

THE VOICE OF LOCAL GOVERNMENT

February 2010

STATE COUNCIL SUMMARY MINUTES



WALGA

NOTICE OF MEETING

Meeting No. 1 of 2010 of the Western Australian Local Government Association State Council was held regionally at Margaret River on 5 February 2010 beginning at 9:01 am.

ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1. ATTENDANCE

Chairman	President of WALGA	Cr Bill Mitchell JP
Members	Avon-Midland Country Zone	Cr David Hood
	Central Country Zone	President Cr Steve Martin JP
	Central Metropolitan Zone	Cr Janet Davidson JP
		Cr Paul Kelly
	East Metropolitan Zone	Mayor Glenys Godfrey
		Cr Mick Wainwright (Deputy)
	Gascoyne Country Zone	President Cr Ronnie Fleay
	Goldfields Esperance Country Zone	Cr Esther Roadnight
	Great Eastern Country Zone	Cr Halley Cowan
	Great Southern Country Zone	Cr Barry Webster (Deputy)
	Kimberley Country Zone	President Cr Fred Mills (Deputy)
	Murchison Country Zone	President Cr Simon Broad
	North Metropolitan Zone	Mayor David Boothman
		Mayor Troy Pickard (Deputy President)
	Peel Country Zone	Cr Wally Barrett
	South East Metropolitan Zone	Cr Kevin Trent
		Cr Henry Zelones JP
	South Metropolitan Zone	Mayor Carol Adams
		Cr Brian Warner (Deputy)
		Cr Doug Thompson
	South West Country Zone	Cr Peter Monagle
Ex-Officio	Local Government Managers Australia	Mr Andrew Hammond
Secretariat	Chief Executive Officer	Ms Ricky Burges
	Deputy Chief Executive Officer	Mr Wayne Scheggia
	Exec Manager Governance & Strategy	Mr Tony Brown
	Exec Manager Planning & Com Development	Ms Allison Hailes
	Exec Manager environment & Waste	Mr Mark Batty
	Governance Policy Officer	Ms Meredith Neilsen
	Governance Policy Officer	Mr Timothy Lane

2. APOLOGIES

	Kimberley Country Zone	President Cr Graeme Campbell
	Goldfields Esperance Country Zone	Mayor Ron Yuryevich AM FRD
	North Metropolitan Zone	Cr Tracey Roberts (Deputy)
	North Metropolitan Zone	Cr Brett Treby
	Northern Country Zone	President Cr Moira Girando (Deputy)
	Pilbara Country Zone	President Cr Lynne Craigie
	Pilbara Country Zone	Mayor Kelly Howlett (Deputy)
Associate	The Rt Hon Lord Mayor of the City of Perth	Ms Lisa Scaffidi
	Exec Manager Corporate Business Solutions	Mr Nick Wood

3. OBSERVERS

	East Metropolitan Zone	Mayor James Best
	South West Country Zone	Cr John Gardiner
	Margaret River Times Newspaper	Emily Bromell

4 ANNOUNCEMENTS

Order of Proceedings

1. MINUTES

Moved Cr Kevin Trent / Seconded Cr Wally Barrett

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on Wednesday 2 December 2009 be confirmed as a true and correct record of proceedings.

RESOLUTION 1.1/2010

CARRIED

2. DECLARATIONS OF INTEREST

Mayor Carol Adams declared an interest of impartiality in relation to item 5.1 Rating of Vacant Land – Options to Discourage the Holding of Undeveloped Land and did not partake in deliberations.

3. EMERGING ISSUES

Nil

4. KEY ISSUES FOR DECISION

As per matters listed.

5. MATTERS FOR DECISION

- As per matters listed
- Use of Common Seal (Under Separate Cover)
- Selection Committee Minutes (Under Separate Cover)

6. MATTERS FOR NOTING / INFORMATION

As per matters listed.

7. PRESIDENT'S REPORT

Moved Cr Esther Roadnight / Seconded Cr Janet Davidson

That the President's Report for January/February 2010 be received.

RESOLUTION 2.1/2010

CARRIED

8. CHIEF EXECUTIVE OFFICER'S REPORT

Moved Cr Kevin Trent / Seconded Mayor Glenys Godfrey

That the Chief Executive Officer's Report for January/February 2010 be received.

RESOLUTION 3.1/2009

CARRIED

9. REPORTS AND APPENDICES

Moved Cr Kevin Trent / Seconded Cr Peter Monagle

That Reports and Appendices be received.

