reforms to counter land-banking
3. Support / Don't support "Matters for Decision" - 7.3 Advocacy for expansion of differential rating to include long term unoccupied commercial buildings (Property Activation Levy)
4. Support / Don't support "Matters for Decision" - 7.4 Action on asbestos for Western Australia
5. Support / Don't support "Matters for Decision" - 7.5 Addressing the impracticality of Local Governments funding Department of Communities and Government Regional Officer Housing
6. Support / Don't support "Matters for Decision" - 7.5 Advocacy for Accessibility



WALGA

Annual General Meeting

Agenda

Wednesday, 9 October 2024
2:30pm

Perth Convention and Exhibition Centre
21 Mounts Bay Road, Perth WA

TABLE OF CONTENTS

1	OPENING.....	3
2	RECORD OF APOLOGIES.....	3
3	ANNOUNCEMENTS	3
4	ADOPTION OF AGM ASSOCIATION STANDING ORDERS	3
5	CONFIRMATION OF PREVIOUS MINUTES	3
6	ADOPTION OF ANNUAL REPORT	3
7	CONSIDERATION OF EXECUTIVE AND MEMBER MOTIONS	4
7.1	Amendments to the Cat Act 2011 - Allow Local Governments to make local laws to contain cats to the owner's property.....	4
7.2	Advocacy for legislative reforms to counter land-banking.....	9
7.3	Advocacy for expansion of differential rating to include long term unoccupied commercial buildings (Property Activation Levy)	12
7.4	Action on asbestos for Western Australia.....	14
7.5	Addressing the impracticality of Local Governments funding Department of Communities and Government Regional Officer Housing.....	16
7.6	Advocacy for accessibility	18
8	CLOSURE	21
	Attachment 1: AGM Association Standing Orders.....	22
	Attachment 2: Minutes of the 2023 Annual General Meeting.....	27
	Attachment 3: Action Taken on Resolutions of the 2023 Annual General Meeting	47

1 OPENING**2 RECORD OF APOLOGIES**

- Shire of Dowerin

3 ANNOUNCEMENTS**4 ADOPTION OF AGM ASSOCIATION STANDING ORDERS**

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

MOTION

That the Annual General Meeting Association Standing Orders be adopted.

5 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the 2023 WALGA Annual General Meeting are contained within this Agenda ([Attachment 2](#)), along with a report on the action taken on the 2023 AGM resolutions ([Attachment 3](#)).

MOTION

That the Minutes of the 2023 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

6 ADOPTION OF ANNUAL REPORT

The 2023-2024 Annual Report, including the 2023-2024 Audited Financial Statements, will be distributed to Members separately.

MOTION

That the 2023-2024 Annual Report, including the 2023-2024 Audited Financial Statements, be received.

7 CONSIDERATION OF EXECUTIVE AND MEMBER MOTIONS

7.1 AMENDMENTS TO THE CAT ACT 2011 - ALLOW LOCAL GOVERNMENTS TO MAKE LOCAL LAWS TO CONTAIN CATS TO THE OWNER'S PROPERTY

Two Local Governments have submitted items on this matter. In accordance with WALGA's criteria for motions, when motions of a similar objective are received, they are to be consolidated.

CONSOLIDATED MOTION

That WALGA advocate to the State Government to make changes to the *Cat Act 2011* to permit local laws to be made to the following effect:

- 1. Cats are to be confined to the cat owner's residence premises;**
- 2. Cats within public places are to be under effective control and not to create a nuisance;**
- 3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;**
- 4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.**

SHIRE OF ESPERANCE SUBMISSION:

MOTION

That WALGA request the State Government make changes to the *Cat Act 2011* to allow Local Governments to make local laws to contain cats to the owner's property.

IN BRIEF

- The *Cat Act 2011* prohibits Local Governments to make a local law to prohibit a cat from wandering.
- Cats do a significant amount of damage to wildlife when left to wander.
- Wandering domestic cats add to the breeding of feral cats.

MEMBER COMMENT

The Joint Standing Committee on Delegated Legislation has advised the Shire of its reasons why a Local Government cannot create a local law to deal with wandering cats or cats that are creating a nuisance.

Local Governments are therefore unable to enact local laws to effectively deal with cats to meet the expectations of the community due to inconsistencies with the *Cat Act 2011*.

Amendments therefore need to be made to the *Cat Act 2011* to allow the effective management of cats.

SECRETARIAT COMMENT

The Motion generally aligns with current [WALGA advocacy](#) in relation to a review of the *Cat Act 2011*.

That the Local Government sector advocates for a commitment from the State Government...to prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

The 2019 Review included proposals that penalties should be incurred when cats wander/trespass on property without consent or cats should be confined to their property.

SHIRE OF DARDANUP SUBMISSION**MOTION**

That WALGA develop a model Cat Local Law in consultation and agreement with the Department of Local Government, Sport and Cultural Industries, the Joint Standing Committee on Delegated Legislation and the WA Cat Feral Working Group that provides for the following:

1. Cats are to be confined to the cat owner's residence premises, unless under effective control;
2. Cats within public places are to be under effective control and not to create a nuisance at all times;
3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;
4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute Majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.

IN BRIEF

- The Shire of Dardanup attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.
- The Joint Standing Committee on Delegated Legislation considered the Shire of Dardanup Cats Local Law 2023 and outlined that the Committee believed the proposed local law is contrary to the *Cat Act 2011*.
- Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places
- WALGA's support for the development of a model Cat Local Law that incorporates these provisions as standard provisions are sought so as to ensure this is accepted in advance by the Department of Local Government, Sport and Cultural Industries and the Joint Standing Committee on Delegated Legislation

MEMBER COMMENT

The Shire of Dardanup in 2022 attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.

