



WALGA

North Metropolitan Zone

Minutes

29 August 2013



North Metropolitan Zone WALGA

Hosted by the City of Joondalup
90 Boas Ave JOONDALUP 9400 4000
Thursday 29 August 2013
Commenced at 6:00 pm

Minutes

MEMBERS

4 Voting Delegates from each Member Council

City of Joondalup	Cr Geoff Amphlett JP (SC) Cr Brian Corr for Cr Russ Fishwick JP (DSC) Cr Mike Norman Cr Christine Hamilton-Prime Mr Jamie Parry, Director Governance and Strategy – non-voting delegate
City of Stirling	Cr Giovanni Italiano JP Cr David Michael (SC) Mr Aaron Bowman, Manager Governance & Council Support – non-voting delegate
City of Wanneroo	Cr Stuart Mackenzie – Chair (DSC) Cr Diane Guise Cr Rudi Steffens Cr Frank Cvitans for Mayor Tracey Roberts Mr Michael Barry, Manager Executive Services – non-voting delegate
WALGA Representatives	Mr Nick Wood, Executive Manager Corporate Business Solutions Mr Mal Shervill, Policy Officer Road Safety
DLG Representative	Mr Scott Hollingworth
Guest Speakers	Mr Callum Crofton, Manager LG Services State Heritage Office

APOLOGIES

City of Joondalup	Cr Russ Fishwick Cr Bill Stewart Mr Garry Hunt, Chief Executive Officer – non-voting delegate
City of Wanneroo	Mayor Tracey Roberts JP- (SC) Mr Daniel Simms, Chief Executive Officer – non-voting delegate
City of Stirling	Mayor David Boothman Mr Stuart Jardine, Chief Executive Officer – non-voting delegate

ANNOUNCEMENTS

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting to register your name for the Minutes

ATTACHMENTS WITHIN THE AGENDA

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

1. DEPUTATIONS

1.1 Presentation from the State Heritage Office

Mr Callum Crofton, Manager, Local Government Services State Heritage Office presented to the zone on Heritage.

Heritage is a community issue that presents Local Governments with a number of challenges, which require that officers and elected members have access to relevant information and advice.

Callum provided updates on some of the initiatives and programs available to Local Governments, including the new online heritage database, inHerit, and a WALGA preferred supplier panel for Heritage Advisory Services. Callum also highlight the training and support role offered by the State Heritage Office, including the recent seminar held at the Town of Cottesloe.

Noted

2. CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the meeting of the North Metropolitan Zone held on 27 June 2013 be confirmed as a true and accurate record of the proceedings.

Moved Cr Mike Norman / Seconded Cr David Michael

CARRIED

3. DECLARATION OF INTEREST

Pursuant to our Code of Conduct, Councillors 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

4. BUSINESS ARISING

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

The Zone was advised that with regard to Public Library Funding and Public Library Efficiencies, the Strategic Library Partnership and Steering Committee (SLPASC) met on 23 August 2013 and these items will be placed on their next Agenda for discussion.

NOTED

5. REPORTS FROM MEMBER COUNCILS

5.1 Amendment of the Rates and Charges (Rebates & Deferments) Act 1992 to Extend Entitlements to Include Refuse Charges

By the City of Joondalup

In Brief

For the North Metropolitan Zone of WALGA to give consideration to recommending to the WALGA State Council that it gives consideration to:

REQUESTING the State Government amend the Rates and Charges (Rebates and Deferments) Act 1992 to include rubbish charges where this is imposed by local governments as a separate service fee so that eligible pensioners within the meaning of the Act are able to receive a discount.

Background

The Council of the City of Joondalup at its meeting held on 25 June 2013, resolved in part during consideration of its 2012/13 budget, that it:

- 1. REQUESTS the State Government to amend the Rates and Charges (Rebates and Deferments) Act 1992 to include rubbish charges where this is imposed by local governments as a separate service fee so that eligible pensioners within the meaning of the Act are able to receive a discount;*
- 2. REQUESTS the proposed amendment to the Rates and Charges (Rebates and Deferments) Act 1992 mentioned in part 20 above, be referred to the North Metropolitan Zone of the WALGA seeking its support for the proposed amendment to the Act.*

The purpose of the proposal is to address the inequity that exists whereby eligible pensioners/seniors residing in a local government that does not levy a separate refuse charge but includes the recovery of refuse costs within the rates are able to claim a rebate on this full amount while those eligible pensioners/seniors living in a local government that levies a separate refuse charge are not entitled to claim any rebate on the refuse charge.

It should be noted that a similar request from the City of Joondalup was considered by the WALGA North Zone at its meeting held on 28 July 2011, whereby it was resolved as follows:

That the North Zone of WALGA recommends to the WALGA State Council that it gives consideration to:

- 1 ADOPTING a policy position that the benefits to eligible pensioners/seniors under the provisions of the Rates and Charges (Rebates and Deferments) Act 1992 should be extended to include Local Government refuse charges.*

2 *ADVOCATING to State Government that the Rates and Charges (Rebates and Deferments) Act 1992 be amended to extend rebate and deferment entitlements of eligible pensioners/seniors to include refuse charges levied by Local Governments.*

The WALGA State Council at its meeting held in October 2011 considered this matter where it was resolved as follows:

That State Council reiterate its support for the extension of the Pensioner/Senior Concession discount under the Rates and Charges (Rebates and Deferments) Act 1992 to apply to residential waste collection charges.

Comment

There is currently no legislative provision that requires that the costs to a local government of the collection and disposal of refuse must be funded by a separate refuse charge. It is open to a local government to determine whether it wishes to charge a separate refuse charge or whether it wishes to include the funding of refuse collection and disposal services as part of general rates.

By and large the refuse collection and disposal service is a discreet and separately identifiable service for which the costs can be identified and attributed. The cost for each property owner for the same service is similar. In normal circumstances therefore it would be considered appropriate to levy a separate refuse charge so that all of those residents using the same service pay the same charge.

Some local governments have determined that rather than charging a separate refuse charge the recovery of refuse collection and disposal costs is funded from general rates. This has allowed pensioners/seniors who reside in those local governments and who are entitled to claim rebates under the Rates and Charges (Rebates & Deferments) Act 1992 to claim a rebate on the total amount paid.

This has led to some pensioners/seniors being of the view that those who live in local governments that levy a separate refuse charge are deprived of a benefit enjoyed by those pensioners/seniors who reside in local governments that include refuse in the general rate.

Details

Funding refuse collection and disposal costs from general rates means that the recovery of those costs is spread across ratepayers on the basis of property valuations rather than the value of the service that each ratepayer receives. This has a significant distorting effect on the total charged to individual ratepayers.

Where refuse collection and disposal is recovered as part of the general rate those with high property values will pay significantly more for the rubbish component than would be the case if there was a separate charge. Some of these ratepayers could well be pensioners/seniors who theoretically could be paying more, even after the rebate, than if they were to receive a separate refuse charge. Conversely those ratepayers with low property values will pay less than they would if there had been a separate refuse charge even though in many cases they may not be pensioners/seniors.

While the motivation of those local governments that do not have a separate refuse charge but include it with general rates to offer pensioners/seniors the opportunity for a higher rebate is commendable it significantly distorts what should be a fee for service arrangement. The sole motivation is to give the opportunity for a higher rebate for pensioners/seniors.

The State Government appears content with this situation, as the practice is well known, and therefore does not appear to have any objection to paying rebates for the refuse component of the general rates. There seems no reason therefore why the Rates and Charges (Rebates & Deferments) Act 1992 should not be amended to make provision for rebates on refuse whether it is included as part of general rates or if it is charged as a separate charge.

Issues and options considered:

There are three possible options:

Option 1

Maintain the status quo allowing rebates for eligible pensioners/seniors on the refuse component where it is included as part of general rates but not allowing rebates for eligible pensioners/seniors on refuse where it is charged for separately.

There is no logical basis for this inequity. Pensioner/senior entitlements should be linked to the nature of the service cost for which relief is intended to be provided not the manner in which a local government chooses to charge for it. This option is not supported.

Option 2

Amend the legislation and force local governments to charge for the recovery of refuse collection and disposal costs as a separate charge. This would remove the ability of eligible pensioners/seniors to claim refuse as part of general rates.

While this would remove the current inequity it also removes a benefit that the State Government appears content to pay. This option is not supported.

Option 3

Amend the Rates and Charges (Rebates and Deferments) Act 1992 to provide for a rebate to eligible pensioners/seniors for the payment of refuse whether it is included as part of general rates or is charged for separately.

This would remove the current inequity and ensure that all eligible pensioners/seniors received rebates for refuse which the State Government is currently paying to those whose refuse is included with their rates. This is the preferred option.

Legislation/Strategic Plan/Policy Implications

Legislation	Local Government Act 1995 Health Act 1911 Waste Avoidance and Resource Recovery Act 2007 Rates and Charges (Rebates and Deferments) Act 1992
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Financial/Budget Implications:

There are no direct budget implications for local government as the same amount of revenue is being raised. It is simply proposed to change the structure of the break-up of charges and who pays. There will be budget implications for State Government.

Comment

The issue of pensioners/seniors in some local governments being able to effectively claim a rebate for refuse because it is included in the general rate while those in other local governments who levy a separate refuse charge are not able to is simply one of equity.

There may not have been an intention to include refuse charges as part of pensioner/senior rebate entitlements when the rebate legislation was established. The practice of some local governments to include refuse in the general rate, however, is well known and has been going on for some time. It seems therefore that the State Government does not object in principle to funding pensioners/seniors rebates for refuse since it has not attempted to stop the current practice.

If the intention of all local governments and the State Government is to provide a benefit for pensioners/seniors in relation to refuse then legislative changes should be made to ensure that the benefit can be directed at those to whom it is intended regardless of charging arrangements and

without any unintended consequences to both pensioners/seniors and non-pensioner/senior ratepayers alike.

Secretariat Comment

The proposal and recommendation detailed in this report aligns with State Council's current policy position and the matter remains on State Council's Status Report for advocacy action.

WALGA wrote to the then Minister for Finance in November 2011 seeking support for amendment to the *Rates and Charges (Rebates and Deferments) Act 1992* to permit recognition of eligible pensioner concessions on local government waste charges. The Minister responded that it was the Government's position that Local Governments have flexibility to include in the general rate, charges relating to local government waste collection.