RESOLUTION 4.1/2010

CARRIED

10. MEETING ASSESSMENT

Cr Steve Martin provided feedback on his views as to the effectiveness of the meeting.

11. DATE OF NEXT MEETING

That the meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, 15 Altona Street West Perth, on 7 April 2010.

State Council and State Councillor Performance Assessments

Cr Mitchell addressed the meeting regarding the State Council and State Councillor Performance Assessment papers which were distributed under separate cover to State Councillors prior to the meeting. Cr Mitchell advised that the resultant report returned a fair and favourable assessment of State Councillors and the State Council processes.

Retiring State Councillors

Cr Mitchell acknowledged and thanked those State Councillors (listed below) who are retiring from State Council and presented them with a Certificate of Appreciation and a gift from the Association for their time, commitment and dedication to the Association during their time on State Council. A standing ovation was given to:

- Mayor David Boothman – North Metropolitan Zone
- Cr Graeme Campbell – Kimberley Country Zone
- Cr Peter Monagle – South West Country Zone
- Cr Kevin Trent – South East Metropolitan Zone

Cr Mitchell also acknowledged Cr Halley Cowan of the Great Eastern Country Zone and Cr David Hood of the Avon Midland Country Zone. Although their Zones have not held elections, both Councillors indicated that they will not be renominating. A formal acknowledgment will be conducted for both Cr Cowan and Cr Hood after their Zone elections.

Retiring President

Mayor Troy Pickard congratulated Cr Bill Mitchell on his Australia Day Award of Member of the Order of Australia (AM).

Mayor Pickard also thanked Cr Mitchell for his dedicated service to WALGA and its members. Not only did Bill give an excellent performance as Deputy President, but he also gave an outstanding performance as leader in his two terms as the WALGA President.

12. CLOSURE

There being no further business, the Chair declared the meeting closed at 10:39 am.

Agenda Items

4. KEY ISSUES FOR DECISION	5
4.1 Deferral of Royalties for Regions Country Local Government Fund Payment 2009/2010 (05-055-03-0005 ID)	5
4.2 Local Government Reform (05-034-01-0015 TB)	5
4.3 Development Assessment Panels – Local Government Submission to State Government (05-036-02-0019 AH)	6
5. MATTERS FOR DECISION.....	7
5.1 Rating of Vacant Land – Options to Discourage the Holding of Undeveloped Land (05-051-03-003 TB)	7
5.2 Inquiry into Deep Sewerage (05-078-03-0002 SM)	7
5.3 Natural Resource Management Policy Statement (06-029-01-000 1 JS)	8
5.4 Policy Statement on the Waste Levy and Strategic Waste Funding (05-075-03/RNB)	8
5.5 Submission to the Social Housing Taskforce (05-072-03-0003 JAL)	9
5.6 Additional Consultation on Compliance and Enforcement Legislation Road Traffic (Vehicles) Bill 2009 (05-006-03-0004 WP)	9
6. MATTERS FOR NOTING / INFORMATION.....	10
6.1 Better Local Government Manual (05-031-01-0015 TB)	10
6.2 Clearing of Native Vegetation Regulations (05-001-03-0007 JS)	11
6.3 State Road Funds to Local Government Agreement (05 001 03 0001 MM)	11
6.4 Report on Key Activities, Environment and Waste Policy Team (01-006-03-0017 MJB) ...	11
6.5 Report on Key Activities, Governance and Strategy Policy Team (01-006-03-0007 TB) ...	11
6.6 Report on Key Activities, Infrastructure Policy Team (05-001-02-0003 MM)	12
6.7 Report Key Activities, Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)	12
6.8 Report on Key Activities, Planning and Community Development Policy Team (01-006-03-0014 AH)	12
7. ADDITIONAL ZONE RESOLUTIONS	12

4. KEY ISSUES FOR DECISION

4.1 Deferral of Royalties for Regions Country Local Government Fund Payment 2009/2010 (05-055-03-0005 ID)

Ian Duncan, Economist

Moved Cr Ronnie Fleay / Seconded Mayor David Boothman

That:

1. the Association writes to the Premier, Treasurer, Minister for Regional Development and Minister for Local Government requesting that the State Government commit to:
 - a) a “catch-up” payment of \$97.5 million (in 2009/10 dollars) for Local and Regional infrastructure to meet the commitments made under the Country Local Government Fund during the current term of Government; and
 - b) a clear schedule for future payments to Local Governments and Regional Organisations of Councils to enable effective project management and planning.
2. the Association write to the Premier, Treasurer, Minister for Regional Development and Minister for Local Government seeking detailed consultation with Local Government on the development of Country Local Government Fund guidelines and further that once the guidelines have been established they are not subject to change without adequate and timely consultation