At its meeting of 25th of January 2023, the Shire of Dardanup resolved [09-23] as follows:

THAT Council:

1. *In accordance with Section 3.12 of the Local Government Act 1995 approves the advertising of the proposed 'Shire of Dardanup Cats Local Law 2023' [Appendix ORD: 12.4.2C] in order to seek community comment.*
2. *Provides a copy of the proposed Local Law and public notice to the Minister for Local Government; and*
3. *After the close of the public consultation period, requests the Chief Executive Officer to submit a report on any submissions received on the proposed Local Law to enable Council to consider the submissions made and to determine whether to make the Local Law in accordance with section 3.12(4).*

The Local Law was advertised, and no public submissions were received. A Submission from the Department of Local Government, Sport and Cultural Industries were received and considered by Council in November 2023. Council resolved [273-23] as follows:

THAT Council:

1. *Receives the submission received from the Department of Local Government, Sport and Cultural Industries in respect of the Shire of Dardanup Cats Local Law 2023.*
2. *Notes that there were no public submissions received in respect of the Shire of Dardanup Cats Local Law 2023.*
3. *By Absolute Majority decision, adopts the Shire of Dardanup Cats Local Law 2023 [Appendix ORD: 12.4.1D] inclusive of the following minor amendments:*
 - *Clause 1.1: Citation changed to italics;*
 - *Clause 1.4: Changed both the citation title and "Government Gazette" to italics.;*
 - *Clause 1.5: In the definition of Act, changed the citation to italics;*
 - *The words ", in the opinion of an authorised person," deleted from Clause 2.1(1); Clause 2.2(1)(b) and Clause 2.4(2).*
 - *Clause 3.1(1) Amended to give clarity that the Shire acknowledges the local law process in the designation of cat prohibited areas by adding the words "after following the process for amending a local law pursuant to the Local Government Act." after the words 'Schedule 3';*
 - *Clause 4.8 Conditions – amend subclause (1)(a) to read: (a) each cat kept on the premises to be kept so as not to create a nuisance; and*
 - *Clause 4.8 Conditions – deletes subclause (1)(b) that read "(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);" ; and renumber the following subclauses accordingly.*
4. *Publishes a copy of the adopted local law in the Government Gazette.*
5. *Gives a copy of the adopted gazette ready Local Law to the Minister for Local Government.*

6. *After the local law has been published in the Gazette, gives local public notice as per section 1.7 of the Local Government Act 1995 advising:*
 - *The title of the local law;*
 - *Summarizing the purpose and effect of the local law;*
 - *Specifying the day on which the local law comes into operation; and*
 - *Advising the location of copies of where the local law may be inspected or obtained.*
7. *Supplies copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within 10 working days of the gazettal publication date of the local law.*

The Joint Standing Committee in Delegated Legislation (the Committee) considered the Shire of Dardanup Cats Local Law 2023 at its meeting held 13th of March 2024 and outlined that the Committee believed the proposed local law is contrary to the *Cat Act 2011*. The Committee therefore requires that Council agree to undertaking amendments to the Local Law at its meeting on 27th of March 2024 and by 3rd of April 2024.

The Committee requests the following undertakings:

1. *Within 6 months:*
 - *delete the definition of **effective control** in clause 1.5*
 - *delete clause 2.2*
 - *amend clause 4.4(f) to ensure it is not inconsistent with the Cat Act 2011*
 - *correct the typographical error in the clause reference beneath the heading to Schedule 3.*
2. *All consequential amendments arising from undertaking 1 will be made.*
3. *Clauses 2.2 and 4.4(f) will not be enforced in a manner contrary to undertaking 1.*
4. *Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*

Whilst Council in March resolved to undertake the changes required by the Committee, Council in July 2024 when presented with the amendment local law, did not initiate the making of the amendment local law.

Officers have written to the Committee, providing it with the outcome of the Council decision. At the time of writing this report the Committee's response had not yet been received.

There are no direct legal implications of seeking WALGA form a position on the local law, however, should the motion be successful and WALGA is able to convince the State Government of the merits, then the motion may lead to possible changes to State Government Policy and Legislation.

Cat Act 2011

The authority for a Local Government to create a local law under the *Cat Act 2011* is provided in section 79 of the *Cat Act 2011*. The *Cat Act 2011* sets out the requirements inter alia for registration and sterilisation of cats, as well as the requirements for cat management

facilities. The Cat Regulations 2012 set out the requirements for cats to be microchipped and registered, as well as the approval requirements for cat breeders.

In the paragraphs that follow, the Shire of Dardanup will not name any of these Local Governments that have Cat local laws in place, so as to not do these Local Governments in with the Joint Standing Committee on Delegated Legislation (the Committee). The Shire understands that the Committee may require those Local Governments that have local laws with such provisions, to amend these local laws in future, in order to ensure it is in line with the Committee's direction as given to the Shire of Dardanup. For that reason, this report will refer more broadly to other Local Governments within Western Australia that have such local laws.

Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places. There are also Property and Public Places Local Laws, that allow Council's to make designations of areas, by absolute majority and to erect a sign to give effect to such designations.