This issue was included in WALGA's 'State Election Campaign Survey of Political Parties' in the lead-up to the State Election, and was again raised with the Minister for Local Government in June 2013.

RESOLUTION

That the North Zone of WALGA recommends to the WALGA State Council that it gives consideration to:

REQUESTING the State Government amend the Rates and Charges (Rebates and Deferments) Act 1992 to include rubbish charges where this is imposed by local governments as a separate service fee so that eligible pensioners within the meaning of the Act are able to receive a discount.

Moved Cr Geoff Amphlett / Seconded Cr Christine Hamilton-Prime

CARRIED

5.2 Video Conferencing or other Electronic Means

By the City of Stirling

In Brief

The Local Government (Administration) Regulations Clause 14A is silent on a situation which prevents a Councillor from being present at a Council or Committee meeting via video conference or other electronic means, if the person resides within 150km from the place where the meeting is to be held. This brief calls for an amendment to this Clause to enable those residing within a 150km radius from the place where the meeting is to be held to be able to participate in Council or Committee meetings via video conference or other electronic means by prior approval of the Minister for Local Government.

Background

The issue has been raised following an accident to a Councillor, who is confined to a wheelchair, fracturing both legs as a result of a fall. Even though the accident will require the Councillor to undergo rehabilitation for up to six (6) months, it has not deterred the Councillor from representing the interests of the electors. Unfortunately, these circumstances will prevent the option to have a presence in the community and from attending Council or Committee meetings in the short term.

Comment

It is remiss the Regulations do not provide for Council to have the power to approve by an Absolute Majority, with prior approval of the Minister for Local Government, an arrangement for a Councillor to be present at a Council or Committee meeting via video conference or other electronic means, if the Councillor resides within 150km from the place where the meeting is to be held.

A change to this Clause would then reflect the City of Stirling's Disability Access and Inclusion Plan 2011-2015 which demonstrates the City's commitment to creating a diverse, inclusive and accessible City.

Correspondence has also been sent to the Minister for Local Government to draw attention to the anomaly in the Regulations and to request the legislation be reviewed to address this issue for the local government industry as a whole.

Discussion regarding how such arrangements would work and what are the associated costs. The arrangements sought by the resolution are already used by Councils in the north of Western Australia. There requires checks and balances in place to ensure the arrangements are not open to abuse; and the matter of an appeal provision to the Minister for Local Government by an affected Councillor was discussed. The safe guard for the arrangements will be that a Council must approve a request by an Absolute Majority with prior approval of the Minister. It is anticipated such arrangements will only be used in extenuating circumstances.

RESOLUTION

That North Metropolitan Zone REQUEST that the Western Australian Local Government Association APPLY to the Minister for Local Government to AMEND the Local Government (Administration) Regulations Clause 14A to provide Council with the power to approve by Absolute Majority, with prior approval of the Minister for Local Government, an arrangement for a Councillor to be present at a Council or Committee meeting via video conference or other electronic means, if the Councillors resides within 150klm from the place where the meeting is to be held.

Moved Cr David Michael / Seconded Cr Giovanni Italiano

CARRIED

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

(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)

Item 5.8 Community Emergency Risk Assessment Tool

The North Metropolitan Zone resolved the following:

That the WALGA North Metropolitan Zone recommends to the WALGA State Council that it does not support endorsement of the Community Emergency Risk Assessment Tool for further development as the preferred Emergency Risk Management Tool for Local Government in Western Australia until the results of the trial undertaken are known and a business case for this model has been developed.

Moved Cr Geoff Amphlett / Seconded Cr Christine Hamilton-Prime

CARRIED

Item 6.1 Road Wise Funding Reduction

The North Metropolitan Zone resolved the following:

The WALGA North Metropolitan Zone condemns the State Government for reducing the funding for the Roadwise Program and urges the WALGA State Council to take up the fight to have the funding reinstated.

Moved Cr Diane Guise / Seconded Cr Rudi Steffens

CARRIED

The North Metropolitan Zone resolved to endorse all remaining items within the September 2013 State Council Agenda 'en-bloc'.

7. EXECUTIVE REPORTS

7.1 President's Report to the Zone

WALGA President's Report was presented by Mr Nick Wood, Executive Manager Corporate Business Solutions

NOTED

7.2 State Councillor's report to the Zone

State Council meeting matters presented by Cr Geoff Amphlett and Cr David Michael

NOTED

7.3 Department of Local Government and Communities Representative Update Report.

Mr Scott Hollingworth provided a presentation about the Local Government Reform Program.

NOTED

8. BUSINESS

8.1 Proposed Meeting Dates 2014 – North Metropolitan Zone

By Margaret Degebrodt, Zone Executive Officer

A schedule of the proposed meeting dates for the North Metropolitan Zone 2014 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the North Metropolitan Zone for 2014 require adoption by delegates. As with previous years, the venue for each meeting has been rotated amongst Member Local Governments.

NOTICE OF MEETINGS
NORTH METROPOLITAN ZONE MEETING
2014

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2014
27 February	Thursday 6.00 pm	Joondalup	5 March
1 May	Thursday 6.00 pm	Stirling	8-9 May (Regional TBC)
26 June	Thursday 6.00 pm	Wanneroo	2 July
28 August	Thursday	Joondalup	3 September

	6.00 pm		
27 November	Thursday 6.00 pm	Stirling	3 December

RESOLUTION

That the 2014 proposed schedule of meetings for the North Metropolitan Zone be adopted.

The City of Stirling and the City of Joondalup will negotiate to swap hosting arrangements for the meetings 28 August and 27 November, 2014.

Moved Cr Giovanni Italiano / Seconded Cr Frank Cvitan

CARRIED

8.2 2013 Local Government Elections – Zone Officer Bearer Elections

By Margaret Degebrodt, Zone Executive Officer

A Chronological overview of the process is detailed below:

- Local Government elections occur on 19 October 2013.
- Member Councils to elect/appoint their Zone Delegates and to advise the Zone Executive Officer, as soon as possible but preferably by 8 November 2013.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, the zones are required to hold these elections at their November 2013 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2013 November Zone meeting.
- State Councillor Induction Session – morning of **4 December 2013**.
- New State Council will take office at the Ordinary Meeting of State Council on **4 December 2013**.
- The position of President and Deputy President of WALGA, will be elected at the March 2014 State Council Meeting.

In relation to the nominations and election process to be followed by each Zone in electing a representative and deputy representative to the WALGA State Council, the below process has been instituted by State Council:

1. *Zone Executive Officer to write to all Member Councils no later than 1 month prior to the Zone meeting at which the election is to be held calling for nominations from delegates to the Zone for the positions of representative and deputy representative to State Council. The correspondence is to state that all nominations are to be made in writing to the Zone Executive Officer, and only Elected Members who are a nominated Zone delegates are eligible to nominate. The time period for the receipt of nominations is to be **one week prior** to the Zone meeting at which the election will be held.*
2. *Zone Executive Officer to receive written nominations from Zone delegates for the positions of representative and deputy representative to State Council and then provide written confirmation to Member Councils of the nominations received.*
3. *Elections are to be held at the next Zone meeting as the first item of business. Where there is more than one nomination for each vacant position, an election will be conducted using a secret ballot, with the Zone Executive Officer to represent WALGA as the returning officer for the election. Prior to the ballot, nominees for each position are to be extended the opportunity to provide a 2 minute election bid to delegates.*
4. *All voting delegates to the Zone are entitled to cast one (1) vote in the ballot process. The candidate with the greater or greatest number of votes is elected to the office.*
5. **Tied vote** – *in the event of a tied vote, election will be determined by drawing names from a box. The Secretariat will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.*
6. *Zone Executive Officer to advise WALGA in writing immediately following the Zone meeting of the outcome of their elections.*

If you have any questions or require further information in relation to the above mentioned process, please contact Tony Brown, Executive Manager Governance and Corporate Services on 9213 2051 or email tbrown@walga.asn.au.

RESOLUTION

That the election of Zone Representative and Deputy Representative to the WALGA State Council for the North Metropolitan Zone be held at the 28 November 2013 meeting.

Moved Cr David Michael / Seconded Cr Diane Guise

CARRIED

8.5 Waste Management Projects

The WA Local Government Association (the Association) has secured funding from the Waste Authority, to undertake several projects to increase waste diversion from landfill and to assist Local Governments in meeting the Targets of the Western Australian Waste Strategy. Both projects have direct Local Government involvement through Steering Committees and there will also be high levels of consultation with the sector in the roll out of the projects.

Planning

The first project builds on the initiatives currently employed by Local Governments, to more fully incorporate waste management considerations into planning and building approval processes. These considerations relate to:

- The construction and ongoing operation of multi-unit residential and mixed use developments;
- The construction and ongoing operation of commercial and industrial developments;
- Recycling of building materials as part of the demolition process; and
- The construction of housing in-new residential subdivisions.

It is anticipated that the project will result in the preparation of a variety of resources that will assist Local Governments. These resources will include a Model Planning Policy, Standard Conditions, and Guidelines for requesting and approving Waste Management Plans.

Education

The second project again builds on current Local Government waste management initiatives, this time in the public education initiatives. This project focuses on kerbside recycling in the metropolitan area and aims to increase the amount of material recycled and decrease contamination rates, through a specifically focused campaign. A key aim of the project is to improve the degree of consistency between Local Governments in relation to waste management public education.

For more information on either of these projects contact Rebecca Brown, Manager Waste and Recycling, 9213 2063 or email rbrown@walga.asn.au

Noted

8.6 Rainbow Lorikeet and Introduced Corella Management Response Strategy

Presentation to the Zone by Mr Simon Merewether, Department of Agriculture and Food

The Department of Parks and Wildlife, together with the Department of Agriculture and Food would like to speak to the Zone about developing a coordinated response strategy to Rainbow Lorikeets and Introduced Corellas.

The aim of the Strategy is to develop a coordinated approach to managing pest bird populations in the Perth metropolitan area and surrounds over the next five years. The two State Government

departments will be seeking Local Government investment to help develop and fund Strategy implementation.

RESOLUTION

That the North Metropolitan Zone invite Mr Simon Merewether, Department of Agriculture and Food, to present to the Zone on Rainbow Lorikeet and Introduced Corella Management Response Strategy at their meeting to be held 28 November 2013, at the City of Wanneroo.