RESOLUTION 5.1/2010

CARRIED

4.2 Local Government Reform (05-034-01-0015 TB)

By Tony Brown Executive Manager Governance and Strategy

Moved Cr Peter Monagle / Seconded Cr Wally Barrett

That:

1. the Association continue to seek clarification on the State Government’s position and process;
2. the written input of Local Governments be collated and provided to the Minister for Local Government for a response at the Local Government Reform forum to be held on 9 February 2010;
3. the Association express no confidence in the current reform process;
4. those Local Governments, wishing to amalgamate, be allowed to proceed with their process; and
5. those Local Governments, not wishing to amalgamate, be allowed to pursue their own direction without the threat of forced amalgamation or referral to the Local Government Advisory Board (LGAB).

FORESHADOWED MOTION

Moved Mayor Troy Pickard

That the Association re-affirm its commitment to the Systemic Sustainability Study (SSS) as an effective process to address reform in the Sector.

RESOLUTION 6.1/2010

THE ORIGINAL MOTION WAS PUT AND CARRIED

THE FORESHADOWED MOTION LAPSED

4.3 Development Assessment Panels – Local Government Submission to State Government (05-036-02-0019 AH)

By Allison Hailes, Executive Manager, Planning and Community Development

Moved Cr Mick Wainwright / Seconded Cr Henry Zelones

That:

1. the interim representative submission made to the State Government on the proposal to introduce Development Assessment Panels in WA, be endorsed as the Local Government position; and
2. all member Councils through their President/Mayor forward a copy of the WALGA representative submission on Development Assessment Panels to all Members of Parliament (both Legislative Assembly and Legislative Council) for the member Councils area.

AMENDMENT MOTION

Moved Cr Halley Cowan / Seconded Cr Esther Roadnight

That:

1. the interim representative submission made to the State Government on the proposal to introduce Development Assessment Panels in WA, be endorsed as the Local Government position;
2. all member Councils through their President/Mayor forward a copy of the WALGA representative submission on Development Assessment Panels to all Members of Parliament (both Legislative Assembly and Legislative Council) for the member Councils area; AND
3. in respect to the threshold amount at which development applications are referred to Development Assessment Panels it is the WALGA position that the threshold amount should be set at \$10 million and further the threshold should be applied uniformly across the State

THE AMENDMENT MOTION WAS PUT AND LOST

RESOLUTION 7.1/2010

THE ORIGINAL MOTION WAS PUT AND CARRIED

5. MATTERS FOR DECISION

5.1 Rating of Vacant Land – Options to Discourage the Holding of Undeveloped Land (05- 051-03-003 TB)

By Tony Brown, Executive Manager Governance and Strategy

Moved Mayor David Boothman / Seconded Cr Henry Zelones

That the following actions be endorsed to discourage the holding of undeveloped serviced land:

- 1. encourage Local Governments to consider developing incentive planning policies to encourage development including the use of covenants;**
- 2. encourage Local Governments to utilise differential rating on vacant land; and**
- 3. WALGA to advocate to the State Government to:**
 - a. amend land tax legislation to provide a disincentive to hold vacant land; and / or**
 - b. amend the Local Government Act 1995 to enable differential rating based on the time the land remains undeveloped**

FORESHADOWED MOTION

Moved Mayor Glenys Godfrey / Seconded Cr David Hood

That the Association encourage Local Governments to utilise differential rating on vacant land.

THE ORIGINAL MOTION WAS PUT AND LOST

RESOLUTION 8.1/2010

THE FORESHADOWED MOTION WAS PUT AND CARRIED

5.2 Inquiry into Deep Sewerage (05-078-03-0002 SM)

By Sarah Molloy, Environment Policy Officer

Moved Cr Kevin Trent / Seconded Cr Esther Roadnight

That the Association write to:

- 1. the Chair of the Standing Committee on Environment and Public Affairs, Hon Brian Ellis MLC and other Committee members thanking them for the thorough Inquiry into the issue of deep sewerage across the State and the consideration given to Local Government issues.**
- 2. the Minister for Water, Hon Dr Graham Jacobs and the Minister for Environment, Hon Ms Donna Faragher, requesting immediate implementation of the recommendations within Report 18 of the Standing Committee on Environment and Public Affairs Inquiry into Deep Sewerage and allocation in the next State budget to finance this implementation.**
- 3. the Chief Executive Officer of the Water Corporation, requesting greater priority be given to the Infill Sewerage Program following the recommendations and findings of the Committee Report.**

RESOLUTION 9.1/2010

CARRIED

5.3 Natural Resource Management Policy Statement (06-029-01-000 1 JS)

By Jessica Sheppard, NRM Facilitator

Moved Mayor Glenys Godfrey / Seconded Cr Peter Monagle

That:

1. the Natural Resource Management Policy Statement and the commitments therein be endorsed; and
2. That the Natural Resource Management Policy Background Paper be noted.

