

# **North Metropolitan Zone Minutes**

## **22 August 2024**

**Hosted by the City of Stirling  
25 Cedric Street, Stirling**

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## PRIORITISATION FRAMEWORK

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.
- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

|  |             |  |            |
|--|-------------|--|------------|
| <b>Impact on Local Government Sector</b><br>Impact on Local Government sector without intervention   | High        | Medium   | Low        |
| <b>Reach</b><br>Number of member Local Governments affected  | Sector-wide | Significant<br>(multiple regions, Zones, or bands) | Few        |
| <b>Influence</b><br>Capacity to influence decision makers  | High        | Medium   | Low        |
| <b>Principles</b><br>Alignment to core principles such as autonomy, funding, general competence  | Strong      | Partial  | Peripheral |
| <b>Clarity</b><br>Policy change needed is clear and well-defined   | Clear       | Partial  | Unclear    |
| <b>Decision-maker support</b><br>Level of support among decision-makers (political and administrative)   | High        | Medium   | Low        |
| <b>Public support</b><br>Level of support among the public or other stakeholders   | High        | Medium   | Low        |
| <b>Positive consequences for WALGA</b><br>Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.                                    | High        | Medium   | Low        |
| <b>Negative consequences for WALGA</b><br>Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders. | High        | Medium   | Low        |
| <b>Partnerships</b><br>Potential for partnerships with other stakeholders  | Yes (3+)    | Possibly (1-2)                                     | No (0)     |

## ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda to the Zone Chair and Secretariat prior to the Zone meeting.

Agenda Papers were emailed 7 days prior to the meeting date.

Confirmation of Attendance An attendance sheet was circulated prior to the commencement of the meeting.

## ATTACHMENTS

1. Draft Minutes of previous meeting
2. August 2024 Update – Department of Local Government, Sports and Cultural Industries
3. Zone Status Report
4. President's Report
5. Standing Orders

## 1 OPENING, ATTENDANCE AND APOLOGIES

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### 1.1 OPENING

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*The Chair, Cr James Rowe opened the meeting at 6:30pm.*

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### 1.2 ATTENDANCE

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#### MEMBERS

#### 4 Voting Delegates from each Member Council

City of Joondalup

Cr Russ Fishwick JP  
Cr John Raftis  
Cr Adrian Hill (Deputy)  
Mr Jamie Parry, Director Governance and Strategy – non-voting delegate

City of Stirling

Cr David Lagan  
Cr Joe Ferrante  
Cr Stephanie Proud JP  
Cr Karlo Perkov (Deputy)  
Cr Chris Hatton (observing)  
Mr Desmond Ngara, Service Lead Compliance, Risk and Information Management – non-voting delegate

City of Wanneroo

Cr James Rowe - **Chair**  
Cr Bronwyn Smith  
Cr Jordan Wright (Deputy)  
Ms Vicki Coles, Executive Manager Governance and Legal – non-voting delegate

WALGA Secretariat

Mr Nick Sloan, Chief Executive Officer  
Mr Tony Brown, Executive Director, Member Services

Ms Julie Love, Employee Relations Service Manager  
Ms Kathy Robertson, Manager Association and Corporate Governance

**Guest Speaker** Nil

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### 1.3 APOLOGIES

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|                   |  |
|-------------------|--|
| City of Joondalup | Mayor Hon. Albert Jacob JP<br>Cr Lewis Hutton<br>Mr James Pearson, Chief Executive Officer – non-voting delegate |
| City of Stirling  | Cr Michael Dudek<br>Mr Stevan Rodic, Chief Executive Officer – non-voting delegate                               |
| City of Wanneroo  | Cr Jacqui Huntley<br>Cr Marizane Moore<br>Mr Bill Parker, Chief Executive Officer – non-voting delegate          |

## 2 ACKNOWLEDGEMENT OF COUNTRY

We, the Zone members acknowledge the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where this meeting is being held and we acknowledge and pay respect to Elders past and present.

## 3 DECLARATIONS OF INTEREST

Nil.

## 4 DEPUTATIONS

Nil.

## 5 AGENCY REPORTS

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### 5.1 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES REPRESENTATIVE UPDATE REPORT

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The August 2024 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was provided as an attachment within the Agenda.

*Cr Stephanie Proud joined the meeting at 6:34pm.*

*Zone Chair, Cr James Rowe requested that a representative from the DLGSC attend the next meeting*

**Noted**

## 6 CONFIRMATION OF MINUTES

### RESOLUTION

Moved: Cr David Lagan  
Seconded: Cr Stephane Proud

That the Minutes of the meeting of the North Metropolitan Zone held on 20 June 2024 be confirmed as a true and accurate record of the proceedings.

CARRIED UNANIMOUSLY

## 7 BUSINESS ARISING

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### 7.1 STATUS REPORT

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

Noted

#### 7.1.1 WALGA's efforts to become an Employer Organisation

WALGA Executive Director Member Services, Mr Tony Brown and Employee Relations Service Manager, Ms Julie Love, provided a short report on WALGA's efforts to become an Employer Organisation, as requested by the North Metropolitan Zone at its June meeting (and as contained in the Status Report).

*At the request of the meeting, a written copy of the report provided to the Zone has been included in the Minutes below.*

#### BACKGROUND

WALGA provides an Employee Relations subscription service to 131 of the 139 WA Local Governments.

The three North Metropolitan Zone Local Governments are all subscribers to the service.