These provisions seem sensible and require that a cat cannot simply go onto someone else's private property without their permission, that cats are under effective control in public places and are prohibited from entering areas of sensitive ecological values. [The WA Feral Cat Working Group provided the Shire of Dardanup with an information sheet with reference to existing Cat Local Laws \(names of Local Governments redacted\), and a legal opinion received from Castledine Gregory in relation to this. This also includes reference to the WA Labor Party's party Platform for 2023.](#)

WALGA's support for the development of a model Cat Local Law that incorporates these provisions as standard provisions are sought so as to ensure this is accepted in advance by the Department of Local Government, Sport and Cultural Industries and the Joint Standing Committee on Delegated Legislation. By doing this, it will save a lot of frustration for Local Governments having to go through a local law development and/or review process and will also ensure that adequate provisions to control cats are included in the local law. This will assist greatly in dealing with complaints from residents in relation to the nuisances caused by cats and will also assist greatly in enforcement efforts by Local Government rangers.

SECRETARIAT COMMENT

Many Local Governments have made Cat Local Laws prohibiting cats from being on land under the care, control and management of the Local Government, as currently provided for under the *Cat Act 2011*.

It is established through numerous disallowance motions by Parliament's Delegated Legislation Committee that the *Cat Act 2011* does not provide the requisite heads of power for a Local Government to make Cat Local Laws requiring cats to be confined to the owner's residence or being prevented from roaming in any public place throughout the district.

Although not currently achievable, the intent of this Motion can be considered upon successful advocacy for a review of the *Cat Act 2011* and provision of the necessary heads of power that allow Cat Local Laws to prevent cats from wandering.

7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

Town of Bassendean to move:

MOTION

That WALGA:

- 1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:**
 - a. Prohibiting demolition of habitable housing until a Development Application (DA) has been approved;**
 - b. development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.**
 - c. provide Local Authorities with the ability to apply a "penalty fee" over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.**
 - d. Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.**
- 2. Distributes the draft "WALGA Advocacy Position for Legislative Reforms to counter Land-Banking" to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.**

IN BRIEF

- Land-banking reduces the availability of sites for development.
- Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation.
- Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing.

MEMBER COMMENT

The Victorian Government recently introduced the ability to tax long term unoccupied residential properties (i.e. a residential property left vacant for six months or more in a year). Victorian Councils welcomed these changes to "Vacant Residential Land Tax" (VRLT) emphasising that it is a significant step forward in addressing longstanding land-banking issues that plague many municipalities.

Tighter controls that prevent the demolition of viable housing stock prior to Development Approvals (DA) assists in closing a loophole, that has to date, increased the numbers of long term unsightly vacant blocks negatively affecting the amenity of suburbs and towns. The introduction of a levy on long term unoccupied residential homes is designed to encourage occupation or rental of those homes. In turn DA approvals that subsequently require the demolition of viable housing stock should require commencement and completion of the new development within reasonable timelines.

This will alleviate the strain on the housing market by avoiding premature demolition with the intention to retain viable housing for occupancy for as long as possible, leading to a positive impact on rental availability and affordability. All of this can be accomplished without negatively affecting the development potential of a site.

Reference Documents

Link to media "New legislation to boost housing supply and combat land-banking" by Shire of Maribyrnong: <https://www.maribyrnong.vic.gov.au/News/New-legislation-to-boost-housing-supply-and-combat-land-banking>.

Link to media "How the world is tackling issue of empty homes" by The Guardian: <https://www.theguardian.com/society/2017/aug/02/how-the-world-is-tackling-issue-of-empty-homes>.

SECRETARIAT COMMENT**Part 1a and 1b**

Under Schedule 2 Clause 61 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations) the demolition of a single house, and any associated structure, are exempt from requiring development approval, unless the proposal is located in a heritage-protected place. Further demolition works are regulated by the *Building Act 2011* and the Building Regulations 2012, and thus the removal of a dwelling would require the issuance of a building permit before demolition is undertaken. Local Governments as permit authorities are required to issue building permits within statutory timeframes. There are limited reasons why a Local Government can refuse to issue a building permit, including where the necessary development approval has not been issued. The proposal outlined in the Town of Bassendean's motion would require amendments to both the planning and building regulatory frameworks.

It should also be noted that under the LPS Regulations and State Planning Policy 3.1 Residential Design Codes (SPP3.1) most proposals for single houses are also exempt from requiring development approval. Most proposals for grouped and multiple dwellings do require development approval.

Local Governments are able to limit the validity period of a development approval and a building permit, with substantial commencement being required before the expiry date to ensure the ongoing validity of the approval. Common lengths of approval are 24 and 48 months.

Part 1c

The LPS Regulations Schedule 2, cl.71 provides that an approved development must be substantially commenced...if no period is specified in the approval, within the period of two years commencing on the date the determination is made or the period specified or as approved, with the approval lapsing if development is not substantially commenced within the determined period.

Part (c) of the proposal, appears to seek a modified penalty to be prescribed in Planning and Development Regulation 42, enabling an infringement notice to be issued, where residential development is not substantially commenced before expiry of the approval period.

It should be noted that if the time period for commencement of development expires, the approval expires and the development application process would need to restart if the developer so chooses to proceed. Applying a penalty to an expired application would likely require amendments to the LPS Regulations and potentially the *Planning and Development Act 2005*. The modified penalty under the planning framework is currently set at \$500.

Part 1dProposal for mandatory register of unoccupied residential properties

Implementing the proposed register would require legislative amendment and regulatory provisions to enable collection of evidence that a habitable residential property is unoccupied continually for a prescribed period, to inform entry of a property into the register.

