

01-005-03-0003



South East Metropolitan Zone

Minutes

17 February 2021

South East Metropolitan Zone

Hosted by the City of Armadale

7 Orchard Avenue, Armadale – 9394 5000

Wednesday 17 February 2021 commenced at 6:05 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Armadale	Cr Emma Flynn Ms Joanne Abbiss, Chief Executive Officer – non-voting delegate
City of Canning	Cr Tim Porter Cr Mark Bain Mr Arthur Kyron, Chief Executive Officer – non-voting delegate
City of Gosnells	Cr Julie Brown (SC) Mayor David Goode JP Mr Ian Cowie, Chief Executive Officer - non-voting delegate
City of South Perth	Cr Samantha Bradder Cr Carl Celedin Mr Mike Bradford, Chief Executive Officer – non-voting delegate
Town of Victoria Park	Cr Bronwyn Ife - Chair Mayor Karen Vernon Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate
WALGA Secretariat	Tony Brown, Executive Manager Governance and Organisational Services Felicity Morris, Governance Advisor Sector Support and Advice
DLGSC Representative	Mr Ben Armstrong, Acting Director Strategic Coordination and Delivery
Guest Speakers	Dr Christina Pollard, Associate Professor Public Health Priorities, School of Public Health

APOLOGIES

City of Armadale	Mayor Ruth Butterfield (SC)
------------------	-----------------------------

ANNOUNCEMENTS

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

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

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

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

ATTACHMENTS WITHIN THE AGENDA

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

1. DECLARATION OF INTEREST

Nil.

2. DEPUTATIONS

2.1 Dr Christina Pollard – Food Security

Dr Pollard presented to the Zone on Food Security and Local Government. Presentation attached.

Mayor Karen Vernon entered at 6:16 pm.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Mark Bain

That the Minutes of the meeting of the South East Metropolitan Zone held on 25 November 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

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

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

Matters for Decision

5.1 External Oversight and Intervention – Authorised Inquiries and Show Cause Notices

That WALGA:

1. Continues to advocate for the State Government to ensure that there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and
2. Requests the Minister for Local Government to:
 - a. Engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995;
 - b. Provide written reasons prior to issuing any Show Cause Notices;
 - c. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and
 - d. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.

MOTION

Moved: Mayor Karen Vernon
Seconded: Cr Carl Celedin

That the South East Metropolitan Zone supports:

That WALGA:

1. Continues to advocate for the State Government to ensure that there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and
2. Requests the Minister for Local Government to:
 - a. Engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995;
 - b. Provide written reasons prior to issuing any Show Cause Notices;
 - c. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and
 - d. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.

AMENDMENT

Moved: Cr Julie Brown
Seconded: Mayor Karen Vernon

That the supported motion be amended by deleting part 2.a., inserting a new part 2 and renumbering the remaining parts to read as follows:

That WALGA:

1. **Continues to advocate for the State Government to ensure that there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely**

inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and

2. Requests the Department of Local Government, Sport and Cultural Industries to engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995; and
3. Requests the Minister for Local Government to:
 - a. Provide written reasons prior to issuing any Show Cause Notices;
 - b. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and
 - c. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.

CARRIED

AMENDMENT

Moved: Cr Emma Flynn
Seconded: Cr Tim Porter

That the supported motion be amended by deleting point 3.a. Provide written reasons prior to issuing any Show Cause Notices.

LOST

AMENDMENT

Moved: Cr Emma Flynn
Seconded: Cr Tim Porter

That the supported motion be amended by addition of the following:

4. Advocates for legislative change to ensure that Show Cause Notices contain reasons.

CARRIED

RESOLUTION

That the South East Metropolitan Zone supports:

That WALGA:

1. Continues to advocate for the State Government to ensure that there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and
2. Requests the Department of Local Government, Sport and Cultural Industries to engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995; and
3. Requests the Minister for Local Government to:
 - a. Provide written reasons prior to issuing any Show Cause Notices;

- b.** Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and
 - c.** Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.
- 4. Advocates for legislative change to ensure that Show Cause Notices contain reasons.**

CARRIED

5.2 Cost of Revaluations

That WALGA advocate to the State Government for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That the South East Metropolitan Zone supports Item 5.2 as listed in the March 2021 State Council Agenda.