Currently, WALGA is a registered industrial agent under the [Industrial Relations Act 1979 \(WA\)](#) (IR Act). This status allows WALGA to:

- appear as an agent for a WA Local Government or Regional Council in the Western Australian Industrial Relations Commission (WAIRC) and Industrial Magistrate's Court or Industrial Appeal Court; and
- provide advice or other services to Local Governments in relation to 'industrial matters' as defined in section 7 of the IR Act.

Previously in the Federal System, WALGA could represent the sector in our own right in front of the Fair Work Commission.

Since the mandate for Local Governments to operate in the State industrial relations system from 1 January 2023, unions have commenced various Local Government State awards variation claims in the WAIRC to amend industry employment conditions.

Currently, WALGA can seek to intervene in award matters, but is unable to represent named employers to the LG Awards and also the broader Local Government sector in its own right.

### **Ability for WALGA to represent its members in the State industrial relations system**

Over the last two years WALGA has been looking to develop a pathway for WALGA to become a registered employer organisation under the *Industrial Relations Act 1979 (WA) (IR Act)*.

We believe this is necessary for WALGA to effectively advocate for Local Governments in the Western Australian Industrial Relations Commission (**WAIRC**) and to have the same standing as the unions in the Local Government industry including the Western Australian Municipal, Administrative, Clerical and Services Union of Employees (**WASU**) and the Local Government, Racing and Cemeteries Employees Union (WA) (**LGRCEU**).

Specifically, we are seeking to be named in the IR Act as an employer organisation, similar to the Western Australian Branch of the Australian Medical Association Incorporated (**AMA**) at s72B of the IR Act.

It is important to note that Local Governments can appear before the WAIRC in their own right if they wish to.

Without being named in the IR Act, WALGA would need to comply with strict governance requirements to apply to become an employer organisation. This would require significant amendments to the Association Constitution, as well as endorsement by State Council and Members.

WALGA has recently engaged lawyers, to provide legal advice as to what constitutional amendments must be made to ensure WALGA is best placed to make a successful application for registration.

The advice received indicates that the changes required would be substantial, costly and potentially unwieldy, involving significant changes to the current governance structure and election processes of WALGA.

Even if we did all the changes, we would need to apply to the WAIRC and await their decision.

### **POLICY IMPLICATIONS**

The existing [Advocacy Position](#) on WALGA's registration as an Employee Organisation is contained in position 2.8.3:

*That WALGA advocate for amendments to the Industrial Relations Act 1979 (WA) (IR Act) for WALGA to be named in the IR Act like the Western Australian Branch of the Australian Medical Association Incorporated (AMA) at s.72B and given the status of an employer organisation, including to the Minister for Industrial Relations, the Minister for Local Government and the Department of Mines, Industry Regulation and Safety.*

## NEXT STEPS

For the reasons described, it is proposed that WALGA does not proceed with the original plan to amend the Association Constitution and apply for registration as an employer organisation under the IR Act.

We will look to continue to advocate to the Minister for Industrial Relations to either:

- a. name WALGA in the IR Act as an employer organisation similar to the Western Australian Branch of the Australian Medical Association Incorporated under s. 72B; or
- b. amend the IR Act provision to permit WALGA to register as an employer organisation without making modifications to its Constitution or governance model. This might be achieved by amending the provisions to permit dual registration of organisations or making modifications to the election procedures of organisations.

The meeting was also advised that the issue of Elected Member allowances is a separate issue to this matter as this matter deals with Local Government employees. The Salaries and Allowances Tribunal considers Elected Member allowances and WALGA provides an annual submission to the Tribunal. The last submission resulted in a 4% increase to Elected Members.

## Noted

## 8 ZONE BUSINESS

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### 8.1 REQUEST TO RAISE A MATTER IN RELATION TO STATE PLANNING POLICY 3.6 - INFRASTRUCTURE CONTRIBUTIONS (COMMUNITY INFRASTRUCTURE CAP)

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*By the City of Wanneroo*

## BACKGROUND

The Department of Planning, Lands and Heritage (DPLH) on behalf of the Western Australian Planning Commission (WAPC) prepared SPP3.6, which was approved in April 2021, inclusive of a \$5000 cap per dwelling on community infrastructure.

Community infrastructure includes structures, facilities and land which help communities and neighbourhoods to function effectively and includes specific infrastructure items such as sports and recreation facilities, sporting pavilions, multi-purpose courts/buildings, libraries, and other community services facilities.

Since April 2021, the DPLH has retained the \$5000 per dwelling cap, however the costs of providing community infrastructure have been escalating significantly based on construction costs indexes and CPI over the past few years.

Various submissions and representations were made by Council during the preparation of SPP3.6 (through WALGA and the Growth Alliance Perth and Peel), however there has been no confirmation provided by the DPLH that the cap will be indexed to reflect increasing costs of delivering the infrastructure.



## COMMENT

SPP3.6 requires the DCP costs to be prepared and annually reviewed to reflect construction and land acquisition costs. These costs have increased significantly since 2021 and will likely continue to increase over time. Current projections for cost escalation for the Building Price Index (BPI), suggest that cost indexation will continue at high levels before reducing in the medium term. The following assumption were provided by the DPLH as part of their recent proposal for the East Wanneroo District DCP.

| Year    | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 |
|---------|------|------|------|------|------|------|
| BPI (%) | 5.4% | 4.1% | 3.5% | 3.0% | 2.5% | 2%   |

The impact of increasing construction costs can be identified in numerous construction projects, including the Dordaak Kepap Community Library, where costs rapidly increased from \$12.1 million to \$17.9 million, as part of a competitive tendering process (refer Report AS02-05/24).