Proposal for application of a differential rate to residential improved and long-term unoccupied properties

- Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for “residential improved and vacant” property.
- It is unclear if section 6.33 provisions can be interpreted as enabling Local Government to levy scaled differential rates applicable to specified timeframes that an improved residential property has been unoccupied. This may require confirmation from the Department of Local Government, Sport and Cultural Industries subject to advice from the State Solicitor's Office. If section 6.33 cannot be interpreted to enable this, then a legislative amendment would be required.

Proposal for a “levy” to be applied to long term unoccupied residential properties.

Local Government Act section 6.16 limits Local Government imposition of fees and charges to goods or services provided the Local Government.

This proposal intends a penalty for long-term unoccupied residential property, which under written law would require legislative amendment to create an offence and prescribe a modified penalty / court proceedings.

7.3 ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)

Town of Bassendean to move:

MOTION

That WALGA:

1. **Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:**
 - a. **Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and**
 - b. **Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;**
 - i. **is commercially habitable with annual investment in maintenance**
 - ii. **remains connected to essential services**
 - iii. **is undergoing periodic compliance checks and,**
 - iv. **has a plan in place to redevelop or make operational.**
 - c. **Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.**
2. **Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.**

MEMBER COMMENT

The Northern Territory Government enabled Darwin to apply a "*Property Activation Levy*" to address long term vacant land or unoccupied commercial buildings, endeavouring to activate or beautify properties that generally have a negative impact the overall amenity and vibrancy of streetscapes. The Property Activation Levy incorporates the following:

- Owners of unoccupied commercial property are provided a reasonable grace period to activate their property without incurring the levy.
- Any property meeting the minimum number of listed activation options does not incur the surcharge levy applicable only to long term unoccupied commercial buildings.
- Revenue raised from the Property Activation Levy, is used on revitalisation projects of public places and land.

The purpose of the property activation levy is to encourage owners of unoccupied commercial buildings to activate and maintain their properties to improve commercial precincts with a focus on the following objectives:

- To improve the amenity of commercial precincts for residents, workers and visitors / tourists.
- Support adjoining business operators by encouraging activation of all commercial premises within precincts.
- Improve the liveability, attractiveness, safety and cultural activity of these precincts.
- Encourage the commercial precincts to thrive.

Some of the suggested activation (that must include ongoing maintenance) for unoccupied commercial premises are listed below, noting this list is not exhaustive:

- Inset graphics, art displays or other visual installations on ground level external windows and walls.
- Repaint or retile and improve ground level frontage and associated awnings over the footpath.
- Include rotating shop displays (for example Christmas, Easter, local events) or community spaces, such as for group activities, classes or study areas.
- Where setback from the road reserve exists, undertake improved landscaping.

Reference Documents:

Link to the "*Property Activation Levy*" document is below, and outlines a diverse number of suggested options for the activation and beautification of vacant land or unoccupied mixed use premises:
https://treasury.nt.gov.au/_data/assets/pdf_file/0010/901495/derelict-vacant-property-levy.pdf.

SECRETARIAT COMMENT

WALGA's Advocacy Position 2.1.8 Differential Rates is below:

Position Statement	Section 6.33 of the <i>Local Government Act 1995</i> should be reviewed in contemplation of time-based differential rating, to encourage development of land.
Background	Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held or used as determined by the Local Government e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property. This can be extended to "commercial improved" and "commercial undeveloped".

7.4 ACTION ON ASBESTOS FOR WESTERN AUSTRALIA

Shire of Dundas to move:

MOTION

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

IN BRIEF

- The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose.
- The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support.

MEMBER COMMENT

The Asbestos Safety and Eradication Agency (ASEA) [2024-2030 Strategic Plan](#) identifies, more than in previous plans, the risk posed by the increasing degradation of asbestos and the need for action. State governments are currently considering the plan, but any adoption of the plan must be supported by additional funding and support from Local Governments and their communities.

There are a range of ways that asbestos management impacts Local Governments. In [WALGA's Submission](#) on the ASEA Strategic Plan, it was identified:

Asbestos management is an ongoing and increasing challenge for Local Government, particularly asbestos management during and following emergency events, illegal disposal of asbestos into the environment through Local Government services, and the regulation of the asbestos removal industry.

Local Governments in regional and remote areas face additional significant and complex challenges, including the limited availability and cost of suitably qualified contractors, large areas of asbestos contaminated land requiring remediation and limited ability to fund asbestos removal and communities where property with asbestos is under, or not, insured.

A whole government package of support and funding is needed to address this issue and ensure that communities are not impacted and that asbestos is removed and not just managed through legislation.

The Asbestos National Strategic Plan (ANSP) for the 2024-2030 consultation aims to address the pressing issue of asbestos-related diseases in Australia. However, the current focus of the consultation is primarily on compliance rather than actively pursuing the funding and comprehensive removal of asbestos, which is crucial for safeguarding public health.

Australia grapples with one of the highest rates of mesothelioma globally, primarily caused by asbestos exposure. Western Australia faces a higher incidence rate of mesothelioma compared to other regions, emphasising the urgency of effective asbestos management.

The ANSP endeavours to enhance asbestos awareness and promote its safe management, removal, and disposal nationwide; it is all compliance-based. It aims to eliminate asbestos-related diseases through collaboration between the Australian government, states, and territories. The plan's key objectives include eradicating asbestos-related diseases, supporting affected individuals, and advocating for a global ban on asbestos production and trade.