CARRIED

5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding

That WALGA:

1. Supports the inclusion of capital costs of Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS).
2. Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021).
3. Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGS.
4. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.

MOTION

Moved: Mayor David Goode
Seconded: Mayor Karen Vernon

That the South East Metropolitan Zone supports Item 5.3 as listed in the March 2021 State Council Agenda.

AMENDMENT

Moved: Cr Emma Flynn
Seconded: Cr Samantha Bradder

That the supported motion be amended with the addition of a new point 5 as follows:

5. Requests that an alternate grants program be instituted for Slip On Fire Fighting Units should inclusion on the Eligible List of the LGGs be unsuccessful.

CARRIED

RESOLUTION

That the South East Metropolitan Zone supports Item 5.3, with the addition of a new point 5 as follows:

5. Requests that an alternate grants program be instituted for Slip On Fire Fighting Units should inclusion on the Eligible List of the LGGs be unsuccessful.

CARRIED

Matters for Noting

- 6.1 Local Government Car Parking Guideline – Western Australia
- 6.2 Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020
- 6.3 Submission – Proposed Reportable Conduct Scheme for Western Australia
- 6.4 Submission – Draft State Planning Policy 4.2: Activity Centre
- 6.5 Submission – Registration of Builders (and Related Occupations) Reforms
- 6.6 Report Municipal Waste Advisory Council (MWAC)

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Tim Porter

That the South East Metropolitan Zone

1. Notes all Matters for Noting and Organisational Reports as listed in the March 2021 State Council Agenda.

6. BUSINESS

6.1 Basketball in Public Open Spaces

By City of Gosnells

Background

For many years basketball has been an extremely popular sport. Moreover, this popularity is showing no signs of diminishing. Indeed, according to a 2019 report from Sport Australia, basketball is the ninth most popular sport in Australia with over one million participants including a very high participation rate amongst culturally and linguistically diverse communities. The report also notes that basketball ranks in the top five activities for persons aged from five to 24.

It is this younger aged cohort who generally seek to play basketball in local or neighbourhood parks close to home. This is particularly the case for teenagers below driving age. Consequently, when the City of Gosnells consults local communities about 'makeovers' for local or neighbourhood parks, one of the most popular items suggested for inclusion is a basketball hoop or half court.

In addition to strong demand, exemplified by high usage rates for current facilities, (the City has recorded 80 different people using one basketball court on one day), basketball brings many additional benefits. These include increased physical activity and improved health outcomes for participants, an opportunity to socialise and, importantly, a sense of public ownership of space.

Comment

While there is strong support for basketball facilities and that the activity provides health benefits for participants, the supply of hoops and half courts is constrained by the *Environmental Protection (Noise) Regulations 1997*. That is, a basketball hoop and half court erected in a public park must comply with these Noise Regulations.

Recently, the City commissioned Herring Storer Acoustics to conduct an assessment of court compliance with the Regulations. The Herring Storer assessment concluded that a basketball court located approximately 45 metres from a house would exceed the assigned noise levels by 77% depending on the time of day and the day of the week. The City estimates that, at 70 metres from houses, basketball noise could exceed permitted noise levels at certain times of the day and that, even at 100 metres, basketball noise could exceed permitted levels at night.

There are limited opportunities to mitigate basketball noise. Sound wall barriers could be constructed but would detract from the amenity, and potentially safety, of local parks, while equipment modifications to either the court surface or the backboard will generally only have a limited impact on noise. This means that to ensure compliance with the Noise Regulations at all times, basketball hoops and half courts would need to be established at least 100 metres from nearby housing. This would effectively limit their location to district or regional parks.