Without indexation of the cap, the relevance of the cap value diminishes, and any shortfalls would mean that increased pressure will occur on the City to secure alternative funding sources, including municipal funding and grants. This could also result in the facilities not being delivered, delays in delivery timeframes or a reduction in the scope of works that can be provided. In this regard, the need for the new facilities is generated by the new development and this should fund the delivery of the new community infrastructure, noting that the operational costs of managing and renewal of the infrastructure would be funded through the municipal budget.

The methodology for indexation should be determined having regard to SPP 3.6 and in consultation with the Department of Planning, Lands and Heritage and any other key stakeholders to closely align with the actual costs of infrastructure.

## SECRETARIAT COMMENT

WALGA, through its State Council endorsed submission to State Planning Polic 3.6 – Infrastructure Contributions, opposed the introduction of caps on community infrastructure. Since the gazettal of SPP3.6 in April 2021, WALGA has regularly sought guidance from DPLH on whether the current cap will be subject to review in line with cost escalations, no formal confirmation on a review of the cap has been forthcoming.

WALGA shares the concerns of the North Metropolitan Zone that the current cap will limit the delivery of critical community infrastructure in growth communities.

WALGA is currently working with the Growth Alliance Perth and Peel (GAPP) group of Local Governments to develop a list of DCP recommendations, for consideration by the GAPP CEOs, and then for possible advocacy by the group. WALGA is currently facilitating a GAPP DCP Officer Group to refine initial recommendations, for presentation to the GAPP CEO Group. Once these recommendations are finalised, the GAPP Local Governments may then wish to seek WALGA form an advocacy position on this matter, through their respective Zones.

## RECOMMENDATION

Moved: Cr Bronwyn Smith  
Seconded: Cr Stephanie Proud

That WALGA advocate to the state government for indexation of the community infrastructure cap defined in State Planning Policy 3.6 (SPP3.6) - Infrastructure Contributions.

## PROCEDURAL MOTION

Moved: Cr Joe Ferrante  
Seconded: Cr David Lagan

That this item be held over until the next Zone meeting, pending receipt of further information from WALGA.

CARRIED

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## 8.2 PROPOSAL TO CHANGE NOVEMBER ZONE MEETING DATE

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*By Chantelle O'Brien, Zone Executive Officer*

### BACKGROUND

It was raised with the Secretariat by a Zone Delegate that the November Zone meeting date conflicts with Mindarie Regional Council and Catalina Regional Council meeting date. As membership of these Councils have Elected Members that are also Delegates of the Zone, some Delegates may be affected.

To keep the location of the meeting at the City of Wanneroo, the only alternative date available is Wednesday, 20 November. Alternatively, Monday, 18 November or Friday, 22 November, could be an option although an alternative venue would need to be confirmed.

Each member Local Government has Deputy Delegates that may be available to attend should the voting delegate be unavailable.

### RESOLUTION

Moved: Cr Bronwyn Smith  
Seconded: Cr Russ Fishwick JP

That the November North Metropolitan Zone meeting date be amended to Wednesday, 20 November 2024, to be hosted by the City of Wanneroo commencing at 6.30pm.

CARRIED UNANIMOUSLY

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## 8.3 CANDIDATE NOMINATION – NATIONAL POLICE CLEARANCE

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*By Lyn Fogg, Governance Specialist*

### EXECUTIVE SUMMARY

This report examines the potential benefits and limitations that may arise from a proposal to implement National Police Certificates as a requirement when making a Nomination for Election. The outcomes of this report indicate that the benefits are outweighed by the potential limitations and therefore it is recommended that no further action is taken.

### BACKGROUND

The North Metropolitan Zone resolved at its meeting in November 2023, as follows:

*That the North Metropolitan Zone requests that WALGA research whether the introduction of mandatory police clearances for candidates at Local Government elections would be of any benefit.*

### Current WA legislative framework for candidate nominations

The Local Government (Elections) Regulations 1996 Candidate Nomination Forms 8 and 9, require each candidate to make a statutory declaration attesting to the following statements:

- I am at least 18 years of age; and
- I am an elector of the district; and
- I am not disqualified from being a member of the council, and
- I am eligible to nominate as a councillor, and
- I completed the course of induction on [date] reference number [insert number], and
- All of the details set out [in the nomination] above are true and correct.

The components of the above declaration align with *Local Government Act* (LG Act) candidate eligibility requirements prescribed in sections 4.48 and 2.19, which include the requirements to not be disqualified under sections 2.20, 2.21, 2.22, 2.23, 2.24, 5.113, 5.117 or 5.119.

Specific to consideration of the benefit of National Police Certificates, is LG Act section 2.22 which prescribes the range of convictions for which a person is disqualified from membership of Council:

- (1) *A person is disqualified for membership of a council if the person -*
  - (a) *has been convicted of a crime and is in prison serving a sentence for that crime; or*
  - (b) *has been convicted in the preceding 5 years of a serious local government offence; or*
  - (c) *has been convicted of an offence for which the indictable penalty was or included –*
    - (i) *imprisonment for life; or*
    - (ii) *imprisonment for more than 5 years.*
- (2) *A court that has sentenced a person for a serious local government offence may make an order –*
  - (a) *waiving the application of subsection (1)(b); or*

- (b) *reducing the period of 5 years mentioned in subsection (1)(b), and the court's order has effect in accordance with its terms.*
- (3) *In this section –*  
**former provisions** means the Local Government Act 1960 as in force before the commencement of this Act;  
**indictable penalty** means the penalty that the relevant law specified for the offence in the event of a person being convicted of the offence on indictment;  
**offence** means an offence against a law of this State, the Commonwealth, another State or a Territory;  
**serious local government offence** means an offence against this Act or the former provisions for which an offender –  
 (a) *could be sentenced to imprisonment for a term of, or exceeding the period prescribed for the purposes of this section; or*  
 (b) *could be sentenced to pay a fine of or exceeding the amount prescribed for the purposes of this section.*

LG Act section 4.90 provides that it is an offence to make a statement in a nomination or in answer to a question authorised to be asked under Part 4 electoral provisions, knowing the statement to be false. The prescribed penalty is \$5,000 or imprisonment for one year.

