



# South Metropolitan Zone

## Minutes

29 August 2022

# South Metropolitan Zone

Hosted by the City of Melville  
10 Almondbury Road, Booragoon – 9364 0666  
Monday 29 August 2022, commenced at 5:33 pm

## Acknowledgement of Country

We, the delegates of the South Metropolitan Zone acknowledge the traditional owners of this land that we are meeting on today and pay our respects to Elders past, present and future.

## Minutes

### MEMBERS

### 3 Voting Delegates from each Member Council

City of Cockburn	Mayor Logan Howlett JP Cr Michael Separovich Cr Chontelle Stone Mr Tony Brun, Chief Executive Officer - non-voting delegate
Town of East Fremantle	Cr Cliff Collinson Cr Laura Mascaro Cr Kerry Donovan
City of Fremantle	Cr Doug Thompson – <b>Chair</b> Cr Geoff Graham
City of Kwinana	Mayor Carol Adams OAM Cr Barry Winmar Cr Sherilyn Wood Mr Wayne Jack, Chief Executive Officer non-voting delegate
City of Melville	Cr Duncan Macphail Cr Karen Wheatland Cr Glynis Barber Mr Alan Ferris, Acting Chief Executive Officer non-voting delegate
City of Rockingham	Mayor Deb Hamblin Cr Caroline Hume Mr Michael Parker, Chief Executive Officer - non-voting delegate
WALGA Secretariat	Cr Paul Kelly, WALGA Deputy President Tony Brown, Executive Director Member Services Ruby Pettit, Policy Officer Planning
DLGSC Representative	Subha Gunalan, Director Local Government Reform Projects
Guest Speaker	Tiffany Allen, Chief Executive Officer, Construction Training Fund

## APOLOGIES

City of Cockburn	Cr Tom Widenbar
Town of East Fremantle	Mr Gary Tuffin, Chief Executive Officer – non-voting delegate
City of Fremantle	Cr Geoff Graham Cr Frank Mofflin Mr Glen Dougall, Chief Executive Officer non-voting delegate
City of Rockingham	Cr Hayley Edwards

## 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. Zone Status Report
3. President's Report
4. Standing Orders

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### 1. DECLARATION OF INTEREST

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Elected Members must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Nil.

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### 2. DEPUTATIONS

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#### 2.1 Construction Training Fund

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The Construction Training Fund collects a levy on all WA construction projects over the value of \$20,000 at 0.2% of the project value. These funds are then used to support the construction industry to train new apprentices and trainees and to cover the cost of additional skills training for building and construction workers in residential, civil, commercial or resource sector projects. Our other purpose is to promote construction as a career of choice and provide entry level pathways to the community such as Try-a-Trade, scholarships and para-professional certificates.

We are keen to ensure that training our local communities is reinforced as a culture in the industry and that supporting diversity and inclusion is fundamental to a future workforce. Our vision is that the construction industry is a career of choice and is safe, skilled and sustainable.

Tiffany Allen, CEO of Construction Training Fund gave a presentation to the Zone on the Construction Training Fund.

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## **2.2 Department of Local Government, Sport and Cultural Industries Representative Update Report.**

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Department of Local Government, Sport and Cultural Industries representative Subha Gunalan, Director Local Government Reform Projects updated the Zone on the following matters:

- LG Act reform
- Model Financial Statements for 2022/23 financial year
- Incidental outdoor trading activity review
- Residential crossovers
- Outdoor dining support and alfresco rebate program
- Financial assistance grants
- Stop puppy farming legislation
- Model code of conduct

**Noted**

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## **3. CONFIRMATION OF MINUTES**

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### **RESOLUTION**

**Moved:** Cr Karen Wheatland  
**Seconded:** Cr Chontelle Stone

**That the Minutes of the meeting of the South Metropolitan Zone held on 27 June 2022 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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## **4. BUSINESS ARISING**

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### **4.1 Status Report**

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

**Noted**

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## **5. STATE COUNCIL AGENDA – MATTERS FOR DECISION**

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***(Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)***