Moved: Cr Geoff Amphlett / Seconded: Cr Frank Cvitan

CARRIED

8.7 Alternate Date for the next North Metro Zone Meeting

As the 28 November clashed with a Local Government Leaders Summit in Melbourne, a request has been received to change the date of the next North Metropolitan Zone meeting to 21 November 2013.

RESOLUTION

That the next Metropolitan Zone meeting be changed from Thursday 28 November to Thursday 21 November 2013 commencing at 6pm at the City of Wanneroo.

Moved Cr Diane Guise / Seconded Cr Frank Cvitan

CARRIED

9. OTHER BUSINESS

Nil

10. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 21 November 2013 at the City of Wanneroo, commencing at 6pm.

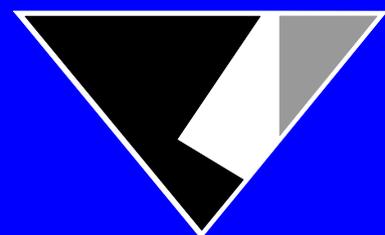
11. CLOSURE

There being no further business the Chair declared the meeting closed at 7.27pm.

THE VOICE OF LOCAL GOVERNMENT

SEPTEMBER 2013

**STATE COUNCIL SUMMARY
MINUTES**



WALGA

NOTICE OF MEETING

Meeting No. 4 of 2013 of the Western Australian Local Government Association State Council to be held at WALGA, 15 Altona St, West Perth on **Wednesday 4 September 2013** beginning at 4:00pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Chairman	President of WALGA	Mayor Troy Pickard
Members	Avon-Midland Country Zone Pilbara Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone Gascoyne Country Zone North Metropolitan Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone South Metropolitan Zone South West Country Zone	Cr Lawrie Short Mayor Kelly Howlett (Deputy) Mayor Don Ennis Cr Janet Davidson JP Mayor Heather Henderson Mayor Terence Kenyon JP Cr Mick Wainwright Mayor Ron Yuryevich AM RFD President Cr Eileen O'Connell President Cr Ken Clements (Deputy) Cr Chris Mitchell President Cr Simon Broad Cr Ross Winzer Cr Stuart MacKenzie (Deputy) President Cr Karen Chappel President Cr Wally Barrett Mayor Cr Henry Zelones JP Cr Julie Brown Mayor Cr Carol Adams Cr Doug Thompson Cr Tony Romano President Cr Wayne Sanford
Ex-Officio	Local Government Managers Australia	Dr Shayne Silcox
Secretariat	Chief Executive Officer Deputy Chief Executive Officer EM Governance & Corporate Services Manager Governance EM Marketing & Communications EM Environment & Waste EM Workplace Solutions EM Infrastructure EM Corporate Business Solutions Policy Manager Community EO Governance and Strategy Finance Manager	Ms Ricky Burges Mr Wayne Scheggia Mr Tony Brown Mr James McGovern Mr Zac Donovan Mr Mark Batty Mr John Phillips Mr Ian Duncan Mr Nick Wood Ms Jodie Holbrook Ms Chantelle O'Brien Tina Mossdrop

1.2 Apologies

Associate	The Rt Hon Lord Mayor of the City of Perth Deputy President of WALGA Pilbara Country Zone Northern Metropolitan Zone	Ms Lisa Scaffidi President Cr Lynne Craigie
Secretariat	Great Southern Country Zone EM Planning & Community Development	Mayor Tracey Roberts JP Cr David Michael Cr Geoff Amphlett JP President Cr Barry Webster Ms Allison Hailes

1.3 Announcements

WALGA's Environment and Waste Unit ran a booth at the 2013 Local Government Convention to raise awareness about their work for Local Government. As part of this booth, they ran 'Cash for Containers' scheme. Small bags of lollies were handed out, and convention delegates were encouraged to return their empty packaging to enter a draw to win a soda stream, State Councillor Eileen O'Connell took part in this competition, and won the prize. Congratulations.

2. MINUTES

2.1 Minutes of 3 July 2013 State Council Meeting

RECOMMENDATION:

Moved: Mayor D Ennis
Seconded: Mayor H Zelones

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 3 July 2013 be confirmed as a true and correct record of proceedings.

RESOLUTION 240.4/2013

CARRIED

2.1.1 Business Arising from the Minutes of 3 July 2013

Ms Ricky Burges, Ms Tina Moss crop, Mr Zac Donovan, Mr Mark Batty, Mr Ian Duncan, Mr Wayne Scheggia, Ms Chantelle O'Brien, Ms Jodie Holbrook, Mr James McGovern, Mr John Phillips and Mr Nick Wood left the meeting at 4.10pm

Mayor Kelly Howlett arrived at the meeting at 4.25pm.

CEO CONTRACT RENEWAL

RECOMMENDATION:

Moved: President Cr S Broad
Seconded: Cr L Short

That a new contract of employment under the existing terms and conditions (noting the adjustments made at State Council Meeting 3 July 2013) be offered to Ricky Burges, WALGA CEO effective immediately.

RESOLUTION 241.4 /2013

CARRIED UNANIMOUSLY

Ms Ricky Burges, Ms Tina Moss crop, Mr Zac Donovan, Mr Mark Batty, Mr Ian Duncan, Mr Wayne Scheggia, Ms Chantelle O'Brien, Ms Jodie Holbrook, Mr James McGovern, Mr John Phillips and Mr Nick Wood returned to the meeting at 4.45pm.

Cr Mick Wainwright and Cr Tony Romano left the meeting at 4.45pm and did not return.

Minutes of 3 July 2013 State Council Meeting

RECOMMENDATION:

Moved: Mayor D Ennis
Seconded: Mayor H Zelones

That the Minutes of the Western Australian Local Government Association (WALGA) Special State Council Meeting held on 30 May 2013 be confirmed as a true and correct record of proceedings.

RESOLUTION 242.4/2013

CARRIED

2.1.1 Business Arising from the Minutes of 30 May 2013

There was no business arising from these Minutes.

3. DECLARATIONS OF INTEREST

Cr Chris Mitchell declared an interest on Item 5.9, Planning Provisions for Bushfire: Background Paper.

4. EMERGING ISSUES

There were no Emerging Issues for consideration.

5. MATTERS FOR DECISION

5.1 Metropolitan Local Government Review – State Government Response (05-034-01-0018 TL)

WALGA RECOMMENDATION

That WALGA:

1. Oppose the State Government’s proposal to remove in perpetuity the poll provisions for the metropolitan area contained in Schedule 2.1 of the *Local Government Act 1995*;
2. Continue to advocate for the State Government to honour its commitment to fund the transition and implementation process of the Metropolitan Local Government Review;

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

SOUTH METROPOLITAN ZONE

1. Oppose the State Government’s proposal to remove in perpetuity the poll provisions for the metropolitan area contained in Schedule 2.1 of the *Local Government Act 1995*; by corresponding as a matter of urgency with the Premier, Hon Minister for Local Government and all parliamentarians regarding WALGA’s adopted position.

CENTRAL METROPOLITAN ZONE

1. Oppose the State Government’s proposal to remove in perpetuity the poll provisions for the metropolitan area contained in Schedule 2.1 if the *Local Government Act 1995*;
2. Lobby state parliamentarians for the retention and no dilution of the Poll provisions, and promote this view to the State Government, via support from other affected metropolitan Local Governments.
3. Continue to advocate for the State Government to honour its commitment to fund the transition and implementation process of the Metropolitan Local Government Review.

SECRETARIAT COMMENT

Additional Information

Further to the State Council Agenda item on Metropolitan Local Government Reform, additional information has been received that requires State Council consideration.

There are two (2) issues requiring consideration in relation to legislative change:

1. Poll Provisions
2. Transition process - Local Implementation Committee and Interim CEO Process.

1. Poll Provisions

At the July 2013 Strategic Forum, State Council discussed the Minister for Local Government's proposal at the time to amend the current poll provisions to make the poll a whole of effected districts poll and not an individual district poll. The resolution of the Forum was for WALGA to canvass the sector on the issue.

State Council is aware this proposal was not supported by the State Government Cabinet and the decision has been made to amend the Local Government Act to remove the poll provisions for the metropolitan area. WALGA's existing position is to oppose the removal of the poll provisions. As the Minister's previous position did not transpire, the Association did not canvass the sector and has advocated against the removal of the poll provisions.

The Association has been advised that the legislation to remove the poll provisions for the metropolitan area will be considered by State Parliament in the next fortnight. There is some doubt as to the State Government's ability to have this legislation passed by the Upper House of Parliament. There may be an opportunity for a compromise position to be considered which may be in line with the Minister for Local Government's previous proposal.

If a compromise position is put forward, WALGA will be required to have a position on the issue. Currently the official policy position of the State Council is to oppose any removal, suspension or amendment to the poll provisions contained within Schedule 2.1 of the Local Government Act 1995.

This item is requesting State Council to strategically consider the following options;

- a) Retain current position to oppose any removal, suspension or amendment to the poll provisions; or,
- b) Adopt a position to support an amendment to the poll provisions, where any poll petitioned will be of the entire districts involved in the amalgamation proposal.

If option (b) is endorsed it would be appropriate for the Association to authorise the WALGA President to write to all State Parliamentarians advising of the Association's revised position.

RECOMMENDATION

State Council consideration of the following options is requested:

OPTION A:

- a) **Retain current position to oppose any removal, suspension or amendment to the poll provisions.**

No Action Required as this is consistent with recommendation 1 of State Council Agenda Item 5.1.

OR

OPTION B:

- b) Adopt a position to support an amendment to the poll provisions, where any poll petitioned will be of the entire districts involved in the amalgamation proposal.**

2. Transition Process - Local Implementation Committee and Interim CEO process

Following the Metropolitan Local Government Reform announcements, the implementation process has been outlined to metropolitan Councils. The implementation process currently lacks any legislative or regulatory authority around the transition phase and the operation of the Local Implementation Committees and the appointment of Interim CEO's.

In the Queensland transition process the Queensland State Government legislated for the Local Implementation process including the appointment of Interim CEO's.

This empowered the transition committees and the Interim CEOs to undertake the action required to successfully implement the transition process, prior to the commencement of the new Local Government.