To implement the ANSP for 2024-2030, the Asbestos and Silica Safety and Eradication Agency (ASSEA) seeks endorsement from states and territories, including Western Australia. Should Western Australia endorse the plan, a jurisdictional action plan aligned with the ANSP would be devised to address state-specific priorities and challenges.

However, the current consultation lacks a strong emphasis on funding and actively pursuing asbestos removal to improve the ANSP and ensure a more comprehensive approach; it's imperative to advocate for increased funding and prioritise the active removal and safe disposal of asbestos across affected areas of Western Australia.

SECRETARIAT COMMENT

The ASEA Strategic Plan has identified an increasing need to take action on asbestos. As the material degrades over time there is an increasing human health risk and costs associated with removal escalate. As identified in the AGM item, WALGA's recent [Submission](#) on the ASEA Strategic Plan noted that Asbestos management is an ongoing and increasing challenge for Local Governments, particularly in regional areas, and additional focus is needed. The approach of providing targeted funding and support would assist regional Local Government to address issues such as limited availability and cost of suitably qualified contractors and ability to fund asbestos removal.

7.5 ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER HOUSING

Shire of Dundas to move:

MOTION

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.

IN BRIEF

- Housing Funding Impracticality: Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- Financial Risk: Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds.
- State Responsibility: Housing should be funded through state taxes and mining royalties, not Local Government budgets.

MEMBER COMMENT

All remote and regional Local Governments face challenges in attracting and retaining staff which is also true of State Govt Depts, such as Police and the Education Dept. The provision of good housing is critical in attracting staff to these areas. Any Local Governments that are exposed to the boom-bust cycle of mining, face significant challenges related to the funding and provision of the Department of Community and Government Regional Officers' Housing (GROH). The volatile boom and bust cycles of the mining industry creates an even more financially risky environment for Local Governments to invest in housing. Most remote and regional Local Government areas are smaller and have the least capacity to raise funding through rates due their smaller population bases. Budgets are already stretched to provide community infrastructure for these communities.

- Boom and bust cycles in resource-dependent communities: The mining industry is inherently volatile, with periods of rapid growth (booms) followed by significant downturns (busts). This cycle profoundly affects local economies and property values. When Local Governments invest in housing during a boom, they face the risk of property values plummeting during a bust. Currently, the nickel crisis is an example of how quickly and severely property values can decline, leaving Local Governments with significant financial losses and underutilized assets.
- Impractical Investment: Local Governments are not in a position to absorb the financial risks associated with building houses with a long-term, 'lease back' agreement to recover their investment. Housing investments should be stable and predictable, (which is not the case in resource-dependent communities). If smaller Local Governments are seeking to borrow funds for these builds, they are then denied an opportunity to borrow for other community infrastructure projects that may be more of a local priority.
- State Responsibility: The function to supply and maintain Department of Communities and GROH housing in remote communities is a State Govt responsibility and should be funded through state taxes and royalties.

All remote and regional Local Governments urge WALGA to advocate for the State government to fully fund construction and maintenance of Department of Communities and GROH housing. Local Governments should not bear the financial risks associated with the provision of social and State agency housing. Funding of this housing by Local Governments impacts their sustainability and ability to fund their core responsibilities for their communities such as, asset management, staff retention, and roads.

SECRETARIAT COMMENT

The GROH Program provides housing for public sector employees providing essential services in regional and remote locations to attract and retain staff. The Department of Communities uses partnerships to increase supply of GROH housing in addition to its own capital investment and refurbishment programs. Partnerships include build to lease agreements, which Local Governments are eligible to apply to. The Department of Communities also provides subsidised rental accommodation to eligible low-income households across Western Australia commonly referred to as public or social housing. Public housing is owned and managed directly by the Department of Communities. Social housing can be owned and or maintained by a third party, typically Community Housing Providers.

In a 2024 WALGA survey, 100 percent of respondents viewed housing as a major challenge in their Local Government area and 64 percent stating that the lack of Government Regional Officer Housing (GROH) housing is “very challenging” or “extremely challenging”.

Housing supply continues to be a priority issue for both the Australian and State Government. The Australian Government's 2024-2 budget included an additional \$1 billion to states and territories to deliver new housing including for connecting essential services such as water, power, sewerage and roads. This investment underpins the Federal Government commitment to increasing housing supply through the National Housing Accord, Housing Australia Future Fund and Social Housing Accelerator initiatives. The WA Government committed an additional \$43.8 million to the GROH program in the 2024-25 State Budget. The State budget also included \$400 million to expand the Social and Affordable Housing Investment Fund and \$179 million for maintenance of existing social and GROH housing.

WALGA is advocating for the State Government to work with the Local Government sector on the delivery of these investments, including ensuring member views are considered in relation to critical housing need. WALGA's 2025 State Election platform calls for State Government to create a comprehensive long-term strategy to address the entrenched shortage of social, affordable and key worker housing and to undertake a review of the GROH program to improve coordination and responsiveness to regional housing needs and provide Local Government's with greater scope to invest in GROH housing.

7.6 ADVOCACY FOR ACCESSIBILITY

Town of Victoria Park to move:

MOTION

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

IN BRIEF

- Advocacy for adoption of National Construction Code minimum accessibility standards
- Australia should have national building standards guaranteeing new homes have access for all abilities.
- WALGA should develop a policy to reflect its organisation commitment to accessibility, including but not limited to ensuring any venues WALGA utilises for its services or events have universal accessibility entry points (and are not dependent on one accessible entry point).