The full State Council Agenda can be found via link: [9 September 2022 State Council Agenda](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

## **Matters for Decision**

### **5.1 2023-24 State Budget Submission**

**Moved:** Cr Caroline Hume  
**Seconded:** Cr Geoff Graham

**That the 2023-24 State Budget Submission be endorsed.**

## **AMENDMENT**

**Moved:** Cr Cliff Collinson  
**Seconded:** Cr Chontelle Stone

**That the 2023-24 State Budget Submission include funding for Tier 3 rail lines and increase CSRFF funding in the State Budget Submission.**

**CARRIED**

**THE MOTION AS AMENDED WAS PUT AND CARRIED**

**The Motion now reads:**

**That the 2023-24 State Budget Submission be endorsed subject to including funding for Tier 3 rail lines and increase CSRFF funding in the State Budget Submission.**

### **5.2 Proposed Advocacy Position on Management of Bush Fire Brigades**

**Moved:** Cr Michael Separovich  
**Seconded:** Cr Karen Wheatland

**That the following Advocacy Position on Management of Bush Fire Brigades be endorsed.**

#### **8.10 Management of Bush Fire Brigades**

- 1. Bush Fire Brigade volunteers play a critical role in helping to protect their local communities. Local knowledge and skills are integral to bushfire management in Western Australia.**
- 2. Future management and funding of volunteer Bush Fire Brigades must:**
  - a) Recognise the changing risk environment, including work health and safety requirements, and the increasing intensity and frequency of bushfires;**
  - b) Take account of the differing circumstances of Bush Fire Brigade units and regional variations in bush firefighting approaches; and**
  - c) Be adequately and equitably resourced through the Emergency Services Levy.**
- 3. The State Government, through the Consolidated Emergency Services Act and/or other mechanism's must:**
  - a) establish a clear framework to enable transfer of Bush Fire Brigades to the State Government if a Local Government decides to do so;**
  - b) Consult on the process, timeline, and implications for transfer of responsibility for Bush Fire Brigades in accordance with 3(a) through the establishment of a working group comprising representatives of Local Government, Bush Fire Brigades, the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Fire and Emergency Services (DFES);**
  - c) Provide for mandatory and minimum training requirements and recognition of competency and prior learning for Bush Fire Brigade volunteers, supported by a fit-for-purpose and universally accessible training program, designed in consultation with Bush Fire Brigade representatives, Local Government and LGIS, and managed by DFES; and**

- d) Develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades.
4. The State Government to consider the most appropriate operational model for State Government management of Bush Fire Brigades, which may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.

#### AMENDMENT

Moved: Mayor Carol Adams  
Seconded: Cr Sherilyn Wood

That Recommendation 4 be amended to read:

The State Government to consider adopting a hybrid model of management whereby metropolitan Bush Fire Brigades are transferred to the State Government and Bush Fire Brigades outside of the Perth Metropolitan area continue to be managed by Local Government. This hybrid approach may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.

The Chair ruled that the above is an alternate motion and not an amendment and was not accepted.

#### **THE ORIGINAL MOTION WAS PUT AND CARRIED**

Moved: Cr Geoff Graham  
Seconded: Cr Chontelle Stone

That the South Metropolitan Zone

1. Supports all Matters for Decision as listed above in the September 2022 State Council Agenda as amended; and
2. Notes all Matters for Noting and Organisational Reports as listed in the September 2022 State Council Agenda.

**CARRIED**

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#### **6. BUSINESS**

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##### **6.1 Request to Present - National Emergency Management, Resilience and Recovery Agency (NEMRRA)**

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*By Chantelle O'Brien, Governance Support Officer*

A request has been received to present at the WALGA Zone meetings by a representative from National Emergency Management, Resilience and Recovery Agency (NEMRRA). Christine Comer covers the Metropolitan region along with other surrounding regions.

Attached with the Agenda is a Media Release that provides some further information.

Christine is seeking the Zone's support to provide a deputation at the South Metropolitan Zone at the November meeting that is scheduled to be held on 28 November.