The following is the Queensland legislation;

1.2 Local Transition Committee and Transition Action Plan

The functions of the Local Transition Committee as defined in Clause 159YU of the Local Government Act are defined as follows:

“159 YU (1) The functions of a local transition committee for a new local government area are;
(a) to appoint an interim chief executive officer for the new local government for the new local government area as provided for in this division; and
(b) to oversee the implementation of an approved framework for managing industrial relations and workforce transition in the period leading up to the 2008 quadrennial elections; and
(c) to oversee the preparation of a transition action plan; and
(d) to inform the local governments required to be represented on the committee, and the community generally, to promote a full understanding of the processes for establishing the new local government; and
(e) to approve an interim executive organisational structure for the new local government for the new area; and
(f) to provide guidance and support to the local governments required to be represented on the committee for resolving issues in the period leading up to the 2008 quadrennial elections; and
(g) to establish financial and administrative arrangements for its own operation.”

The Association's research on the Queensland process is that the implementation and transition process worked well.

In the Western Australian implementation process the Local Implementation Committees have no legislative authority and there is no capacity for an Interim CEO to commence prior to the new entity commencing on 1 July 2015.

This issue is seen as the major flaw in the process as there will be an absence of authority to make decisions prior to the commencement of the new entity on 1 July 2015.

The Minister could enable regulations to be developed rather than legislation on this issue. Currently Clause 11; Schedule 2.1 of the Local Government Act allows for regulations to be developed for the transitional process of amalgamations once the Governor's Order to amalgamate has been issued.

RECOMMENDATION

That WALGA request the Minister for Local Government to urgently develop legislation or regulations guiding the functions of the Local Implementation Committee and the appointment of an Interim CEO.

**Moved: Mayor H Zelones
Seconded: Mayor D Ennis**

That WALGA:

- 1. Oppose the State Government's proposal to remove in perpetuity the poll provisions for the metropolitan area contained in Schedule 2.1 of the *Local Government Act 1995*;**
- 2. Continue to advocate for the State Government to honour its commitment to fund the transition and implementation process of the Metropolitan Local Government Review.**

AMENDMENT

**Moved: Mayor H Zelones
Seconded: Mayor D Ennis**

- 2. Adopt a position to support an amendment to the Metropolitan poll provisions, where any poll petitioned will be of the entire districts involved in the amalgamation proposal with the following conditions**
 - a For a poll to be held a petition will be required from 25% or electors of one local government**
 - b For an amalgamation to be rejected by the Minister, 50% of electors of all local governments proposed to be merged are required to vote, for it to be a valid poll.**
 - C a majority of votes at the poll against will defeat the amalgamation proposal**

CARRIED

AMENDMENT

**Moved: Cr D Thompson
Seconded: Mayor C Adams**

For point 2b to be changed to:

- 2b for an amalgamation to be rejected by the Minister, 30% of electors of all local governments proposed to be merged are required to vote, for it to be a valid poll.**

LOST

AMENDMENT

Moved: Mayor H Zelones
Seconded: Cr C Mitchell

4. **That WALGA request the Minister for Local Government to urgently develop legislation or regulations guiding the functions of the Local Implementation Committee and the appointment of an Interim CEO.**

CARRIED

THE AMENDMENT BECAME THE MOTION

Due to the important nature of this item the President called for a vote on each number individually.

Moved: Mayor H Zelones
Seconded: Mayor D Ennis

1. **Oppose the State Government's proposal to remove in perpetuity the poll provisions for the metropolitan area contained in Schedule 2.1 of the *Local Government Act 1995*;**

RESOLUTION 243A.4/2013

CARRIED

2. **Adopt a position to support an amendment to the Metropolitan poll provisions, where any poll petitioned will be of the entire districts involved in the amalgamation proposal with the following conditions**
 - a. **For a poll to be held a petition will be required from 25% or electors of one local government**
 - b. **For an amalgamation to be rejected by the Minister, 50% of electors of all local governments proposed to be merged are required to vote, for it to be a valid poll.**
 - c. **a majority of votes at the poll against will defeat the amalgamation proposal**

RESOLUTION 243B.4/2013

CARRIED

3. **Continue to advocate for the State Government to honour its commitment to fund the transition and implementation process of the Metropolitan Local Government Review**

RESOLUTION 243C.4/2013

CARRIED

4. **That WALGA request the Minister for Local Government to urgently develop legislation or regulations guiding the functions of the Local Implementation Committee and the appointment of an Interim CEO**

RESOLUTION 243D.4/2013

CARRIED

Cr Janet Davidson and Mayor Terence Kenyon left the meeting at 5.10pm and did not return.

5.2 Country Local Government Fund (05-055-03-0005 JB)

WALGA RECOMMENDATION

That WALGA advocate to the State Government for the retention of the Country Local Government Fund at a level commensurate with its original intent of addressing the country Local Government infrastructure backlog.

Avon Midland Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported

SOUTH WEST COUNTRY ZONE

That item 5.2 be amended to:

1. That WALGA strongly advocate to the State Government retention of the Country Local Government Fund for the purpose and at a level commensurate with its original intent of addressing the country local government infrastructure backlog.
2. WALGA urgently request the Minister for Regional Development; Lands; Minister assisting the State Government to honour the Country Local Government Fund Guidelines and Financial Assistance Agreement and commit to fund all local governments funding previously allocated under the Royalties for Regions Individual component funding allocation for the 2012/13 financial allocations, and
3. To also investigate avenues of legal resources to deliver local governments their individual component funding allocations for the 2012/13 financial year.

PEEL COUNTRY ZONE

That WALGA pursue vigorously with the State Government the retention of the Country Local Government Fund, notifying them of the additional economic loss due to the leverage these funds provided to attract other funding to complete important projects.

SECRETARIAT COMMENT

The Association has received several enquiries through the Zone process surrounding the confusion Local Governments are experiencing with regard to eligibility or otherwise to the 2012-13 CLGF funding round.

In particular, many Local Governments signed their 2010-11 CLGF Financial Assistance Agreements (FAA's) in 2012 and according to the guidelines they had up to two years to acquit these funds. Recent communication from the Department of Regional Development has indicated that failure to have acquitted these funds by 30 June 2013 has rendered them ineligible for the 2012-13 funding round.

Confusion around dates on FAA's, dates identified by the Department for Regional Development and inconsistent communication from officers at the Department for Regional Development require the strongest advocacy from the Association.

Therefore the following recommendation is provide for State Council consideration:

**Moved: Mayor R Yuryevich
Seconded: President Cr E O'Connell**

- 1. That WALGA advocate to the State Government for the retention of the Country Local Government Fund at a level commensurate with its original intent of addressing the country Local Government infrastructure backlog.**
- 2. WALGA advocate to the Minister for Regional Development to honour the Financial Assistance Agreements regarding the 2010-11 funding entered into by country Local Governments thus ensuring their eligibility to the 2012-13 individual allocation of the CLGF**

RESOLUTION 244.4/2013

CARRIED UNANIMOUSLY

5.3 2013 Annual General Meeting Minutes (01-003-02-0003 WS)

WALGA RECOMMENDATION

That Annual General Meeting Motions:

- 1. 5.6, 5.7 and 5.9 be endorsed and forwarded to the relevant WALGA business unit for action;**
- 2. 5.1B, 5.3, 5.4, 5.5, 5.8, 5.10 and 5.11 be noted as in accordance with Association Policy; and,**
- 3. 5.1 and 5.2 that amend the WALGA Constitution be noted.**

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

**Moved: Mayor R Yuryevich
Seconded: Cr D Thompson**

That Annual General Meeting Motions:

- 1. 5.6, 5.7 and 5.9 be endorsed and forwarded to the relevant WALGA business unit for action;**
- 2. 5.1B, 5.3, 5.4, 5.5, 5.8, 5.10 and 5.11 be noted as in accordance with Association Policy; and,**
- 3. 5.1 and 5.2 that amend the WALGA Constitution be noted.**

RESOLUTION 245.4/2013

CARRIED UNANIMOUSLY

5.4 Building Act 2011 – Fees, charges and administrative requirements (05-015-02-0005 VJ)

WALGA RECOMMENDATION

That the Association:

1. Advises the Minister for Commerce and the Minister for Local Government of the effects that the new legislative requirements contained in the *Building Act 2011* are having on the operation of Local Government building departments, including the significant drop in revenue and the additional red tape burden being encountered;
2. Advocates for an immediate review of the fee structure contained in the Building Act & Regulations, to be predicated on cost recovery principles as they apply to Local Governments; and
3. Promotes Local Government private certification units to the development industry as an alternative to the independent private certification process.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

**Moved: Mayor D Ennis
Seconded: Cr C Mitchell**

That the Association:

1. Advises the Minister for Commerce and the Minister for Local Government of the effects that the new legislative requirements contained in the *Building Act 2011* are having on the operation of Local Government building departments, including the significant drop in revenue and the additional red tape burden being encountered;
2. Advocates for an immediate review of the fee structure contained in the Building Act & Regulations, to be predicated on cost recovery principles as they apply to Local Governments; and
3. Promotes Local Government private certification units to the development industry as an alternative to the independent private certification process.

RESOLUTION 246.4/2013

CARRIED UNANIMOUSLY

5.5 Assistance for WA’s Rural Local Governments and Communities (05-100-03-0001 PS)

WALGA RECOMMENDATION

That the Association’s Position Paper on ‘Assistance for WA’s Rural Local Governments and Communities’ be endorsed, with Recommendations 1-9 contained therein informing WALGA’s advocacy position.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

SOUTH EAST METROPOLITAN ZONE

That the Association’s Position Paper on ‘Assistance for WA’s Rural Local Governments and Communities’ be endorsed, with Recommendations 1-7 and 9 contained therein informing WALGA’s advocacy position.

Recommendation 8 should also inform WALGA’s advocacy position once it is amended from:

‘That the WA State Government provide additional funding to assist rural Local Governments in providing essential services for their communities.’

to:

‘That the WA State Government provide additional funding to assist rural Local Governments in providing essential services, including counselling services, for their communities.’

GREAT EASTERN COUNTRY ZONE

That the Association’s Position Paper on ‘Assistance for WA’s Rural Local Governments and Communities’ be endorsed, with the Great Eastern Country Zone requesting that Recommendation 2 include a second part:

Add to Recommendation 2

That these grants also be considered for costs associated with works to allow local participation, for example the additional overhead costs associated with training and public liability insurance.

GASCOYNE COUNTRY ZONE

That the zone notes that pastoral communities are also struggling and requests that the scope of the paper includes pastoral communities and the impact on stock other than cattle, including sheep.