RESOLUTION 10.1/2010

CARRIED

5.4 Policy Statement on the Waste Levy and Strategic Waste Funding (05-075-03/RNB)

By Rebecca Brown, Manager, Waste & Recycling

Moved Cr Henry Zelones / Seconded Cr Kevin Trent

That the statement of policy as described in the attached document entitled “Policy Statement on the Waste Levy and Strategic Waste Funding (November 2009)” be endorsed with the following change:

- as the State Government has fundamentally changed the way the waste levy is to operate (that is, with money raised being used to fund the DEC), the levy no longer be supported. Instead, Local Government calls on the State Government to enter a true partnership with Local Government (a waste reduction partnership) to raise revenue from waste which would be spent entirely on initiatives to reduce waste. This partnership would operate in a similar way to the waste levy was originally conceived.

FORESHADOW MOTION

Moved Mayor Glenys Godfrey

That

1. the statement of policy as described in the attached document entitled “Policy Statement on the Waste Levy and Strategic Waste Funding (November 2009)” be endorsed;
2. the Association continues to strongly object to the use of the Waste Management Levy funds going to the Department of the Environment for general expenditure.

RESOLUTION 11.1/2010

THE ORIGINAL MOTION WAS PUT AND CARRIED

THE FORESHADOWED MOTION LAPSED

5.5 Submission to the Social Housing Taskforce (05-072-03-0003 JAL)

By Jessica Lenney, Community Policy Officer

Moved Cr Kevin Trent / Seconded Cr Janet Davidson

That the interim Local Government submission to the Social Housing Taskforce be endorsed.

RESOLUTION 12.1/2010

CARRIED

5.6 Additional Consultation on Compliance and Enforcement Legislation Road Traffic (Vehicles) Bill 2009 (05-006-03-0004 WP)

By Warren Pearce, Policy Manager – Transport and Roads

Moved Cr David Hood / Seconded Cr Halley Cowan

That Local Government:

- 1. does not condone the illegal overloading of vehicles;**
- 2. supports an amendment to the *Road Traffic (Vehicles) Bill 2009* to enable the continued use of concessional mass loading scheme of up to 10% for grain, from paddock to grain receival points, with penalties for non compliance in order to support rural agricultural communities; and**
- 3. request that State Government further consult the Local Government Sector on any proposed amendments to the Road Traffic (Vehicles) Bill 2009 before introduction to Parliament, as well as on any future mass concessional loading schemes following the Main Roads WA review of the success of the 2009 / 2010 Harvest Mass Management Scheme.**

AMENDMENT MOTION

Moved Cr Mick Wainwright / Seconded Cr Ronnie Fleay

That Local Government:

- 1. does not condone the illegal overloading of vehicles;**
- 2. supports an amendment to the *Road Traffic (Vehicles) Bill 2009* to enable the continued use of concessional mass loading scheme of up to 10% for grain, from paddock to grain receival points, with penalties for non compliance in order to support rural agricultural communities;**
- 3. request that State Government further consult the Local Government Sector on any proposed amendments to the Road Traffic (Vehicles) Bill 2009 before introduction to Parliament, as well as on any future mass concessional loading schemes following the Main Roads WA review of the success of the 2009 / 2010 Harvest Mass Management Scheme; and**
- 4. Investigate the possibility of supporting the continued use of Concessional Mass Management Schemes through exemptions issued by the Commissioner of Main Roads as an alternative to incorporating the schemes within the legislation.**

THE AMENDMENT MOTION WAS PUT AND LOST

RESOLUTION 13.1/2010

THE ORIGINAL MOTION WAS PUT AND CARRIED

5.7 Selection Committee Minutes – Under Separate Cover (01-006-013-0011 TL)

By Timothy Lane, Governance Policy Officer

Moved Mayor Troy Pickard / Seconded Mayor David Boothman

That

1. the Recommendations contained in the 15 January 2010 Selection Committee Minutes be endorsed; and,
2. the Resolutions contained in the 15 January 2010 Selection Committee Minutes be noted.