## RESOLUTION

**Moved:** Cr Chontelle Stone  
**Seconded:** Cr Michael Separovich

**That the South Metropolitan Zone supports a deputation from Christine Comer at the 28 November Zone meeting about the NEMRRA.**

**CARRIED**

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### **6.2 Review of the Biosecurity and Agriculture Management Act 2007: Consideration of WALGA Discussion Paper**

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

## **BACKGROUND**

The first 10-year [statutory review](#) of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) is currently underway; this is a key opportunity for Local Government to influence the how post-border biosecurity is managed in Western Australia.

The [Independent Panel](#) undertaking the review, is using a three-stage engagement process:

- Stage 1 (closed) - open submissions and a survey to identify major themes and issues
- Stage 2 - stage 1 will 'provide the foundation for participatory processes to further explore themes and issues'
- Stage 3 - broader engagement to get feedback on the findings and potential solutions, expected to take place in late 2022/early 2023.

The Independent Panel is required to make its report, including any recommended amendments to the Act, to the Minister for Agriculture and Food by March 2023.

WALGA prepared a [Discussion Paper](#) to inform comment on the Review, which includes 11 key biosecurity themes and related recommendations reflecting issues raised by Local Government, and those identified in the [Auditor General's 2013 and 2020 Reports](#).

## **Policy Implications**

WALGA's current Policy Position on Biosecurity, was endorsed in 2017 and is available in the [Advocacy Positions Manual](#) (Section 4.5).

## **COMMENT**

WALGA is seeking Zones' consideration of the recommendations included in the Discussion Paper to inform its submission to the Review on behalf of the sector and the development of an updated Biosecurity Advocacy Position. WALGA intends to put an updated Policy Position to the December State Council meeting. Local Governments are also strongly encouraged to make their own submissions to the review as appropriate in Stage 2 and 3.

## **RESOLUTION**

**Moved:** Cr Karen Wheatland  
**Seconded:** Cr Chontelle Stone

**That the Zone endorse the following recommendations:**

1. **Strategic direction and regional priorities: The State Government develop a strategic framework that enables the prioritisation of biosecurity threats in geographically defined regions and sets targets for declared pest management.**

2. **Agency responsibilities:** The roles and responsibilities of each State Government department responsible for biosecurity management need to be a clearly defined and communicated, a formalised structure for different agencies to work together established, and increased investment made in declared pest management on State Government managed land.
3. **Declared Pest Rate and Recognised Biosecurity Groups (RBGs):** If the Declared Pest Rate and Recognised Biosecurity Groups (RBGs) are to continue to be key mechanisms for the management of widespread and established declared pests, changes are required to improve their operation and effectiveness to better support the concept of shared responsibility.
4. **Environmental biosecurity:** A more balanced view of biosecurity that has a greater focus on environmental biosecurity is required, through increased recognition and management of pest species that have significant ecological impacts.
5. **Responses to incursions:** Increased and more equitable distribution of funding is required to ensure each step of the biosecurity continuum is adequately resourced for all stakeholders, including Local Government.
6. **Management of declared pests in urban areas:** Declared pest management in all urban areas requires support through an appropriate funding mechanism.
7. **Problematic non-declared pests:** The process for the listing of declared pests needs to be timely and transparent to ensure that land managers, including Local Government, are not resourcing the control of an increasing number of problematic non-declared pest species.
8. **Sustainable funding model:** A sustainable and equitable funding model is required to manage the increasing biosecurity management threat.
9. **Compliance and enforcement:** The Department of Primary Industries and Regional Developments responsibility for compliance and enforcement needs to be adequately resourced and enacted.
10. **Monitoring, research and innovation:** Strategic monitoring, use of new technologies and the establishment of data management systems are required to inform biosecurity investment decisions and support adaptive management.
11. **Community education and involvement:** A stronger focus on community education to increase understanding and awareness will improve engagement with biosecurity management programs and assist with timely incursion responses.