Moved: President Cr E O'Connell

Seconded: Cr J Brown

That the Association's Position Paper on 'Assistance for WA's Rural Local Governments and Communities' be endorsed, with Recommendations 1-9 contained therein informing WALGA's advocacy position, subject to the following changes to Recommendation's 2 and 8 in the Position Paper:

Change Recommendation 8 to:

- 8. That the WA State Government provide additional funding to assist rural Local Governments in providing essential services, including counselling services, for their communities.**

Change Recommendation 2 to include:

- 2a. That these grants also be considered for costs associated with works to allow local participation, for example the additional overhead costs associated with training and public liability insurance.**

AMENDMENT

Moved: Cr D Thompson

Seconded: Cr C Mitchell

Change Recommendation 8 to:

That the WA State Government provide additional funding to assist rural Local Governments in providing essential services, and needed services such as but not limited to counselling, for their communities.

CARRIED

THE AMENDMENT BECAME THE MOTION

That the Association's Position Paper on 'Assistance for WA's Rural Local Governments and Communities' be endorsed, with Recommendations 1-9 contained therein informing WALGA's advocacy position, subject to the following changes to Recommendation's 2 and 8 in the Position Paper:

Change Recommendation 8 to:

- 8. That the WA State Government provide additional funding to assist rural Local Governments in providing essential services, and needed services such as but not limited to counselling, for their communities.**

Change Recommendation 2 to include:

- 2a. That these grants also be considered for costs associated with works to allow local participation, for example the additional overhead costs associated with training and public liability insurance.**

RESOLUTION 247.4/2013

CARRIED UNANIMOUSLY

5.6 Review of the Roads to Recovery Program (05-008-03-0002 MM & MB)

WALGA RECOMMENDATION

That WALGA’s response to the Department of Infrastructure and Transport review of the Roads to Recovery Program will highlight the following points:

- i. That the Roads to Recovery program is critical to the ability of Local Governments to maintain a road network to meet the needs of the economy and community;
- ii. Support the continuation of the current principles, structure and payment arrangements of the Roads to Recovery program;
- iii. Recommend that additional flexibility be provided for the way in which the Reference amount is calculated and that where expenditure of the Council’s own funds on road construction and maintenance exceed the minimum amount required in any year, the additional amount be able to be carried forward to subsequent years of the Program; and
- iv. That consideration is given to upgrading the website to streamline the entry and editing of project information.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

Moved: Mayor R Yuryevich
Seconded: Cr C Mitchell

That WALGA’s response to the Department of Infrastructure and Transport review of the Roads to Recovery Program will highlight the following points:

- i. That the Roads to Recovery program is critical to the ability of Local Governments to maintain a road network to meet the needs of the economy and community;
- ii. Support the continuation of the current principles, structure and payment arrangements of the Roads to Recovery program;
- iii. Recommend that additional flexibility be provided for the way in which the Reference amount is calculated and that where expenditure of the Council’s own funds on road construction and maintenance exceed the minimum amount required in any year, the additional amount be able to be carried forward to subsequent years of the Program; and
- iv. That consideration is given to upgrading the website to streamline the entry and editing of project information.

RESOLUTION 248.4/2013

CARRIED

5.7 Heavy Vehicle Charging and Investment Reform – Options Development Submission (05-088-03-0001 PS)

WALGA RECOMMENDATION

That the Association’s interim submission to the ‘options development’ stage of the Heavy Vehicle Charging Investment Reform (HVCI) Project be endorsed.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

GOLDFIELDS ESPERANCE COUNTRY ZONE

That the GVROC support’s the Association’s interim submission to the ‘options development’ stage of the Heavy Vehicle Charging Investment Reform (HVCI) Project subject to Local Government retaining the ability to levy and collect charges as well as negotiate with local road network users.

SECRETARIAT COMMENT

Under the proposed HVCI reforms Local Governments would have little need to levy and collect their own road network charges. This is because Local Governments with higher levels of heavy vehicle road usage will receive greater levels of road funding. The key benefit of the HVCI reforms is that ‘the money follows the truck’.

Under the Association’s proposed model for access decisions, Local Governments would not directly negotiate with local road network users. Instead, access decisions would be determined by the State Government Road Management Agency. However, Local Governments would have the power to set access conditions in service level and investment agreements negotiated with the State Government Road Management Agency.

AVON MIDLAND COUNTRY ZONE

Recommendation is supported subject to the note that more action is required to develop bushfire mitigation on existing properties with particular regard to giving planning for Bushfire Risk Protection Guidelines legislative effect with particular regard to Risk Management, Shared Responsibility, Living in Safe Places, Community Knowledge, Coordinated Emergency Response and Training and Equipment, but further noting that planning for bushfire mitigation is not to be used as justification for refusal of rural residential sub divisions.

SECRETARIAT COMMENT

The zone position is noted, and will be considered as the matter is progressed.

SOUTH EAST METROPOLITAN ZONE

Amendment to Item 5.7

That two new, firmer recommendations 4 and 5 be added to WALGA's recommendation;

4. The Association considers a State Planning Policy for Bushfire Protection must include as a minimum, the mapping of bush fire prone land and this be complemented by new Planning Regulations providing uniform minimum standards for development and building in bush fire prone locations and which can be implemented in a single step across all relevant local government jurisdictions.
5. The Association does not consider that devolving mapping of bushfire prone land to Local Governments through Town Planning Schemes is consistent with the recommendations of the Keelty Report or the Bushfire Review Implementation Group, which clearly saw the need for State Government to provide leadership on this issue.

SECRETARIAT COMMENT

The intent of the Zones recommendation i.e. to make the recommendation stronger has been included in the composite recommendation.

Moved: Cr J Brown
Seconded: Cr D Thompson

That the Association's interim submission to the 'options development' stage of the Heavy Vehicle Charging Investment Reform (HVCI) Project be endorsed.

AMENDMENT

Moved: Mayor R Yuryevich
Seconded: Mayor D Ennis

1. **That the Association's interim submission to the 'options development' stage of the Heavy Vehicle Charging Investment Reform (HVCI) Project be endorsed subject to Local Government retaining the ability to levy and collect charges as well as negotiate with local road network users.**

CARRIED UNANIMOUSLY

MOTION AS AMENDED WAS PUT AND

RESOLUTION 249.4/2013

CARRIED

5.8 Community Emergency Risk Assessment Tool (03-044-01-0001 JL)

WALGA RECOMMENDATION

1. That the Community Emergency Risk Assessment Tool be endorsed for further development as the preferred emergency risk management tool for Local Government in Western Australia.
2. That WALGA seek the support of the State Emergency Management Committee for the development of the Community Emergency Risk Assessment Tool database and implementation across the Local Government sector.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA Recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

NORTH METROPOLITAN ZONE

That the WALGA North Metropolitan Zone recommends to the WALGA State Council that it does not support endorsement of the Community Emergency Risk Assessment Tool for further development as the preferred Emergency Risk Management Tool for Local Government in Western Australia until the results of the trial undertaken are known and a business case for this model has been developed.

Moved: Cr J Brown
Seconded: Cr C Mitchell

1. That the Community Emergency Risk Assessment Tool be endorsed for further development as the preferred emergency risk management tool for Local Government in Western Australia.
2. That WALGA seek the support of the State Emergency Management Committee for the development of the Community Emergency Risk Assessment Tool database and implementation across the Local Government sector.

RESOLUTION 250.4/2013

CARRIED

5.9 Planning Provisions for Bushfire: Background Paper(05-024-02-0056 CG)

WALGA RECOMMENDATION

1. The Association's 'Planning Provisions for Bushfire' Background Paper be endorsed;
2. The Association advocates to the Western Australian Planning Commission (WAPC) that, in pursuit of the adoption of consistent, State-wide, minimum bushfire mitigation standards the following points must be satisfied:
 - A. Within identified bushfire prone areas, the WAPC's 'Planning for Bushfire Guidelines' should be strengthened and given legislative effect, to ensure a minimum standard for proposed developments. The minimum standards should include:
 - i. Strategic planning considerations to avoid increased fire risk to life and property through inappropriately located or designed land uses, subdivisions and development;
 - ii. Further guidance on the design of subdivisions and buildings within bushfire prone areas;
 - iii. Model or standard subdivision and development application conditions to address issues, including but not limited to, the ongoing maintenance of buildings and associated structures, vegetation management, and vendor disclosure; and
 - iv. Policy guidance for dealing with extensions to existing buildings and redevelopments.
 - B. The statutory instrument used by the State Government in the declaration of bushfire prone areas should ensure that the building construction standards set out by AS 3959-2009 are applied to all new development within such areas.
 - C. A training and education program must be established about the new requirements for development in bushfire prone areas for all assessors / decision makers.
 - D. A professional accreditation program should be established to ensure that bushfire attack level ratings and bushfire management plans are developed and assessed by suitably qualified persons.

Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA Recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

AVON MIDLAND COUNTRY ZONE

3. That the Department of Planning prepare and provide maps of areas deemed bushfire prone that may cause injurious affection to landowners whose properties have been acknowledged as suitable for development

SOUTH EAST METROPOLITAN ZONE

1. The Association's 'Planning Provisions for Bushfire' Background Paper be endorsed;
2. The Association advocates to the Western Australian Planning Commission (WAPC) that, in pursuit of the adoption of consistent, State-wide, minimum bushfire mitigation standards the following points must be satisfied:
 - A. Bushfire prone areas should be identified and declared by the State Government/WAPC through bush fire prone area maps published by the State.
 - B. Within identified bushfire prone areas, the WAPC's 'Planning for Bushfire Guidelines' should be strengthened and given legislative effect, to ensure a minimum standard for proposed developments. The minimum standards should include:
 - i. Strategic planning considerations to avoid increased fire risk to life and property through inappropriately located or designed land uses, subdivisions and development;
 - ii. Further guidance on the design of subdivisions and buildings within bushfire prone areas;
 - iii. Model or standard subdivision and development application conditions to address issues, including but not limited to, the ongoing maintenance of buildings and associated structures, vegetation management, and vendor disclosure; and
 - iv. Policy guidance for dealing with extensions to existing buildings and redevelopments.
 - C. The statutory instrument used by the State Government in the declaration of bushfire prone areas should ensure that the building construction standards set out by AS 3959-2009 are applied to all new development within such areas.
 - D. A training and education program must be established about the new requirements for development in bushfire prone areas for all assessors / decision makers.
 - E. A professional accreditation program should be established to ensure that bushfire attack level ratings and bushfire management plans are developed and assessed by suitably qualified persons.