It is noted that Regulation 14 of the *Environmental Protection (Noise) Regulations 1997* exempts specified equipment (which includes playing basketball) on a residential premise under certain conditions. This allows basketball hoops to be erected on private property and used so long as relevant conditions are met (used in a reasonable manner during the day and for not more than two hours a day). This effectively allows basketball to be played in driveways and backyards, potentially within a couple of metres of a neighbour's bedroom window.

It is also noted that under Schedule 2 of the Regulations, which relates to community noise, there are exemptions for certain activities, including one which allows noise to be emitted as a consequence of recreational or educational activity from premises occupied for an educational purpose. This effectively allows schools to provide basketball courts adjacent to residences. However, there is no similar concession for basketball in public open space.

MOTION

Moved: Mayor David Goode
Seconded: Cr Julie Brown

That WALGA advocates for an amendment to the *Environmental Protection (Noise) Regulations 1997* to enable basketball to be played in local and neighbourhood parks and at public sporting venues.

This amendment could completely exempt basketball in public parks and sports grounds from the Regulations; it could provide a tolerance from the currently specified noise requirements; or it could exempt basketball if the court is a specific distance (say 40 metres) from the nearest residence.

LOST

6.2 Proposed Review of the Road Asset Preservation Model (APM)

By Ian Duncan, Executive Manager Infrastructure WALGA

Recommendation

That the Zone:

- Provide feedback to the WALGA Infrastructure Policy Team regarding a preferred advocacy approach to any review of the Road Asset Preservation Model (APM).

Executive Summary

- A Zone Council recommendation to review the Road Asset Preservation Model (APM) was referred to the Infrastructure Policy Team in December 2020. The Policy Team resolved to seek views from Zones before recommending the development of a formal State Council agenda paper.
- This paper sets out options to guide the development of a Zone resolution.
- The Asset Preservation Model was developed as a Commonwealth requirement for the distribution of Commonwealth Government road grants among Local Governments in an efficient and equitable manner, taking account of local asset preservation needs and costs. It is currently used to distribute a range of Federal and State Government grant funding allocations.
- Despite being used to allocate large sums of public funding, operation of the APM is not well understood within the Local Government sector.
- The APM is not readily accessible to Local Governments. Limited documentation and complexity means that more open access alone would not be helpful in achieving strong understanding of the processes that underpin the output.
- Complexity of the APM makes it difficult to predict the effects on funding allocations of changes to the model or input parameters.
- This paper proposes five options that could be considered to address this issue, for WALGA to advocate to the Grants Commission.
- The options are not mutually exclusive, and some could be combined as a staged approach.
- The five options are:
 1. Re-format and re-label the model, to improve its legibility for all users and make it available to the Local Government sector in a form that would enable stakeholders to understand it.
 2. Review the parameters within the model, in order to increase the accuracy of road maintenance costs within the model.

3. Advocate to the Grants Commission to undertake a review of the cost regions and minimum standards to ensure that these appropriately reflect the costs faced by Local Government and the current development of the road network
4. Advocate to the Grants Commission to undertake an appropriately-resourced process to review and rebuild the road Asset Preservation Model. This new model should be as simple as possible while still delivering an equitable distribution of funding among Local Governments. Its variables and assumptions should be easily indefinable to model users, being clearly labelled and documented.
5. Accept the status quo with no further action

Background

A Zone Council recommendation to review the APM was referred to the Infrastructure Policy Team in December 2020. The Team resolved to seek feedback from the Zones as the matter had not been widely identified as an issue of concern.

The Asset Preservation Model was developed by Main Roads WA and Local Government representatives, to distribute the untied roads component of the Commonwealth Financial Assistance Grants between Local Governments.

The WA Local Government Grants Commission took over responsibility for distributing the identified Commonwealth road funds and undertook a comprehensive review of the Asset Preservation Model and modified and refined it. Application of the APM has since been broadened and it is now used to determine the distribution between Local Governments of a range of state and federal funding.

To assist Local Governments make decisions regarding preferred approaches to the use and development of the Asset Preservation Model a manual has been developed by WALGA describing the APM and how it functions. The manual can be viewed [here](#).