RESOLUTION 14.1/2010

CARRIED

5.8 Use of the Association’s Common Seal (01-004-07-0001 RB)

By Ricky Burges, CEO

Moved Cr Kevin Trent / Seconded Mayor David Boothman

That the use of the Association’s common seal for the following purposes be noted:

Document	Document Description	Signatories	State Council prior approval
Master Operating Lease	Lease Agreement for RoadWise Vehicle Leases	<ul style="list-style-type: none"> • SG Fleet Aust Pty Ltd • WALGA President • WALGA CEO 	No

RESOLUTION 15.1/2010

CARRIED

6. MATTERS FOR NOTING / INFORMATION

6.1 Better Local Government Manual (05-031-01-0015 TB)

By Tony Brown, Executive Manager Governance and Strategy

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the Better Local Government Manual information be noted.

RESOLUTION 16.1/2010

CARRIED

6.2 Clearing of Native Vegetation Regulations (05-001-03-0007 JS)

By Jessica Sheppard, NRM Facilitator

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the report on the current status of the review of the Clearing of Native Vegetation Regulations be noted.

RESOLUTION 17.1/2010

CARRIED

6.3 State Road Funds to Local Government Agreement (05 001 03 0001 MM)

Michelle Mackenzie, Executive Manager Infrastructure

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the progress to develop a new State Road Funds to Local Government Agreement be noted.

RESOLUTION 18.1/2010

CARRIED

6.4 Report on Key Activities, Environment and Waste Policy Team (01-006-03-0017 MJB)

By Mark Batty, Executive Manager Environment & Waste

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the report from the Environment & Waste Policy Team for February 2010 be noted.

RESOLUTION 19.1/2010

CARRIED

6.5 Report on Key Activities, Governance and Strategy Policy Team (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance & Strategy

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the report from the Governance and Strategy Policy Team to the February 2010 State Council meeting be noted.

RESOLUTION 20.1/2010

CARRIED

6.6 Report on Key Activities, Infrastructure Policy Team (05-001-02-0003 MM)

By Michelle Mackenzie, Executive Manager Infrastructure

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the report from the Infrastructure Policy Team for February 2010 be noted.

RESOLUTION 21.1/2010

CARRIED

6.7 Report Key Activities, Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, Manager, Waste & Recycling

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the resolutions of the Municipal Waste Advisory Council at its 25 November and 16 December 2009 meetings be noted.

RESOLUTION 22.1/2010

CARRIED

6.8 Report on Key Activities, Planning and Community Development Policy Team (01-006-03-0014 AH)

By Allison Hailes, Executive Manager, Planning and Community Development

Moved Cr Kevin Trent / Seconded Cr Doug Thompson

That the report from the Planning and Community Development Policy Team for the February 2010 State Council meeting be noted.

RESOLUTION 23.1/2010

CARRIED

7. ADDITIONAL ZONE RESOLUTIONS

By Meredith Neilsen, Governance Policy Officer

Moved Cr Doug Thompson / Seconded Mayor David Boothman

That the additional Zone Resolutions from the December 2009 / January 2010 round of Zones meetings as follows be referred to the appropriate Policy Team for consideration.

RESOLUTION 24.1/2010

CARRIED

SOUTH EAST METROPOLITAN ZONE

Proposed Amendment to the Local Government Financial Management Regulations

That the Zone requests the State Government to amend the Financial Management Regulations 1996, to include a specified road improvement measure.

SOUTH METROPOLITAN ZONE

Late Agenda item - Management of the Swan and Canning Rivers Development Assessment Panels

That the Zone support the activity to provide a coordinated approach from the Councils bordering the Swan and Canning Rivers on the health of the rivers, banks and associated infrastructure.

GREAT SOUTHERN COUNTRY ZONE

Closure of The Gnowangerup Agricultural Training Centre & The Katanning Residential College

All Zone Councils to lobby about the closure of these facilities as they see fit

GREAT EASTERN COUNTRY ZONE

Water Services Bill Consultation Process

That WALGA be invited to make a presentation to the Great Eastern Country Zone on the implications for local government of the proposed Water Services Bill.

CENTRAL COUNTRY ZONE

Water Services Bill Consultation Process

That WALGA be invited to make a presentation to the Central Country Zone on the implications for Local Government of the proposed Water Services Bill.

NORTH METROPOLITAN ZONE

Rating for Underground Power Schemes

That:

1. the North Metropolitan Zone note the report regarding Rating for Underground Power Schemes; and
2. a delegation of North Metropolitan Zone Representatives meet with the Minister for Energy to discuss rating for underground power schemes.