LG Act section 4.49 prescribes that an effective nomination is only made where the nomination form has been completed (this includes completion of the statutory declaration). Section 4.51 requires the Returning Officer to reject a nomination if the candidate is not eligible to be a candidate because of the range of matters, however s.2.22 disqualification because of convictions is not referenced here.

#### **Returning Officer obligations when determining a nomination**

The Department of Local Government, Sport and Cultural Industries Returning Officer Manual, states:

*Once nominations open, the returning officer is required to check nomination forms, eligibility for election and profiles for compliance.*

The Returning Officer may therefore ask a candidate at the time of processing their nomination, questions to confirm the accuracy of the information they have included in their nomination, which if knowingly answered falsely would be an offence under LG Act section 4.90.

#### **Other jurisdiction requirements for candidate nominations and National Police Certificates**

|                 |   |
|-----------------|---|
| Victoria        | Nomination requires a statutory declaration that the candidate is not disqualified. No requirement for NPC. |
| New South Wales | Nomination requires a statutory declaration that the candidate is not disqualified. No requirement for NPC. |
| Queensland      | Nomination requires a statutory declaration that the candidate is not disqualified. No requirement for NPC. |
| South Australia | Nomination requires a statutory declaration that the candidate is not disqualified. No requirement for NPC. |
| Tasmania        | Nomination requires a statutory declaration that the candidate is eligible. No requirement for NPC.         |

### Australian National Police Certificate (NPC)

The [Australian Federal Police website](#) states the National Police Certificate (NPC) provides a summary of offender history in Australia and includes:

- Compares details, such as name and date of birth, against a central index to assess what information to include, subject to laws and current policies.
- Lists 'disclosable court outcomes' released in line with federal, state and territory laws, including the *Crimes Act 1914* (Cth) and the *Spent Convictions Act 2000* (ACT).
- Uses information from all Australian police services to list any:
  - local and interstate criminal and traffic court outcomes
  - outstanding warrants
  - pending charges, where you have been charged with an offence but have not yet been to court.
- Depending on the relevant state or territory legislation, it may not include:
  - convictions considered 'spent' under federal or state legislation
  - guilty findings without conviction.

The following table outlines costs and processing times associated with the agency through which an NPC application may be made:

| Agency                    | Costs   | Processing Time  |
|---------------------------|---------|--|
| Australian Federal Police | \$56    | Online application usually within 48 hours, however may take 15 to 30 business days or more.   |
| WA Police Service         | \$63.80 | Online applications that require no further investigations may be delivered "in minutes".<br><br>Applications may take up to 10 business days, if further investigation is required e.g. to confirm identity, common names, licenses or permits or other formal contact with police. Can take longer due to the complexity of the check. |

### COMMENT

The proposal to mandate that an NPC be provided as add part of a Nomination for election to Council may provide:

|                    |   |
|--------------------|---|
| <b>Benefits</b>    | <ul style="list-style-type: none"> <li>• The Returning Officer is provided evidence that the nominee, as at the Certificate issue date, was not disqualified for the purposes of s.2.22.</li> </ul>   |
| <b>Limitations</b> | <ul style="list-style-type: none"> <li>• The National Police Certificate is a 'point in time' statement, evidencing a person's convictions as at the Certificate issue date.</li> <li>• The National Police Certificate does not include matters that are yet to be determined by the courts.</li> <li>• A candidate, or any Council Member, may at any time after the issue of a Certificate, be convicted of an offence that disqualifies them from membership of the Council under s.2.22.<br/>For example, if the Certificate was issued 2 weeks before the nomination was made, would this be sufficient evidence of the person's status at the time of nomination?</li> <li>• The processing timeframes may make it difficult for a Candidate to obtain an NPC to attach to their nomination before close of the</li> </ul> |

|  |  |
|--|--|
|  | <p>nomination period, e.g. if processing times are extended because the person has a common name.</p> <ul style="list-style-type: none"> <li>• Imposing an addition cost for obtaining a NPC may be prohibitive for some potential candidates, limiting the diversity of community representation.</li> <li>• A potential unintended consequence may be that if the requirement for an NCP is implement to evidence candidate eligibility at the time of their nomination, the principle could be extended to all Council Members during their term of office to evidence they have not since their election been convicted of an offence that disqualifies them from membership on Council under s.2.22.</li> </ul> <p>This would be a substantial cost to the sector and provide limited benefit, as there is a positive duty under section 2.27 on all Council Members to make a written disclosure to the CEO without delay if they consider they are disqualified for any of the reasons outlined in the Act.</p> |
|--|--|

To implement a change to the information required to be included in an effective nomination would require an LG Act amendment to the provisions of section 4.49.

## CONCLUSION

The above analysis identifies a range of limitations that impair the effectiveness of imposing an NPC requirement as part of the Nomination for Election.

The current legislative arrangements placing a positive duty on the candidate to make an accurate and truthful declaration of their eligibility to nominate, with severe penalties prescribed for providing a false declaration are considered sufficient, particularly in light of the above noted limitations.