Problem Statement

The Road Asset Preservation Model is used to allocate large sums of funding. Despite the importance of the model, it is not widely understood, due to its complexity and limited documentation. This results in a lack of transparency, risk of corporate memory loss, the risk of unfair or otherwise inappropriate allocations of funding, and the reputational risk due to funds distribution not being fully explainable and region allocations being subject to question.

Options

There are five options identified in the text below, and the table on the final page of this paper. Note that the options are not mutually exclusive and all or some of them could be recommended to be implemented in phased approach.

1. Advocate to the Grants Commission to re-format and re-label the APM, to improve its legibility for all users. A detailed record should also be made of the model's parameters, and the process that was used for determining their values.
2. Advocate to the Grants Commission for a review of the various parameters contained within the APM, such as the array of annual maintenance costs for different asset types, road reconstruction frequencies and the components of reconstruction costs. This option would increase the accuracy of road maintenance costs within the model, although would not address the underlying problems of excessive complexity and a lack of transparency and predictability.

3. Advocate to the Grants Commission to undertake a review of the cost regions and minimum standards to ensure that these appropriately reflect the costs faced by Local Government and the current development of the road network.
4. Advocate to the Grants Commission to undertake an appropriately-resourced process to review and rebuild the APM. This new model should be as simple as possible while still delivering an equitable distribution of funding among Local Governments. Its variables and assumptions should be easily indefinable to model users, being clearly labelled and documented.
5. Retain Status quo.

It should be noted that these are all advocacy positions. The Road Asset Preservation Model is controlled by the WA Local Government Grants Commission and any decisions regarding development of the model or use of a different approach would be made by the Commission. It must be noted that if Options 2, 3 or 4 are implemented, there is a risk of some Local Governments receiving a lower grant allocation. This risk may be mitigated by advocating for increased funding from the State or Federal Governments, although there is no guarantee that such funding would be forthcoming.

The current membership of the WA Local Government Grants Commission is:

- Chairperson — Hon Cr Fred Riebeling AM JP
- Deputy Chairperson — Mr Luke Stevens, Legal Counsel, DLGSC
- Metropolitan Member — Cr Deb Hamblin, Deputy Mayor, City of Rockingham
- Country Urban Member — Dr Wendy Giles, Councillor, City of Bunbury
- Country Rural Member — Cr Ian West, Shire of Irwin
- Deputy to the Deputy Chairperson — Ms Darrelle Merritt, A/Director - Strategic Initiatives, DLGSC
- Deputy Metropolitan Member — Vacant
- Deputy Country Urban Member — Cr Deborah Botica, City of Kalgoorlie-Boulder
- Deputy Country Rural Member — Cr Moira Girando, President, Shire of Coorow

Analysis of the Options

The options have varying levels of cost, effort and risk attached to them.

Changes to the APM would affect the funding allocation between Local Governments in ways that are difficult to predict, due to the complexity of the model. The total available funding is fixed, so an increase in one Local Government's funding would necessarily reduce the level of funding available to others, unless additional funding can be secured.

There are also risks associated with no change being made to the APM. The model's complexity and incomplete documentation and labelling creates a risk of corporate memory loss. There is also a reputational risk associated with large sums of money being allocated based on a model that is not well understood by the Local Government sector.

Comparatively simple and lower-cost changes can be made to the APM, under Options 1, 2 and 3. These options would address some of the concerns raised here, but do not address the underlying problems noted above.

Next Steps

Resolutions made by the Zones will guide the development of an agenda item for the next meeting of State Council, to provide WALGA with direction on the sector's preference for its advocacy position regarding the Road Asset Preservation Model.