SECRETARIAT COMMENT

The Avon Midland Country Zone and South East Metropolitan Zone positions represent existing Association position and do not need to be reiterated. (Please refer to resolution 200.0/2013 – May State Council Minutes)

Moved: Mayor R Yuryevich
Seconded: Cr W Barrett

1. The Association's 'Planning Provisions for Bushfire' Background Paper be endorsed;
2. The Association advocates to the Western Australian Planning Commission (WAPC) that, in pursuit of the adoption of consistent, State-wide, minimum bushfire mitigation standards the following points must be satisfied:
 - A. Within identified bushfire prone areas, the WAPC's 'Planning for Bushfire Guidelines' should be strengthened and given legislative effect, to ensure a minimum standard for proposed developments. The minimum standards should include:
 - i. Strategic planning considerations to avoid increased fire risk to life and property through inappropriately located or designed land uses, subdivisions and development;
 - ii. Further guidance on the design of subdivisions and buildings within bushfire prone areas;
 - iii. Model or standard subdivision and development application conditions to address issues, including but not limited to, the ongoing maintenance of buildings and associated structures, vegetation management, and vendor disclosure; and
 - iv. Policy guidance for dealing with extensions to existing buildings and redevelopments.
 - B. The statutory instrument used by the State Government in the declaration of bushfire prone areas should ensure that the building construction standards set out by AS 3959-2009 are applied to all new development within such areas.
 - C. A training and education program must be established about the new requirements for development in bushfire prone areas for all assessors / decision makers.
 - D. A professional accreditation program should be established to ensure that bushfire attack level ratings and bushfire management plans are developed and assessed by suitably qualified persons.

AMENDMENT

Moved: Mayor H Zelones
Seconded: Cr L Short

That the following be inserted after point 2:

Bushfire prone areas should be identified and declared by the State Government/WAPC through bush fire prone area maps published by the State

CARRIED UNANIMOUSLY



THE AMENDMENT BECAME THE MOTION

1. The Association's 'Planning Provisions for Bushfire' Background Paper be endorsed;
2. The Association advocates to the Western Australian Planning Commission (WAPC) that, in pursuit of the adoption of consistent, State-wide, minimum bushfire mitigation standards the following points must be satisfied:
 - A. Bushfire prone areas should be identified and declared by the State Government/WAPC through bush fire prone area maps published by the State.
 - B. Within identified bushfire prone areas, the WAPC's 'Planning for Bushfire Guidelines' should be strengthened and given legislative effect, to ensure a minimum standard for proposed developments. The minimum standards should include:
 - i. Strategic planning considerations to avoid increased fire risk to life and property through inappropriately located or designed land uses, subdivisions and development;
 - ii. Further guidance on the design of subdivisions and buildings within bushfire prone areas;
 - iii. Model or standard subdivision and development application conditions to address issues, including but not limited to, the ongoing maintenance of buildings and associated structures, vegetation management, and vendor disclosure; and
 - iv. Policy guidance for dealing with extensions to existing buildings and redevelopments.
 - C. The statutory instrument used by the State Government in the declaration of bushfire prone areas should ensure that the building construction standards set out by AS 3959-2009 are applied to all new development within such areas.
 - D. A training and education program must be established about the new requirements for development in bushfire prone areas for all assessors / decision makers.
 - E. A professional accreditation program should be established to ensure that bushfire attack level ratings and bushfire management plans are developed and assessed by suitably qualified persons.

RESOLUTION 251.4/2013

CARRIED UNANIMOUSLY

5.10 Local Government Town Planning Guideline for Alcohol Outlets (06-045-01-0001 VJ)

WALGA RECOMMENDATION

That the Association endorse the *Local Government Town Planning Guidelines for Alcohol Outlets (Executive Summary)*.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA Recommendation supported
Great Eastern Country Zone	WALGA Recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

AVON MIDLAND COUNTRY ZONE

Avon Midland Country Zone wanted it noted that they support the recommendation subject to noting concerns that, while acknowledging that the necessary resource is a guideline only, communities will expect local governments to have the necessary controls in place if a situation arises in relation to management of alcohol related development.

EAST METROPOLITAN ZONE

That the item be deferred until fuller consultation with Local Governments with experience in this area occurs.

Moved: Cr D Thompson
Seconded: Cr R Winzer

That the Association endorse the *Local Government Town Planning Guidelines for Alcohol Outlets (Executive Summary)*.

RESOLUTION 252.4/2013

CARRIED UNANIMOUSLY

5.11 Integrated Strategic Plan for Emergency Management / Bushfires Governance in WA (05-024-03-0028 EF)

WALGA RECOMMENDATION

That the Association advocate to the Minister for Emergency Services for a vision and long term Strategic Plan for Emergency Management in WA to be developed as a matter of urgency.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA Recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

**Moved: Cr D Thompson
Seconded: Cr J Brown**

That the Association advocate to the Minister for Emergency Services for a vision and long term Strategic Plan for Emergency Management in WA to be developed as a matter of urgency.

RESOLUTION 253.4/2013

CARRIED UNANIMOUSLY

**MATTERS FOR CONSIDERATION BY STATE COUNCILLORS
(UNDER SEPARATE COVER)**

5.12 Selection Committee Minutes (01-006-03-0011 MD)

By Margaret Degebrodt, Governance Support Officer

**Moved: Cr J Brown
Seconded: Mayor C Adams**

That the recommendations from the Selection Committee Meeting Minutes dated 21 June 2013 be endorsed by State Council.

RESOLUTION 254.4/2013

CARRIED UNANIMOUSLY

5.13 Finance & Services Committee Minutes (01-006-03-0006 NW)

By Nick Wood, Executive Manager, Corporate Business Solutions

**Moved: Cr W Barrett
Seconded: Cr L Short**

The Minutes of the Finance and Services Committee Meeting of 17 July 2013 be received.

RESOLUTION 255.4/2013

CARRIED UNANIMOUSLY

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

By Ricky Burges, Chief Executive Officer

**Moved: Mayor R Yuryevich
Seconded: Mayor C Adams**

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

Document	Document Description	Signatory	State Council prior approval
Transfer of Land Lot 102 on Diagram 687528 15-17 Altona St, West Perth	Transfer of Land	Mayor Troy Pickard Ricky Burges – WALGA & Trout Holdings Pty Ltd and BR3 Pty Ltd	No
Application for a New Title Lot 500 on Diagram 57374 Lot 50 on Diagram 54338	Application for new title	QUEBE and WALGA (Mayor Troy Pickard and Ricky Burges)	No
Mortgage for amalgamated titles for 168 Railway Pde, Leederville	Mortgage	Mayor Troy Pickard Ricky Burges WALGA QUBE	No

RESOLUTION 256.4/2013

CARRIED UNANIMOUSLY

5.15 Proposal for the 2014 Regional Meeting of State Council (01-004-02-0002 CO)

By Chantelle O’Brien, Executive Officer, Governance and Strategy

**Moved: Mayor D Ennis
Seconded: Cr C Mitchell**

That the annual Regional State Council Meeting for 2014 be held Thursday 8 to Friday 9 May in Merredin, with a regional forum to be held with the Councils from Great Eastern Country Zone.

RESOLUTION 257.4/2013

CARRIED

6.1 Road Wise Funding Reduction (WFS)
--

WALGA RECOMMENDATION

That the State Government's reduced funding to the Road Wise program be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Zone	WALGA recommendation noted
Pilbara Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

NORTH METROPOLITAN ZONE

The WALGA North Metropolitan Zone condemns the State Government for reducing the funding for the Roadwise Program and urges the WALGA State Council to take up the fight to have the funding reinstated.

CENTRAL COUNTRY ZONE

2. The Central Country Zone request that WALGA advocate on Local Government's behalf to have funding to the Roadwise Program reinstated; and

EAST METROPOLITAN ZONE

1. That WALGA make stronger representation to the State Government in the matter of the reduction of Roadwise Funding.
2. That WALGA advocate strongly for the reinstatement of the Community Road Safety Grants Program.

Dr Shane Silcox left the meeting at 6.05pm and did not return.

Moved: Cr J Brown
Seconded: Mayor D Ennis

That the State Government's reduced funding to the Road Wise program be noted and WALGA advocate strongly for the reinstatement of the funding.

AMENDMENT

Moved: Cr J Brown
Seconded: Mayor D Ennis

- 1 That the State Government's reduced funding to the Road Wise program be noted and WALGA advocate strongly for the reinstatement of the funding.
- 2 A further report be presented to the next State Council Meeting proposing a new Road Wise Program structure maximising opportunities for Local Government, Community and Road Safety engagement.

CARRIED

THE AMENDMENT BECAME THE MOTION

- 1 That the State Government's reduced funding to the Road Wise program be noted and WALGA advocate strongly for the reinstatement of the funding.
- 2 A further report be presented to the next State Council Meeting proposing a new Road Wise Program structure maximising opportunities for Local Government, Community and Road Safety engagement.

RESOLUTION 258.4/2013

CARRIED UNANIMOUSLY

6.2 Affordable Housing: Opportunities for Local Government Background Paper (05-036-03-0020 CG)

WALGA RECOMMENDATION

That the Affordable Housing: Opportunities for Local Government Background Paper and the Metropolitan Mayors Policy Forum action items be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation noted
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Zone	WALGA recommendation noted
Pilbara Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

**Moved: Mayor H Zelones
Seconded: President Cr K Chappell**

That the Affordable Housing: Opportunities for Local Government Background Paper and the Metropolitan Mayors Policy Forum action items be noted.

RESOLUTION 259.4/2013

CARRIED

6.3 Strategic Assessment for the Perth Peel Region (05-101-02-0001 MB)

WALGA RECOMMENDATION

That State Council note the status of the Strategic Assessment for the Perth Peel Region.

Avon Midland Country Zone	WALGA Recommendation noted
Central Country Zone	WALGA Recommendation noted
Central Metropolitan Zone	WALGA Recommendation noted
East Metropolitan Zone	WALGA Recommendation noted
Gascoyne Zone	WALGA Recommendation noted
Goldfields Esperance Country Zone	WALGA Recommendation noted
Great Eastern Country Zone	WALGA Recommendation noted
Great Southern Country Zone	WALGA Recommendation noted
Kimberley Zone	Meeting held prior to receiving Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
Northern Country Zone	WALGA Recommendation noted
Peel Zone	WALGA Recommendation noted
Pilbara Zone	WALGA Recommendation noted
South East Metropolitan Zone	WALGA Recommendation noted
South Metropolitan Zone	WALGA Recommendation noted
South West Country Zone	WALGA Recommendation noted

Moved: Mayor H Zelones
Seconded: President Cr K Chappell

That State Council note the status of the Strategic Assessment for the Perth Peel Region.