This report was provided to the Governance Policy Team on 7 August. The Policy Team requested that the North Metropolitan Zone be advised:

1. *Of the information provided in this report,*
2. *That the potential limitations associated with implementing National Policy Certificates as a requirement when making a Nomination for Election are considered to outweigh the benefit, and*
3. *Therefore, no further action will be taken.*

## RESOLUTION

Moved: Cr Russ Fishwick JP  
 Seconded: Cr Bronwyn Smith

That the North Metropolitan Zone note the report provided by the WALGA secretariat on the viability of implementing National Police Certificates as a requirement when making a Nomination for Election.

**CARRIED UNANIMOUSLY**

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## 8.4 WALGA HONOURS AWARDS

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*By Chantelle O'Brien, WALGA Governance Support Officer*

### BACKGROUND

WALGA celebrated their 2024 Honours awards recipients at an event on Friday, 2 August at Winthrop Hall. For the first time, a WALGA awards event was held solely to acknowledge and appreciate the extraordinary efforts of Elected Members and Local Government Officers in service of their Local Government, the sector and the community.

There were 46 recipients of Honours awards in the 2024 program, including two Local Government Medal recipients. Four new WALGA Life Members were also inducted.

7 Honours recipients were from Local Governments in the North Metropolitan Zone:

|                             |                   |   |
|-----------------------------|-------------------|---|
| Mr Frank Cvitan             | City of Wanneroo  | Life Membership                               |
| Mayor Mark Irwin            | City of Stirling  | Eminent Service Award                         |
| Cr John Chester             | City of Joondalup | Merit Award                                   |
| Cr Christine Hamilton-Prime | City of Joondalup | Merit Award                                   |
| Mr Jamie Blanchard          | City of Stirling  | Local Government Distinguished Officers Award |
| Ms Noelene Jennings PSM     | City of Wanneroo  | Local Government Distinguished Officers Award |
| Mr Abraham O'Connor         | City of Stirling  | Local Government Distinguished Officers Award |

Congratulations to all Honours recipients!

Nominations for the 2025 Honours Program will open early next year.

**Noted**

## 9 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

*Zone delegates to read and consider the September 2024 WALGA State Council Agenda, which has been provided as an attachment with this Agenda.*

The Zone can provide comment or submit an alternative recommendation that will then be presented to the State Council for consideration.

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### 9.1 STATE COUNCIL MATTERS FOR DECISION

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#### 8.1 LOCAL GOVERNMENT ELECTIONS ANALYSIS 2015-2023

*By Emma Heys, Governance Specialist*

|                      |
|----------------------|
| WALGA RECOMMENDATION |
|----------------------|

That WALGA advocate to the State Government:

1. *For an independent Local Government election audit, focusing on the Western Australia Electoral Commission's (WAEC) cost allocation methods and costing applications used, to confirm that marginal cost recovery principles are applied and that the costing program is being effectively managed.*
2. *For the requirement for the WAEC to develop and implement Service Level Agreements with Local Governments, similar to those agreements currently used in New South Wales and Victorian Local Government elections and that includes:*
  - a. *transparency of costing methodology,*
  - b. *direct engagement with Local Governments pre and post elections, and*
  - c. *the roles and responsibilities of the WAEC and Local Governments in the conduct of elections.*
3. *For the introduction of a provision for private service providers to enter the market for the conduct of Local Government elections.*
4. *For a mandated WAEC Report to Parliament specific to Local Government elections post each election cycle, outlining costs, results, voter turnout and matters for improvement both in the conduct of elections and the legislation, if relevant.*

#### EXECUTIVE SUMMARY

- This report presents the findings of a comprehensive review and analysis of five election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process in Western Australia.
- With a focus on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), the analysis has found evidence of the rising cost of conducting Local Government elections in Western Australia.
- Elected Member feedback, costs vs service comparisons and engagement by the sector with WALGA's governance services over the 2023 Local Government election period, are the basis for the recommendations as outlined above.
- The Governance Policy Team considered this item at its meeting of 7 August and endorsed the position for consideration by State Council

#### RESOLUTION

**Moved:** Cr David Lagan  
**Seconded:** Cr Russ Fishwick JP

**That the North Metropolitan Zone endorse the WALGA recommendation for State Council Agenda item 8.1 subject to the removal of point 3.**

**CARRIED**

*Cr Jordan Wright left the meeting at 7:52pm.*

#### 8.2 ENERGY TRANSITION ENGAGEMENT AND COMMUNITY BENEFIT FRAMEWORK ADVOCACY POSITION

*By Daniel Thomson, Manager Economics*



## WALGA RECOMMENDATION

That State Council endorse a new Energy Transition Engagement and Community Benefit Framework Advocacy Position as follows:

*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.*

*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 community benefits from energy transition projects as a priority.*

## EXECUTIVE SUMMARY

- Western Australia's energy industry is transforming to achieve the goal of net zero emissions by 2050.
- In Western Australia there is no framework that provides a consistent approach to how proponents of major energy projects consult with local communities and how they can share in the benefits.
- WALGA will advocate for the State Government to develop a framework to guide consultation and benefit sharing with local communities during the energy transition.
- A joint meeting of the Environment Policy Team and Infrastructure Policy Team held on 10 July endorsed the position for consideration by State Council.
- This draft advocacy position should be considered in conjunction with the accompanying draft WALGA advocacy positions Renewable Energy Facilities (Item 8.3) and Priority Agriculture (Item 8.4).

## RESOLUTION

Moved: Cr Joe Ferrante  
Seconded: Cr Russ Fishwick JP

That the North Metropolitan Zone endorse the WALGA recommendation for State Council Agenda item 8.2 as listed above.