MEMBER COMMENT

Advocacy for adoption of National Construction Code minimum accessibility standards:

- Several years ago, at the direction of Commonwealth and State Ministers, the Australian Building Codes Board (ABCB) undertook a rigorous consultation process with experts and stakeholders to develop minimum accessibility requirements for Class 1a buildings (houses) and Class 2 sole-occupancy units (apartments) in the National Construction Code (NCC). The objective was to ensure that housing is designed to meet the needs of the community, including those with disability and older Australians.
- In 2021, minimum accessibility provisions were introduced for residential housing and apartments into the NCC based on Liveable Housing Design Guidelines (LHDG) silver standards.
- The NCC 2022 has seven minimum standards ensuring all new homes are accessible, with modifications including step-free entrances and showers, and wider doors and corridors that can accommodate wheelchairs and walking aids.
- The 2023 Disability Royal Commission Report recommended that all states and territories should adopt the minimum LHDG standards as soon as possible.
- In 2024, the ABCB has estimated that the additional cost to implement the minimum accessible design standards is between \$2,900 and \$4,400 per home, depending on the type of dwelling. The features covered by the LHDG standards are not a big ask and our communities will end up with better quality housing that is future-proof.
- To date, the WA Government, along with NSW, are the only states who have not adopted the NCC minimum LHDG silver standards.

SECRETARIAT COMMENT

The National Construction Code (NCC) is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia.

The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth and all State and Territory government and is given legal effect through legislation at the state and territory level. The NCC is reviewed every 3 years, based on required regulatory practices, industry research, public feedback and policy directions.

The goal of the NCC is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently. The NCC has traditionally included a part focused on access for people with a disability, setting out deemed-to-comply solutions and general building requirements for buildings based on their classification, for class 2-9 buildings. For the 2022 edition of the NCC new requirements titled the 'livable housing design' requirements, based on the Livable Housing Design Guidelines (silver level), were incorporated into both volumes of the NCC.

These requirements apply to all dwelling types, including new Class 1a (single house) buildings. The purpose of these changes was to help increase the stock of housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. The Deemed-to-Comply provision of the new requirements, called the [ABCB Livable Housing Design Standard](#), covers:

- Providing step-free access to the home.
- Making doorways and hallways easier to use for people with reduced mobility.
- Providing extra space in the bathroom and toilet.
- Wall reinforcing in the bathroom and toilet, to make it easier to install grabrails if needed in the future.

The NCC is implemented into Western Australia's building regulatory system through amendments to the Building Regulations 2012, with the NCC 2022 commencing operation in WA on 1 May 2023, following a 12-month transition period. In announcing the implementation of the NCC 2022, the State Government indicated that it had considered the current challenges facing the building and construction industry and as a result decided that some provisions, including energy efficiency, would have a longer transitional period and that the mandatory liveable (accessible) housing provisions would not be applied in Western Australia. In making this determination the Government indicated it would continue to monitor the situation in the building industry and the housing market. New South Wales and South Australia also determined to not support the new requirements. There is no indication, at time of writing, that the State Government has progressed in its consideration of the livable housing design requirements.

WALGA's Building Act and Regulations Advocacy Position

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The Association has the following endorsed positions:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

8 CLOSURE

Attachment 1: AGM Association Standing Orders



Western Australian Local Government Association AGM 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:
- Record of attendance and apologies;
 - Announcements;
 - Confirmation of minutes of previous meetings;
 - President's report;
 - Financial report for the financial year; and
 - 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:
- rise and remain standing unless unable to do so by reason of sickness or disability;
 - address the meeting through the person presiding;
 - state their name and Local Government before otherwise speaking;
 - refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
 - 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 –
- 5 minutes in his or her opening address; and
 - 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.

(e) that the meeting proceed with the next item of business; or

(f) that the meeting sits behind closed doors.

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.

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.

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.

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).

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.

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.

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.

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:

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.

(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

22.2 Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.

(b) by absolute majority, in any other case.

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.

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.

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;

27. DIVISION

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

28. ALL DELEGATES TO VOTE

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

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

29. PRESIDENT'S RIGHT TO VOTE

The President shall have a casting vote only.

30. SUSPENSION OF STANDING ORDERS

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

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

31. NO ADVERSE REFLECTION ON ASSOCIATION

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

32. NO ADVERSE REFLECTION ON DELEGATE

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

33. MINUTES

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

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

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

Attachment 2: Minutes of the 2023 Annual General Meeting



WALGA Annual General Meeting Minutes

Monday, 18 September 2023

Crown Perth



Table of Contents

Order of Proceedings	3
1. Apologies and Announcements	3
1.1 Record of Apologies	3
1.2 Announcements	3
2. Adoption of AGM Association Standing Orders	3
3. Confirmation of Previous Minutes	4
4. Adoption of Annual Report	4
5. Consideration of Executive and Member Motions	5
5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district	5
5.2 Land Use Policy	7
5.3 Transparency – Management Order Determinations	10
5.4 Regional and Remote Housing	12
5.5 Proposed New WALGA Constitution	13
5.6 Proposed Amendments to WALGA's Constitution	17
6. Closure	20



Order of Proceedings

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

1. Apologies and Announcements

The Chair declared the meeting open at 2:45pm.