RESOLUTION 260.4/2013

CARRIED UNANIMOUSLY

**6.4 National Strategic Plan for Asbestos Awareness and Management Update
(05-012-04-0002 EF)**

WALGA RECOMMENDATION

That the update on the National Strategic Plan for Asbestos Awareness and Management be noted.

Avon Midland Country Zone	WALGA Recommendation noted
Central Country Zone	WALGA Recommendation noted
Central Metropolitan Zone	WALGA Recommendation noted
East Metropolitan Zone	WALGA Recommendation noted
Gascoyne Zone	WALGA Recommendation noted
Goldfields Esperance Country Zone	WALGA Recommendation noted
Great Eastern Country Zone	WALGA Recommendation noted
Great Southern Country Zone	WALGA Recommendation noted
Kimberley Zone	Meeting held prior to receiving Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
Northern Country Zone	WALGA Recommendation noted
Peel Zone	WALGA Recommendation noted
Pilbara Zone	WALGA Recommendation noted
South East Metropolitan Zone	WALGA Recommendation noted
South Metropolitan Zone	WALGA Recommendation noted
South West Country Zone	WALGA Recommendation noted

**Moved: Mayor H Zelones
Seconded: President Cr K Chappell**

That the update on the National Strategic Plan for Asbestos Awareness and Management be noted.

RESOLUTION 261.4/2013

CARRIED UNANIMOUSLY

6.5 State Budget 2013-14 (05-088-03-0001 PS)

WALGA RECOMMENDATION

That State Council note the key points for Local Governments from the 2013-14 State Budget.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Zone	Meeting held prior to receiving the Agenda
Murchison Country Zone	WALGA recommendation noted
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Zone	WALGA recommendation noted
Pilbara Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

Moved: Mayor H Zelones
Seconded: President Cr K Chappell

That State Council note the key points for Local Governments from the 2013-14 State Budget.

RESOLUTION 262.4/2013

CARRIED UNANIMOUSLY

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

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

Moved: Cr R Winzer
Seconded: President Cr E O'Connell

That the Key Activities Report from the Environment and Waste Unit to the September 2013 State Council meeting be noted.

RESOLUTION 263.4/2013

CARRIED UNANIMOUSLY

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

Moved: Cr R Winzer
Seconded: President Cr E O'Connell

That the Key Activities Report from the Governance and Strategy Unit to the September 2013 State Council meeting be noted.

RESOLUTION 264.4/2013

CARRIED UNANIMOUSLY

7.1.3. Report on Key Activities, Infrastructure (05-001-02-0003 ID)
--

Moved: Cr R Winzer
Seconded: President Cr E O'Connell

That the Key Activities Report from the Infrastructure Unit to the September 2013 State Council meeting be noted.

RESOLUTION 265.4/2013

CARRIED UNANIMOUSLY

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

Moved: Cr R Winzer
Seconded: President Cr E O'Connell

That the Key Activities Report from the Planning and Community Development Unit to September 2013 State Council meeting be noted.

RESOLUTION 266.4/2013

CARRIED UNANIMOUSLY

7.2 Policy Forum Report (01-006-03-0007 TB)
--

Moved: Cr R Winzer
Seconded: President Cr E O'Connell

That the report on the key activities of the Association's Policy Forums to the September 2013 State Council meeting be noted.

RESOLUTION 267.4/2013

CARRIED UNANIMOUSLY

7.3 President's Report

Moved: Cr W Sanford
Seconded: Mayor D Ennis

That the President's Report for September 2013 be received.

RESOLUTION 268.4/2013

CARRIED UNANIMOUSLY

7.4 CEO's Report

Moved: Cr C Mitchell
Seconded: Mayor H Henderson

That the CEO's Report for September 2013 be received.

RESOLUTION 269.4/2013

CARRIED

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Mayor D Ennis
Seconded: Cr W Sanford

That the additional Zone Resolutions from the September 2013 round of Zones meetings as follows be referred to the appropriate policy area for consideration.

RESOLUTION 270.4/2013

CARRIED

KIMBERLEY ZONE

Disposal of Liquid Waste (Environment and Waste)

2. Request the Western Australian Local Government Association lead a request to amend the relevant legislation by indicating a licenced sewage provider or agency other than Local Government is to provide a waste service for the management and disposal of sewage waste.

AVON MIDLAND COUNTRY ZONE

Closure of AvonLink and MerredinLink Rail Services (Infrastructure)

That the Avon-Midland Country Zone –

- 1) Raise as a matter of urgency with the WA Local Government Association, TransWA, the Minister for Transport and the Minister for Regional Development:
 - a) Its opposition to the proposed closure of the AvonLink and MerredinLink rail service; and
 - b) Request an extension of those two services for two years with the ticketing and travel arrangements put on the same basis as the Public Transport Authority's passenger transport routes; and
- 2) Correspond with the Great Eastern Country Zone seeking support on this issue.

CENTRAL COUNTRY ZONE

1938 Art Deco Town Hall (Planning and Community Development)

3. The Central Country Zone request that WALGA determine the status of the municipal heritage inventory process with particular reference to rural regional heritage.

PEEL COUNTRY ZONE

Assistance for WA'S Rural Local Government and Communities (Economic)

That WALGA prepare a report looking at the implications for hypergrowth councils.

GREAT SOUTHERN COUNTRY ZONE

Telehealth – Shire of Jerramungup (Planning and Community Development)

That the Great Southern Zone requests that WALGA, in representing all rural municipalities, petition the State and Federal Governments to establish a Medicare Benefits Schedule (MBS) Item Number for telehealth consultants with General Practitioners.

CENTRAL METROPOLITAN ZONE

Rainbow Lorikeet and Introduced Corella Management Response Strategy (Environment and Waste)

That WALGA:

1. Further investigates rainbow lorikeet and introduced Corella control, and facilitates for State Government agencies to enter a formal control proposal to Local Government.
2. Lobbies the State Government to match local government investment into rainbow lorikeet and introduced Corella control.

9. MEETING ASSESSMENT

Mayor Ron Yuryevich provided feedback as to the effectiveness of the meeting.

10. DATE OF NEXT MEETING

That the next meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, 15 Altona Street West Perth, on Wednesday 4 December 2013 commencing 4pm.

11. CLOSURE

There being no further business, the President declared the meeting closed at 6.46pm



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

5 SEPTEMBER 2013

CITY OF VINCENT

Managing waste and recovering resources responsibly
Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park



Town of
Cambridge



City of
Joondalup



CITY OF PERTH



City of Stirling
City of Choice



Town of
VICTORIA PARK



CITY OF VINCENT



City of
Wanneroo

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15	NEXT MEETING	I €
16	CLOSURE	I €

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 5.30pm

The Chair welcomed Cr Dudley Maier as the new member for City of Vincent and thanked the outgoing member Cr Alannah MacTiernan for her time on the MRC and as the MRC representative at MWAC.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT: Chairman Cr R Fishwick JP
 Cr D Boothman
 Cr R Butler
 Cr S Cooke
 Cr L Gray JP
 Cr K Hollywood
 Cr D Maier
 Cr D Newton JP
 Cr B Stewart
 Cr S Withers (*arrived at 5.33pm*)

APOLOGIES: Nil

LEAVE OF ABSENCE : Nil

ABSENT : Cr J Bissett
 Cr J Robbins

IN ATTENDANCE:

MRC Officers:	B Callander	Chief Executive Officer
	G Hoppe	Director Corporate Services
	L Nyssen	Executive Support
MRC Observers:	P Davies	MRC – Education Officer
Member Council Observers:	D Forster	City of Perth
	J Giorgio	City of Vincent
	S Jardine	City of Stirling
	D Simms	City of Wanneroo
	J Wong	Town of Victoria Park

VISITORS: I Watkins MRC Consultant

MEDIA: Nil

PUBLIC: Nil

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Brian Callander – CEO of Mindarie Regional Council
Report Item No. and Topic	Item 14.1 – CEO Performance Review
Nature of Interest	The Performance Review also includes consideration of the CEO’s remuneration package

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON
--

The Chairperson brought to the attention of the meeting that:

- 1. The Mindarie Regional Council was a finalist in the Infinity Awards 2013 and received a certificate of Highly Commended in the Waste Champion Category for its efforts in community engagement, education and in particular its Earth Carers program.*
- 2. Item 14.1 and 14.2 are confidential items.*

Cr Withers arrived at 5.33pm

6 APPLICATIONS FOR LEAVE OF ABSENCE
--

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS
--

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
--

8.1 ORDINARY COUNCIL MEETING – 4 JULY 2013

The Minutes of the Ordinary Council Meeting held on 4 July 2013 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 4 July 2013 be confirmed as a true record of the proceedings.

RESOLVED

**Cr Cooke moved, Cr Butler seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
--

9.1	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 MAY 2013 AND 30 JUNE 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	13 August 2013
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

DETAIL

The Financial Statements attached are for the months ended 31 May 2013 and 30 June 2013 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2013 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

The results for the year ended 30 June 2013 are still subject to external audit which may result in changes to the numbers included in this report, including certain balance sheet reclassifications and reserve transfers. It is not expected however, that there will be material changes to the underlying profit numbers reported.

Summary of results for the year to 30 June 2013

	Actual	Budget (a)	Variance
	t	t	t
Tonnes – Members	243,878	242,819	1,059
Tonnes – Others	38,375	42,825	(4,450)
TOTAL TONNES	282,253	285,644	(3,391)
	\$	\$	\$
Revenue – Members	32,291,442	32,214,844	76,598
Revenue – Other	8,827,463	9,321,200	(493,737)
TOTAL REVENUE	41,118,905	41,536,044	(417,139)
Expenses	42,004,480	42,870,740	866,260
Loss/(profit) on sale of assets	5,909	6,845	936
NET DEFICIT	(891,484)	(1,341,541)	450,057

(a) this is based on the revised budget adopted in March 2013.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 May 2013 and 30 June 2013, respectively, be received.