**CARRIED UNANIMOUSLY**

## 8.3 RENEWABLE ENERGY FACILITIES ADVOCACY POSITION

*By Kieran McGovern, Policy Officer Planning*

## WALGA RECOMMENDATION

That State Council endorse a new Renewable Energy Facilities Advocacy Position as follows:

*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.*

*WALGA calls on the State Government to:*

- 1. Adopt a new State Planning Policy for renewable energy facilities, to replace the existing Position Statement: Renewable energy facilities, that:
    - a. Facilitates the orderly development of renewable energy facilities across Western Australia;*
    - b. Outlines the key planning and environmental considerations, for the location, siting, design and operation of renewable energy facilities and their associated infrastructure;*
    - 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;*
    - d. Supports the development of Local Planning Policies by Local Governments to further guide locally appropriate planning consideration of renewable energy facilities;*
    - e. Provides a clear relationship with:
      - 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 preserve rural land for rural purposes;*
      - 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*
      - iii. State Planning Policy 2.9 - Planning for Water to ensure water resources impacted by renewable energy facilities are identified and adequately managed.**
    - f. Includes policy measures to address:
      - i. concerns relating to the location of these facilities and their associated infrastructure on agricultural land, their proximity to lot boundaries, town sites and sensitive land uses, and potential impact on airport operations and rural activities;*
      - ii. planning for renewable energy facilities in industrial areas in relation to the coordination of these facilities, their appropriateness in the 'General Industry' zone and impacts and suitable location on heavy industry sites;*
      - iii. the need for local engagement and the realisation of community benefits from the development of renewable energy facilities.***
- 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).*
- 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.*

## EXECUTIVE SUMMARY

- A 2023 WALGA Annual General Meeting resolution and subsequent resolution by the Great Eastern Country Zone requested *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.*
- The Central Country Zone resolved to request WALGA to advocate to the State Government *to develop a more comprehensive and effective approach to guide the management and placement of renewable energy facilities; including but not limited to wind, solar, battery renewable diesel and associated infrastructure.*
- The existing State Government *Position Statement: Renewable energy facilities* does not adequately address these concerns, leading to inconsistent application and approvals of renewable energy facilities across the State.
- WALGA will advocate for the existing *Position Statement: Renewable energy facilities* to be amended and elevated to a State Planning Policy, including more nuanced provisions which provide greater guidance to Local Governments and applicants, and allow for renewable energy land uses to be classified as either small or large facilities.
- A joint meeting of the Environment Policy Team and Infrastructure Policy Team on 10 July endorsed the position for consideration by State Council.
- This draft advocacy position should be considered in conjunction with accompanying draft WALGA advocacy positions Energy Transition Engagement and Community Benefit Framework (Item 8.2) and Priority Agriculture (Item 8.4).

## 8.4 PRIORITY AGRICULTURE ADVOCACY POSITION

*By Kieran McGovern, Policy Officer Planning*

### WALGA RECOMMENDATION

That State Council endorse a new Priority Agriculture Advocacy Position as follows:

*The state planning framework should provide sufficient statutory protections for areas identified as high quality agricultural land.*

*WALGA calls on the State Government to:*

- 1. Amend the Planning and Development (Local Planning Schemes) Regulations 2015 to:*
  - 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. to retain priority agricultural land for agricultural purposes; and*
    - ii. limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.*
  - 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.*

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.*
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.*

## EXECUTIVE SUMMARY

- A 2023 WALGA Annual General Meeting resolution and subsequent resolution by the Great Eastern Country Zone have requested *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.*
- WALGA prepared a *Research Paper: Protection of Productive Agricultural Land* that provides policy context, previous WALGA advocacy and analysis of State and Local Government approaches to agricultural land use protections.
- This work identified that a lack of consistency between the sub-regional planning strategies across the different regions of WA has impeded the implementation of best practice planning controls into local planning frameworks, and thus inconsistent application across the State.
- This advocacy position recommends statutory protections of areas that have been identified as high quality agricultural land, through amending the *Planning and Development (Local Planning Schemes) Regulations 2015* to include a model zone for 'Priority Agriculture'. This will provide the ability for Local Governments to adopt the model zone into their local planning schemes.
- A joint meeting of the Environment Policy Team and Infrastructure Policy Team endorsed the position for consideration by State Council on 10 July 2024.
- This draft advocacy position should be considered in conjunction with accompanying draft WALGA advocacy positions Energy Transition Engagement and Community Benefit Framework (Item 8.2) and Renewable Energy Facilities (Item 8.3).

## 8.5 PLANNING PRINCIPLES AND REFORM ADVOCACY POSITION

*By Coralie Claudio, Senior Policy Advisor Planning*

### WALGA RECOMMENDATION

That State Council:

1. Retire Advocacy Position 6.2 Planning Reform; and
2. Replace Advocacy Position 6.1 Planning Principles with the following:

#### *6.1 Planning Principles and Reform*

1. *The Local Government sector supports an efficient and effective planning system guided by legislation, policy, and processes that:*
  - a. *facilitates the creation of sustainable and liveable communities and places;*

- b. has a focus on strategic planning that delivers on long-term objectives and outcomes that balance social, environmental, cultural, and economic interests;*
  - c. is easy to understand, accessible and transparent;*
  - d. recognises the diversity of Western Australia and ensures that local environment, context, communities and character are appropriately reflected in planning frameworks and decision making;*
  - e. ensures decisions are made by the level of government closest to and most impacted by a planning proposal; and*
  - f. establishes consistent planning frameworks and streamlines planning processes where there is a demonstrated benefit in doing so.*
2. *Reforms to the planning system should:*
- a. be guided by the above principles;*
  - b. deliver community benefit;*
  - c. promote system efficiency, including through the use of technology;*
  - d. be evidence-based and informed by robust, transparent data;*
  - e. proceed at an appropriate pace to enable effective implementation;*
  - f. be informed by engagement with the community; and*
  - g. be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

## EXECUTIVE SUMMARY

- It is proposed that the Advocacy Positions 6.1 Planning Principles and 6.2 Planning Reform be replaced with a new contemporary combined position that reflects the current planning system and planning reform agenda.
- The updated position identifies key elements that would create an effective and efficient planning system and how planning reform can be developed, prioritised, and implemented to achieve this.
- The updated position has been informed by feedback from Local Government officers, including WALGA's Planning Advisory Group and previous WALGA submissions on State Government planning reform initiatives.
- The Environment Policy Team endorsed the advocacy position at their meeting on 29 July.