1.1 Record of Apologies

- Shire of Dowerin
- Town of Mosman Park
- Shire of Williams

1.2 Announcements

Nil

2. Adoption of AGM Association Standing Orders

The Annual General Meeting Association Standing Orders were contained within the Agenda

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont
Seconded: President Cr Tony Dean, Shire of Nannup

That the Annual General Meeting Association Standing Orders be adopted.

CARRIED



3. Confirmation of Previous Minutes

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

RESOLUTION

Moved: President Cr Michelle Rich
Seconded: Mayor Deb Hamblin, City of Rockingham

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

CARRIED

4. Adoption of Annual Report

The [2022-2023 Annual Report](#), including the 2022-2023 Audited Financial Statements, was distributed to Members separately.

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont
Seconded: President Cr Moira Girando, Shire of Coorow

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

CARRIED



5. Consideration of Executive and Member Motions

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

Shire of York

RESOLUTION

Moved: President Cr Denese Smythe, Shire of York
Seconded: President Cr Rosemary Madacsi, Shire of Toodyay

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

CARRIED

MEMBER COMMENT

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

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

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

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

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

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



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

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

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

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

SECRETARIAT COMMENT

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

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

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

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



5.2 Land Use Policy

Shire of Moora

RESOLUTION

Moved: President Cr Tracy Lefroy, Shire of Moora

Seconded: Cr Denise Clydesdale-Gebert, Shire of Moora

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

CARRIED

MEMBER COMMENT

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

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

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

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

Background

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

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

Issue

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



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

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

Call-to-Action

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

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

SECRETARIAT COMMENT

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

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

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

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

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

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

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



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



5.3 Transparency – Management Order Determinations

Shire of Carnarvon

RESOLUTION

Moved: President Cr Eddie Smith, Shire of Carnarvon

Seconded: President Cr Cheryl Cowell, Shire of Shark Bay

That WALGA:

1. **Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
2. **Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**
3. **Calls for proactive consultation and advice to Local Government management bodies.**

CARRIED

MEMBER COMMENT

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

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

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

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

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

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

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and

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



when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

SECRETARIAT COMMENT

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

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

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



5.4 Regional and Remote Housing

Shire of East Pilbara

RESOLUTION

Moved: President Cr Anthony Middleton, Shire of East Pilbara

Seconded: Cr Wendy McWhirter-Brooks, Shire of East Pilbara

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

CARRIED

MEMBER COMMENT

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

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

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

SECRETARIAT COMMENT

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

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

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



5.5 Proposed New WALGA Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: Mayor Rhys Williams, City of Mandurah

Seconded: President Cr Stephen Strange, Shire of Bruce Rock

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

LOST

Executive Summary

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

Attachment

- [Proposed New WALGA Constitution](#)

Background

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

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

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



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

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

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

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

- Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:*
- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
 - b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

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

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

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

Comment

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

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

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

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



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

Body	Composition and Term	Role
Board	Minimum of 8 up to a maximum of 11 Board members: • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms). The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.	The President is the Chair and the Deputy President is the Deputy Chair. The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc. The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies. All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.
State Council	26 State Council members: • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives). Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council. The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.	The President chairs State Council meetings but does not have a deliberative vote (has a casting vote). State Council elects the President, Deputy President and members to the Board. State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process. State Council will meet at least 3 times per year. State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.



	State Council members are not eligible to be appointed as an independent Board member. State Council members are elected for a two year term. There is no tenure limit for State Council members.	
Zones	There are: • 5 Metropolitan Zones; and • 12 Country Zones. The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter. The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council). The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.	The Zones elect members to State Council, as follows: • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.



5.6 Proposed Amendments to WALGA's Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: President Cr Phil Blight, Shire of Wagin

Seconded: Cr Chris Mitchell, Shire of Broome

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

LOST FOR LACK OF A SPECIAL MAJORITY

Executive Summary

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

Attachment

- [WALGA Constitution – Proposed Amendments Mark-Up](#)

Background

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

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

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

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



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

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

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

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

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

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

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

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

Comment

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

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

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

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

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for "General Meeting", "Ordinary Meeting" and "Special Meeting"; and



- the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the number of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).



6. Closure

*Upon the completion of business, the Chair declared the meeting closed **3:24pm**.*

Attachment 3: Action Taken on Resolutions of the 2023 Annual General Meeting

Resolution	Comment/Update
5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.	The Environment Policy Team met on 16 February 2024 and resolved to: - Note the 2023 AGM resolution, that WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district. - Note that the resolution is consistent with the intent of WALGA Advocacy Position <i>6.3 Third Party Appeal Rights</i> and <i>6.4 Development Assessment Panels</i>. - Request that WALGA continue to pursue advocacy consistent with these positions as part of the Planning reform process. The right for Local Governments to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district is supported in principle by the WALGA Secretariat. This will be considered as part of the review of the DAP Advocacy Position commencing in September 2024.
5.2 Land Use Policy That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.	This resolution was referred to the WALGA People and Place Policy Team in December 2023. A suite of three related policy positions were considered by a joint meeting of the WALGA Environment and Infrastructure Policy Teams on 10 July 2024. State Council endorsed the following positions on 4 September 2024 (Agenda Items 8.2, 8.3 and 8.4): <i>Energy Transition Engagement and Community Benefit Framework</i> <i>It is essential that the energy transition currently underway delivers economic opportunities, ensures reliable and affordable electricity, and the greatest possible benefits for the community.</i>