**CARRIED**

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### **6.3 Local Emergency Management Arrangements (LEMA) Review project**

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*By Susie Moir, Policy Manager, Resilient Communities*

WALGA and the State Emergency Management Committee (SEMC) Business Unit are working in partnership with key stakeholders to identify options to improve LEMA processes. WALGA has received AWARE funding to undertake the Local Government consultation for the LEMA Review.

WALGA will be delivering a series of workshops with Local Government to contribute to the design of a more streamlined, scalable, and fit-for-purpose LEMA model. The outcomes of the workshops will inform a LEMA Improvement Plan that will be prepared by the SEMC Business Unit.

Interactive workshops are being held in several locations with complimentary refreshments provided.

**Target Audience:** Chief Executive Officers, Emergency Management staff and Elected Members.

## Workshop details below:

- Geraldton 7 September – Geraldton Multipurpose Centre 10.30am – 2:00pm
- Stirling 12 September – City of Stirling Civic Centre, Stirling Room 9:00am –12:00pm
- Katanning 13 September – Katanning Leisure Centre 10.30am – 2:00pm
- Bunbury 14 September – City of Bunbury Administration, Function Room 10.30am – 2:00pm
- Northam 15 September – Bilya Koort Boodja Centre 10.30am – 2:00pm
- Victoria Park 16 September – Town of Victoria Park Administration Building 9:00am –12:00pm
- Online workshops – date TBC

## Registration

To register for a free LEMA Review workshop, [click here](#) and choose your relevant date and location.

Read more in the [WALGA LEMA Review Issues Paper](#). Local Governments are also encouraged to provide written feedback by COB Friday 15 October 2022.

For further information please email [Simone Ruane](#), WALGA's LEMA Review Project Lead, or call 9213 2049.

## Noted

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### 6.4 WALGA Best Practice Governance Review Principles – AGM item

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*By Tim Lane, Manager Strategy and Association Governance*

## BACKGROUND

In March 2022, State Council commissioned the WALGA Best Practice Governance Review (BPGR) with the aim of ensuring WALGA's governance model is contemporary, agile and maximises engagement with members. The BPGR, overseen by a Steering Committee appointed by State Council, is now well underway.

The BPGR Steering Committee have formulated a set of governance principles to guide the development of potential governance models.

At a special meeting on 22 August, State Council endorsed the principles, along with an AGM Agenda item which seeks endorsement of the principles by members at the 2022 Annual General Meeting on 3 October.

The purpose of the AGM item is to gauge member support for progressing the BPGR to the development of potential models.

Following consideration of the principles at the 2022 AGM, an extensive consultation and engagement process will be undertaken with members on these potential governance models. This will occur during October, November and December, with the intention of using the member feedback to inform a final report. This report will then be considered at Zone meetings in February 2023 and subsequently the March 2023 State Council meeting.

Once the final report is endorsed, Constitutional amendments will be prepared for consideration by State Council, followed by the broader membership at the 2023 AGM. As per WALGA's Constitution, amendments to the Constitution require endorsement by a 75 percent majority at both State Council and a general meeting of members.

## COMMENT

The AGM Agenda is due to be distributed in late August, ahead of the AGM on Monday, 3 October at Crown Perth.

It is recommended that once the AGM Agenda is distributed, members consider the item and governance principles and inform their registered Voting Delegates on how to vote.

**Noted**

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## **7. OTHER BUSINESS**

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### **7.1 Asbestos**

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Cr Karen Wheatland raised the issue of the burden on Local Governments and communities for asbestos clean-up during a disaster. The Asbestos Society of Australia may wish to attend and present at an upcoming Zone meeting.

### **RESOLVED**

**That the Asbestos Society of Australia be invited to a future Zone meeting.**

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### **7.2 Basketball Court Noise Complaints**

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*Mayor Carol Adams, City of Kwinana*

A number of Local Governments have received complaints about the noise from basketball courts and have had to consider options to reduce the noise or remove the court. The response from the State Government to date is to progress the development of an advice note that suggests that basketball facilities should not be located within 100-150m (not sure where this will land) of a residence. The result of this approach would be the removal (or non-installation) of the majority of smaller local basketball facilities (such as half courts in local parks), or the location of the facility in the middle of public open space, preventing use by other sports, such as AFL and cricket.