	<i>Option 1</i>	<i>Option 2</i>	<i>Option 3</i>	<i>Option 4</i>	<i>Option 5</i>
	Reformat and label	Review model cost parameters	Review cost regions/ min. standards	Full model review and rebuild	Status quo
Advantages	Improves operation of existing model. Helps retain corporate memory. Improves transparency. Low risk and cost, in the short term.	Improves link between funding allocation and road maintenance costs.	Addresses concerns about inappropriate groupings of Local Governments.	Opportunity to review the model objectives. Improvement in transparency. Opportunity to incorporate contemporary modelling and user functionality.	Avoids conflict between Local Governments over funds distribution. Lowest short-term risk. No direct cost.
Disadvantages	Does not address: <ul style="list-style-type: none"> questionable parameter values. complexity and transparency. 	May require some additional resourcing. Does not address complexity and transparency. Possible reduction in funding for some LGs.	May require some additional resourcing. Does not address complexity and transparency. Likely reduction in funding for some LGs.	If no material impact on funds distribution, the rationale for the exercise may be questionable. Would require additional resourcing.	Does not address: <ul style="list-style-type: none"> questionable parameter values. complexity and transparency corporate memory issues.
Risks / Dependencies	Reputational risk, due to funds distribution not being fully explainable.	Reputational risk, due to funds distribution not being fully explainable.	Reputational risk, due to funds distribution not being fully explainable. Continued risk of corporate memory loss.	Difficult to predict the distribution of funds. A review may trigger disagreement between Local Governments over the distribution of funds. The Grants Commission may not agree to implement.	Reputational risk, due to funds distribution not being fully explainable and regional allocations being subject to question. Continued risk of corporate memory loss.
Effort / Cost	Low-medium	High	Medium	Very high	None
Notes		Assumes Option 1 also undertaken: reformat and labelling.		Mutually exclusive of the other options or as an aspirational addition.	Mutually exclusive of the other five options.

MOTION

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That the South East Metropolitan Zone supports Options 1, 2, and 3 as identified in the report.

LOST

MOTION

Moved: Mayor Karen Vernon
Seconded: Cr Bronwyn Ife

That the South East Metropolitan Zone requests State Council to advocate to the Grants Commission for a review of the Asset Preservation Model.

LOST

RESOLUTION

Moved: Cr Emma Flynn
Seconded: Cr Carl Celedin

That the South East Metropolitan Zone supports Option 5, accept the status quo with no further action.

CARRIED

7. OTHER BUSINESS

7.1 Local Government (Model Code of Conduct) Regulations 2021

Mayor Karen Vernon commented on the introduction of the *Local Government (Code of Conduct) Regulations 2021*, expressed concern in relation to the requirement for a Council to deal with alleged breaches of behavioural requirements by its own members, and enquired about resources to assist Local Governments.

Tony Brown advised that WALGA strongly advocated against this element of the Model Code of Conduct on behalf of the sector. Complaints on conduct should be handled by an Independent Office.

In respect to resources, the Department of Local Government, Sport and Cultural Industries has provided some guidelines on the Model Code of Conduct, as well as the CEO Standards and Employee Code of Conduct changes introduced through amendments to the *Local Government (Administration) Regulations 1996*. WALGA plans to provide the following resources:

- A guideline document for officers on the new and amended regulations
- Webinars on the regulations
- A model Employee Code of Conduct
- A framework for the complaints handling process.

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

Tony Brown presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

Cr Julie Brown presented on the previous State Council meeting.

Noted

8.3 Department of Local Government, Sport and Cultural Industries Representative Update Report.

Ben Armstrong was in attendance and updated the Zone on DLGSC issues. Please also see link below:

[DLGSC Zone Update Feb 2021](#)

Noted

8.4 Topics for next meeting update by the DLGSC

To assist the content of the DLGSC's updates each Zone meeting, feedback is sought on what topics may be of particular relevance to the Zone from a Department perspective. The DLGSC's portfolio is as follows:

DLGSC business areas

- Local Government
- Racing, Gaming and Liquor
- Infrastructure
- Sport and Recreation
- Regional Services
- Culture and the Arts
- Aboriginal History Unit
- Office of Multicultural Interests

The Zone noted that following the introduction of major regulatory changes, it would be appropriate for DLGSC to send a representative to comment on those changes.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the South East Metropolitan Zone be held on Wednesday 21 April at the City of Canning commencing at 6:00 pm.

Noted

10. CLOSURE

There being no further business the Chair declared the meeting closed at 8:11 pm.