## RESOLUTION

Moved: Cr John Raftis  
 Seconded: Cr Russ Fishwick JP

That the North Metropolitan Zone endorse the WALGA recommendation for State Council Agenda item 8.5 subject to the removal of the word "or" from point 2(g).

## 8.6 PRODUCT STEWARDSHIP POLICY STATEMENT AND ADVOCACY POSITION

*By Rebecca Brown, Policy Manager, Environment and Waste*

### WALGA RECOMMENDATION

That State Council:

1. Rescind the existing Extended Producer Responsibility Policy Statement and Advocacy Position 7.5 Extended Producer Responsibility.
2. Endorse a new Product Stewardship Advocacy Position as follows:
  1. *Industry should take responsibility (physical and/or financial) for the waste that it generates through the entire life cycle of the products it produces through the implementation of effective product stewardship. Without effective Product Stewardship, there will be increasing costs for the community, resource recovery targets will be difficult to reach and a transition to a circular economy is unlikely.*
  2. *Effective Product Stewardship is characterised by:*
    - a. *Producers and importers taking responsibility for post consumption product impacts.*
    - b. *Schemes covering the entire cost of product recycling or recovery, including transport.*
    - c. *Leveraging existing Schemes and collection locations.*
    - d. *Being easy and convenient for the community to access.*
    - e. *Having equitable national coverage and access for all, including regional and remote locations.*
    - f. *Being evidence based.*
    - g. *Consistent regulation and implementation across Australia using national Product Stewardship legislation.*
    - h. *Timely action and industry cooperation during Scheme development and implementation.*
    - i. *Being demand based and aiming to recover the maximum amount of material, rather than being limited by targets.*
    - j. *No additional cost to consumers when the product is disposed of post consumption.*
  3. *Local Government calls on the Commonwealth Government to implement effective Product Stewardship schemes for all products that drive environmentally and socially sustainable outcomes through the design, manufacture and distribution of products that can be more easily reused, repaired, recovered or recycled.*
  4. *If national action is not progressed within a reasonable timeframe, or in a way that meets the needs of the Western Australian community, then Local Government supports a State based approach to Product Stewardship.*

#### EXECUTIVE SUMMARY

- The [Extended Producer Responsibility \(EPR\) Policy Statement](#) was first endorsed in 2004 and reviewed and amended in 2008.
- The Statement outlines the rationale for Local Government support for EPR, as a way of ensuring producers take responsibility for their products at the end of life, and some of the key elements of successful Schemes.

- WALGA's [Local Government Principles for Product Stewardship](#) was endorsed in 2022. The Principles provided more detail on key design elements for Schemes and have been used to inform advocacy.
- Following discussion at the April Municipal Waste Advisory Council (MWAC) and Officers Advisory Group meetings it was agreed to review the EPR Policy Statement and incorporate the Local Government Principles into a new Product Stewardship Policy Statement and Advocacy Position.
- The Product Stewardship Policy Statement and Advocacy Position has been updated to:
  - Include a greater focus on the potential for Product Stewardship to influence the design of products, as well as their post consumption disposal.
  - Identifying the increasing cost burden on Local Government and the community of increasing complex products.
  - Focus on ensuring all products have a clear and funded end of life pathway.
- The MWAC endorsed the new Policy Statement and Advocacy Position in June.

## 8.7 SUBMISSION ON THE DRAFT STATE WASTE STRATEGY

*By Rebecca Brown, Policy Manager, Environment and Waste*

### WALGA RECOMMENDATION

That State Council endorse the Draft State Waste Strategy Submission.

### EXECUTIVE SUMMARY

- The [Draft State Waste Strategy](#) (Draft Strategy) and [State Waste Infrastructure Plan](#) were released on 29 May. This follows the release of the [Strategy Directions Paper](#) in May 2023. WALGA provided a comprehensive [Submission](#) on the Directions Paper.
- Given the significant impact of the Strategy on Local Government, WALGA was granted an extension to the deadline to allow the draft submission to be considered by WALGA Zones and State Council.
- The focus of the Draft Strategy is:
  - Better outcomes for regional and Aboriginal communities
  - Increasing our focus on waste avoidance
  - Better management of priority materials
  - Realising the economic potential of recycling
  - Contingency planning and climate resilience.
- New Targets are also proposed for each of the Avoid, Recover and Protect areas.
- WALGA's draft submission on the Draft Strategy was informed by Local Government written feedback and feedback received at a webinar held on 19 July.
- This Municipal Waste Advisory Council (MWAC) endorsed the draft submission on 31 July 2024.

*Cr Jordan Wright returned to the meeting at 7:56pm.*

## RESOLUTION

Moved: Cr David Lagan  
Seconded: Cr Stephanie Proud

That the North Metropolitan Zone supports WALGA recommendations 8.2, 8.3, 8.4, 8.6 and 8.7 in the Matters for Decision as contained in the September 2024 State Council Agenda and recommendations 8.1 and 8.5 as amended above.