Note that this issue is Statewide, with Capel recently removing a basketball facility in response to a complaint.

The benefits of public open space and community facilities are well recognised including improving community wellbeing, physical and mental health. Local Government Authorities play a lead role in working together with communities and land developers to establish facilities such as sporting ovals, community facilities and informal sporting spaces for the community to enjoy. The majority of these spaces are used by organised sporting clubs and social groups, but as the social trend of reducing involvement in organised sport and increased participation in individual pursuits such as walking and general fitness the use of informal sporting spaces is becoming more prevalent, especially with our multi-cultural community. Informal spaces may include 3 on 3 basketball courts, hit up walls, beach volleyball nets, parkour or active use of public open space to exercise. The impact of the removal of basketball courts in public open space will have an overall negative impact on community health and wellbeing.

The City is caught by Regulation 6 of the *Environmental Protection (Noise) Regs 1997 (Regs)*, as we could be considered to be permitting the noise from a public place (the meaning of “permitting” in this context has not been defined by a Court, so whether or not we are caught, and whether or not we can address it with signage, is not clear). Whether or not we are permitting the noise, the difficulty we do have is we cannot rely on the Regs to say that the use of the basketball court is compliant (this makes it difficult to have a conversation about balancing community need with individual desire, as there is an exceedance with the Regs). The Regs create an exemption where the noise is as a result of a formal competition, but not when it is used for informal play.

This would need to be worked through the normal WALGA processes to determine an appropriate advocacy position, but these are things to be considered:

- Do not support a distance from residential property approach (i.e. the suggested 100-150m approach is not practical);
- Modify the Regs to set a higher noise limit for ball based recreational pursuits in public spaces (allow more noise from ball sports that will bring basketball within the limit, while ensuring high-noise pursuits, such as model aircraft and off-road vehicles, do not have an increased limit);
- Alternatively, modify the Regs to specify construction form for basketball facilities (no distance specification, but can specify that particular backboards need to be used, or particular court surfacing materials need to be used), and exempt from the Regs any facility that is constructed in accordance with the Regs (the Regs might refer to a standard developed by DWER);
- Introduce into the *Environmental Protection Act 1986* a general defence against a common law action for nuisance where a facility complies with the updated Regs.

### **Action**

**The Zone requested WALGA staff to develop an advocacy position on basketball courts in residential areas for the Zones consideration at a future meeting.**

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## **8. EXECUTIVE REPORTS**

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### **8.1 WALGA President's Report**

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The State Council representative, Cr Paul Kelly presented the President's Report.

**Noted**

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### **8.2 State Councillor's report to the Zone**

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WALGA State Councillor Logan Howlett presented on the previous State Council meeting.

#### **WALGA 2022-23 Budget**

The main item on the State Council Agenda was WALGA's 2022-23 Budget, which contains funding for important strategic, capital and operational projects and improvements. The budget was unanimously endorsed by State Council.

#### **Emergency Management Policy Positions**

Two key items were considered by State Council to endorse revised policy positions in the emergency management space in advance of significant work happening across the emergency management policy portfolio. Three emergency services Acts (*Fire Brigades Act*, *Bush Fires Act*, and *Fire and Emergency Services Act*) will be consolidated into the Consolidated Emergency Services Act, and significant consultation will be undertaken on the legislation in the medium term.

#### **WA Public Libraries Strategy**

State Council endorsed the draft WA Public Libraries Strategy 2022-2026.

**Noted**

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## **9. DATE, TIME AND PLACE OF NEXT MEETING**

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**The next meeting of the South Metropolitan Zone will be held Monday 28 November 2022 at the Cit of Kwinana commencing at 5.30pm.**

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## **10. CLOSURE**

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There being no further business the Chair declared the meeting closed at **6.55pm**.