	<i>WALGA calls on the State Government to develop a comprehensive framework to manage the impact of the energy transition that includes local engagement and the realisation of local community benefits from energy transition projects as a priority.</i> <i>Renewable Energy Facilities</i> <i>The growth in the number, size, and complexity of renewable energy facilities across Western Australia is expected to continue as energy generation and other traditional industries de-carbonise their facilities and operations. The renewable energy state planning framework requires changes to ensure it is fit for purpose to guide the ongoing development of this sector.</i> <i>WALGA calls on the State Government to:</i> <i>1. Adopt a new State Planning Policy for renewable energy facilities, to replace the existing Position Statement: Renewable energy facilities, that:</i> <i>a. Facilitates the orderly development of renewable energy facilities across Western Australia;</i> <i>b. Outlines the key planning and environmental considerations, for the location, siting, design and operation of renewable energy facilities and their associated infrastructure;</i> <i>c. Provides a framework that clearly stipulates the minimum required documentation and technical reports that need to be submitted with proposals for renewable energy facilities;</i> <i>d. Supports the development of Local Planning Policies by Local Governments to further guide locally appropriate planning consideration of renewable energy facilities;</i> <i>e. Provides a clear relationship with:</i> <i>i. State Planning Policy 2.5 - Rural planning and Development Control Policy 3.4 - Subdivision of rural land, to ensure planning decisions adequately balance the need to protect and</i>
--	--

	<i>preserve rural land for rural purposes;</i> <i>ii. State Planning Policy 2.4 - Planning for Basic Raw Materials to ensure proposals for renewable energy facilities consider their impact on basic raw material supply at the earliest stage of the planning process; and</i> <i>iii. State Planning Policy 2.9 - Planning for Water to ensure water resources impacted by renewable energy facilities are identified and adequately managed.</i> <i>f. Includes policy measures to address:</i> <i>i. possible negative impacts on or alienation of productive agricultural land;</i> <i>ii. their proximity to lot boundaries with particular attention to potential negative, impact on town sites and sensitive land uses;</i> <i>iii. potential negative impacts on airport operations;</i> <i>iv. their appropriateness in the 'General Industry' zone and impacts and suitable location on heavy industry sites;</i> <i>v. the need for local engagement and the realisation of community benefits from the development of renewable energy facilities.</i> <i>2. Review the definition of 'renewable energy facility' considering the increasing size and scope of facilities and consider creating definitions based on the scale of the facility (Utility-scale and other), and the form of facility (solar energy and wind energy).</i> <i>3. Provide guidance to Local Governments on the consideration of green hydrogen production facilities on rural land where it is an incidental use to a renewable energy facility.</i> WALGA is advocating to State Government Priority Agriculture
--	--

	<i>WALGA calls on the State Government to:</i> <i>1. Amend the Planning and Development (Local Planning Schemes) Regulations 2015 to:</i> <i>a. Create a new model zone under Schedule 1, Part 3, Clause 16 for land identified as high quality agricultural land known as the 'Priority Agriculture' zone, with the following objectives:</i> <i>i. to retain priority agricultural land for agricultural purposes; and</i> <i>ii. limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.</i> <i>b. Define 'Priority Agriculture' zone under Schedule 2, Part 1, Clause 1 to align with the definition provided in State Planning Policy 2.5 – Rural planning.</i> <i>2. Review the areas which have been identified by the Department of Primary Industries and Regional Development as high quality agricultural land and expand the extent of mapping to address the whole of Western Australia.</i> <i>3. Undertake a 'health check' of State Planning Policy 2.5 - Rural planning and Development Control Policy 3.4 - Subdivision of rural land, in consultation with relevant stakeholders.</i> These positions are included in WALGA's 2025 State Election Priorities Platform and have been raised in meetings with the Minister for Energy and the Premier.
5.3 Transparency – Management Order Determinations That WALGA: 1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and	This item was considered by State Council at its December 2023 meeting (Agenda item 7.2). The following Advocacy Position was endorsed:

procedures associated with the administration of management orders; 2. Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and 3. Calls for proactive consultation and advice to Local Government management bodies.	<i>Crown Land and Management Order Administration - Land Administration Act 1997</i> <i>WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to:</i> 1. <i>Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:</i> a. <i>Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.</i> b. <i>Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land.</i> c. <i>Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.</i> d. <i>Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.</i> 2. <i>Publish the policies and procedures that underpin decision making regarding:</i> a. <i>Establishing, varying or revoking management orders.</i> b. <i>Leasing Crown land or facilities, subject to a management order.</i> c. <i>Decision review where a management body or proponent lessee is dissatisfied with a decision or process.</i>
5.4 Regional and Remote Housing That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.	WALGA continues to advocate for State Government to address the critical shortage of housing in Western Australia, especially for regional and remote locations. This issue is identified as a priority in the WALGA 2025 Election Platform. Following WALGA advocacy and feedback from State Council to the Department of Communities Deputy Director General, Housing and Assets at the 10 July 2024

	State Council Strategic Forum, the Department of Communities has: • undertaken to conduct a workshop to discuss options to introduce flexibility to the Government Regional Officer Housing Program parameters, • asked for Local Government feedback on opportunities to optimise partnership opportunities with Local Government that make capital investment in housing supply viable, and • opened a Local Government Call for Submissions for social and affordable housing and key worker accommodation on Monday 2 September. The Director of the Housing Supply Unit within the Treasury presented at the September 2024 Strategic Forum and acknowledged the challenges faced by regional Local Governments including demand for GROH housing and challenges with headworks.
--	---