CARRIED UNANIMOUSLY

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## 9.2 POLICY TEAM AND COMMITTEE REPORTS

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### 9.1 ENVIRONMENT POLICY TEAM REPORT

*By Nicole Matthews, Executive Manager Policy*

#### WALGA RECOMMENDATION

That State Council note the report from the Environment Policy Team to the 4 September 2024 meeting.

### 9.2 GOVERNANCE POLICY TEAM REPORT

*By Tony Brown, Executive Director Member Services*

#### WALGA RECOMMENDATION

That State Council note the report from the Governance Policy Team meeting for the 4 September 2024 meeting.

### 9.3 INFRASTRUCTURE POLICY TEAM REPORT

*By Ian Duncan, Executive Manager, Infrastructure*

#### WALGA RECOMMENDATION

That State Council:

1. Note the report from the Infrastructure Policy Team to the 4 September 2024 meeting.
2. Determine to retire the following Advocacy Positions:
  - a. 5.2.4 Seat Belt Legislation
  - b. 5.8 Ports
  - c. 5.12 Infrastructure WA



## 9.4 PEOPLE AND PLACE POLICY TEAM REPORT

*By Nicole Matthews, Executive Manager Policy*

### WALGA RECOMMENDATION

That State Council:

1. Note the report from the People and Place Policy Team to the 4 September 2024 meeting.
2. Determine to:
  - a. retain the following Advocacy Positions with amendment:
    - i. 3.2.1 Local Public Health Plans
  - b. rescind the following Advocacy Position:
    - i. 3.5 Crime Prevention

### RESOLUTION

Moved: Cr Jordan Wright  
Seconded: Cr Stephanie Proud

That the North Metropolitan Zone endorse the WALGA recommendation for State Council Agenda item 9.4 as listed above, subject to amending point 2(b) to read as follows:

*“review and update the following Advocacy Position:  
3.5 Crime Prevention”*

**CARRIED UNANIMOUSLY**

## 9.5 MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) REPORT

*By Rebecca Brown, Policy Manager, Environment and Waste*

### WALGA RECOMMENDATION

That State Council note the report from the Municipal Waste Advisory Council to the 4 September 2024 meeting.

### RESOLUTION

Moved: Cr Bronwyn Smith  
Seconded: Cr Joe Ferrante

That the North Metropolitan Zone endorse the WALGA recommendation for State Council Agenda item 9.5 as listed above.

**CARRIED UNANIMOUSLY**

## RESOLUTION

Moved: Cr David Lagan  
Seconded: Cr Stephanie Proud

That the North Metropolitan Zone:

1. notes all Policy Team and Committee Reports as contained in the September 2024 State Council Agenda;
2. supports the WALGA recommendation in the People and Place Policy Team Report subject to the amendment above; and
3. supports the WALGA recommendation in the Infrastructure Policy Team Report as contained in the September 2024 State Council Agenda and as listed above.

CARRIED

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## 9.3 MATTERS FOR NOTING/INFORMATION

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- 10.1 Local Government Legislative Reform
- 10.2 Report on Local Government Road Assets and Expenditure 2022/23

## RESOLUTION

Moved: Cr Bronwyn Smith  
Seconded: Cr Jordan Wright

That the North Metropolitan Zone notes all Matters for Noting/Information as contained in the September 2024 State Council Agenda.

CARRIED UNANIMOUSLY

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## 9.4 KEY ACTIVITY REPORTS

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- 11.1.1 Report on Key Activities, Advocacy Portfolio
- 11.1.2 Report on Key Activities, Infrastructure Portfolio
- 11.1.3 Report on Key Activities, Member Services Portfolio
- 11.1.4 Report on Key Activities, Policy Portfolio

## RESOLUTION

Moved: Cr Karlo Perkov  
Seconded: Cr David Lagan

That the North Metropolitan Zone notes all Key Activity Reports as contained in the September 2024 State Council Agenda.

CARRIED UNANIMOUSLY

## 10 EXECUTIVE REPORTS

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### 10.1 WALGA PRESIDENT'S REPORT

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WALGA CEO, Mr Nick Sloan presented the President's Report. The report was attached within the Agenda.

Noted

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## 10.2 STATE COUNCILLOR'S REPORT TO THE ZONE

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State Councillor, Cr Bronwyn Smith presented on the previous State Council meeting.

Noted

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## 10.3 STATE COUNCIL MINUTES

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The Minutes of the previous State Council meeting, were provided via the link below.

[State-Council-Full-Minutes July 2024](#)

Noted

## 11 OTHER BUSINESS

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### 11.1 CITY OF JOONDALUP POWER CONTRACT

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*Raised by Cr John Raftis, City of Joondalup*

The City of Joondalup Council recently sought access to the details of the current energy contract that had been entered into with 48 Local Governments and WALGA. The Council were told that WALGA had a policy which restricted such access to the details of the contract from Elected Members.

WALGA CEO, Mr Nick Sloan, clarified that WALGA does not have such a policy. WALGA has worked through a process with the CEO of the City of Joondalup to provide Council access to the contract. Mr Sloan confirmed that it has never been the intent of WALGA to block Elected Members from access to such contracts. The contract is a commercial in confidence document and requires the appropriate confidentiality.

## 12 NEXT MEETING

The next meeting of the North Metropolitan Zone will be held on Wednesday, 20 November 2024 at the City of Wanneroo commencing at 6:30pm.

## 13 CLOSURE

*There being no further business the Chair declared the meeting closed at 8:28pm.*