RESOLVED

**Cr Butler moved, Cr Boothman seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2013 AND 30 JUNE 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	13 August 2013
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 May 2013 and 30 June 2013 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 5 July 2012, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
31 May 2013	General Municipal	Cheques	\$121,674.10
		EFT	\$2,466,175.05
		DP	\$474,870.50
		Total	\$3,062,719.65
30 June 2013	General Municipal	Cheques	\$95,732.26
		EFT	\$2,885,977.26
		DP	\$423,919.42
		Total	\$3,405,628.94

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 May 2013 and 30 June 2013 be noted.

RESOLVED

**Cr Gray moved, Cr Hollywood seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

9.3	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	GOV/27
Appendix(s):	Appendix No. 6 Appendix No. 7
Date:	15 July 2013
Responsible Officer:	Chief Executive Officer

SUMMARY

Seeking the Council of Mindarie Regional Council (MRC):

1. Endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and Delegations; and
2. Approval for an increase in councillors' fees, allowances and expenses as a result of a recent determination by the Salaries and Allowances Tribunal.

BACKGROUND

The current Council Policies and Register of Delegations (refer appendices 1 and 2) endorsed by Council are operating effectively, providing for efficient and timely administrative services and guidance in relation to discretionary decisions the Council has the ability to make by virtue of the *Local Government Act 1995* and other statutes.

DETAIL

On review of the Council Policies and Register of Delegations, the CEO considers that they are operating well and that there is only need to consider changing one policy, being *Council Policy CP01 – Annual Fees, Allowances and Expenses for Councillors* due to a recent determination by the Salaries and Allowances Tribunal (the Tribunal).

The opening statement of the Tribunal's determination explains that this is the first independent determination of fees, allowances and expenses. The Tribunal recognises the important role local government plays in the community and how important it is to attract capable and committed people to the role of councillor. Based on this recognition the Tribunal did not consider that the current fees, allowances and expenses were commensurate with the responsibility that goes with being a councillor and increased the fees and allowances across the board and the expense relating to babysitting. It also set a new ITC allowance to accommodate IT and communication costs. The increases became effective from 1 July 2013.

The determination distinguishes between being a councillor of a local government and a regional council, providing four separate bands for local government councillors, recognising the difference in size and complexity of local governments in Western Australia. Regional councils are provided with a single band for fees and allowances with a range of values set out in four separate tables as follows:

Council meeting fees per meeting

	Council Member other than the Chairman		Council Member who holds the Office of Chairman	
	Minimum	Maximum	Minimum	Maximum
All Regional Councils	\$88	\$225	\$88	\$463

Committee meeting and prescribed meeting fees per meeting

Council Member including Chairman		
	Minimum	Maximum
All Regional Councils	\$44	\$113

Annual attendance fees in lieu of council meeting and committee meeting attendance fees

Council Member other than the Chairman			Council Member who holds the Office of Chairman	
	Minimum	Maximum	Minimum	Maximum
All Regional Councils	\$1,750	\$10,000	\$1,750	\$15,000

Annual allowance for the Chairman of a Regional Council

Annual Allowance for Chairman		
	Minimum	Maximum
All Regional Councils	\$500	\$19,000

There are no changes suggested to the Deputy Chairman allowance of 25% of the fee paid to the Chairperson and the maximum payment for the babysitting allowance has been increased from \$20 to \$25 per hour.

The following table provides a comparison between the range of fees and allowances pre and post 1 July 2013, the new ITC Allowance and the fees and allowances currently provided to MRC Councillors.

	Existing Fee Range	Current Fee Paid by MRC	New Fee Range	Existing Allowance Range	Current Allowance Paid by MRC	New Allowance Range	Existing Expense (Technology) Paid by MRC	New ITC Allowance
Chairperson	\$6,000 to \$14,000	\$14,000	\$1,750 to \$15,000	\$6,000 to \$12,000	\$8,000	\$500 to \$19,000	\$1,000	\$500 to \$3,500
Deputy Chairperson	\$2,400 to \$7,000	\$7,000	\$1,750 to \$10,000	25% of allowance paid to Chairperson	\$2,000	25% of allowance paid to Chairperson	\$1,000	\$500 to \$3,500
Council Member	\$2,400 to \$7,000	\$7,000	\$1,750 to \$10,000				\$1,000	\$500 to \$3,500
Deputy Council Member		\$140 per meeting						
Expenses Other	Child Care (child care maximum hourly rate increased from \$20 to \$25) and Travel Costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996							

Now that the Salaries and Allowances Tribunal has established a new framework for the payment of fees, allowances and expenses for councillors there is a level of certainty as to the value of the work that councillors undertake on behalf of the community and how that value should be remunerated. The Tribunal's determination to have a single band for regional councils is appropriate as it does not have the broad range of demographic and service differentials that local government has in Western Australia.

It is noted that the current remuneration being provide to the MRC councillors is within the ranges set by the Tribunal and therefore the Council does not have to provide an increase

in any of the categories. However the current remuneration provided to the council members is lower across the new band range and the MRC is one of the largest regional councils in Western Australia and it is appropriate that this is recognised in the remuneration that it provides its councillors.

Given the above, it is recommended that the councillors be provided the top of the range of the band in each of the categories apart from the new ITC Allowance (previously IT Allowance) which should be retained at \$1,000 as per the following table:

	New Fee	New Allowance	ITC Allowance
Chairperson	\$15,000	\$19,000	\$1,000
Deputy Chairperson	\$10,000	25% of \$19,000	\$1,000
Council Member	\$10,000		\$1,000

The proposed increase in the allowance for the Chairperson from \$8,000 to \$19,000 is substantial. This increase recognises the significance of the role that a Chairperson of a regional council plays, being called upon on a regular basis to undertake the following tasks in addition to her/his role as a councillor:

- meet with delegations from around Australia and across the world who come to review the MRC's landfill and the Resource Recovery Facility;
- represent the MRC at committees/groups that the MRC is affiliated with;
- meet with politicians and other dignitaries;
- be the spokesperson for the MRC in the media and the community;
- maintain a sound working relationship with the CEO; and
- chair the council meetings.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Local Government Act 1995 provides the ability for the Council to delegate some powers to the CEO. These are defined as follows:

“5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
 - (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
-

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”

The Fees, Allowances and Expenses referred to in this report, and provided for in Council Policy CP01, are contained in sections 5.98., 5.98A., 5.99., 5.99A of the *Local Government Act 1995* and Regulations 30-34AB of the *Local Government (Administration) Regulations 1996*.

POLICY IMPLICATIONS

The Council has endorsed the policies detailed in the table below and appended to this agenda:

NUMBER	TITLE
CP01	Annual Fees, Allowances and Expenses for Councillors
CP02	Affixing of the Common Seal
CP03	Councillor Arrangements when attending an Overseas/Interstate/Intrastate Conference
CP04	Employee Arrangements when attending an Overseas/Interstate/Intrastate Conference
CP05	Environmental Management of Tamala Park
CP06	Purchase of Goods and Services
CP07	Gratuity Payments
CP08	Provision and Use of Council Vehicles
CP09	Investments
CP10	Donations – Financial Assistance/Support

The Tribunal's determination requires the Council to review its Fees, Allowances and Expenses. The current council policy reads as follows:

“Council Policy CP01 – Annual Fees, Allowances and Expenses for Councillors

Policy Procedure:

1. *Level of Fees, Allowances and Expenses to be paid to Councillors annually are as follows:*

	<i>Fee (\$)</i>	<i>Allowance (\$)</i>	<i>Expense (\$) (Technology)</i>
<i>Chairperson</i>	14,000	8,000	1,000
<i>Deputy Chairperson</i>	7,000	2,000	1,000
<i>Councillor</i>	7,000		1,000
<i>Deputy Councillor</i>	\$140 per meeting		
<i>Expenses Other</i>	<i>Child Care and Travel Costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996</i>		

2. *Meeting fees and allowances to which the elected members are entitled, are to be paid in two (2) equal instalments in July and December of each financial year.*
3. *A claim for childcare, travel and/or other relevant expenses will be paid on receipt of sufficient information verifying the expense incurred. Payment will be limited to the amount specified in legislation.”*

FINANCIAL IMPLICATIONS

The recommended increases, if approved by Council, would add an additional \$47,750 expense to the total Allowances, Fees and Expenses provided to Councillors. This increase was anticipated and accommodated in the 2013/14 Budget.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2013/14 - 2033/34	
OBJECTIVE 1	Long Term Viability
Sub Objective	Good Corporate Governance
This report is required by legislation annually to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.	

Corporate Business Plan 2013/14 – 2016/17		
Strategies	Actions	Responsible Officer
1.1.2	Ensure Council Policies are relevant and reviewed by Council	CEO
1.1.3	Review the relevance of the delegations from the Council and report findings to Council	CEO
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

COMMENT

The current delegations are working well, therefore it is not recommended to make any changes to them at this point. It is the same for the Council Policies apart from the recent determination made by the Salaries and Allowances Tribunal on Elected Members’ Fees and Allowances and Expense, which requires the Council to review *Council Policy CP01 – Annual Fees, Allowances and Expenses of Councillors*.

The Tribunal’s determination clearly indicates that Councillors’ remuneration in Western Australia has not kept up with the rest of Australia and that it considers the establishment of this new framework will address this anomaly. The new framework includes regional councils, but unlike local government, which has four bands, regional councils have a single band with a broad financial range. The current allowances and fees being paid to the MRC’s Councillors are within the broad range presented in the new determination. However, given that the MRC is one of the largest regional councils managing waste in Western Australia, and for the reasons presented in this report, it is recommended that the current remuneration be increased to the highest in the ranges set for Fees and Allowances and that the ITC Allowance be set at \$1,000 being the same as the amount set in the current Policy as a Technology Allowance.

VOTING REQUIREMENT

Simple Majority / Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

A. That Council acknowledges that the current Register of Delegations from the Council to the Chief Executive Officer (as appended) is appropriate and does not require any modification.

(Absolute Majority Required)

B. That Council:

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1. Acknowledges that the current Council Policies (as appended) are appropriate and do not require modification other than CP01 – Annual Fees, Allowances and Expenses for Councillors where the Fees and Allowances allocated to the Chairperson, Deputy Chairperson and Councillors be increased as follows:
 - a. Chairperson's Fee be increased from \$14,000 to \$15,000.
 - b. Chairperson's Allowance be increased from \$8,000 to 19,000.
 - c. Councillors' Fees be increased from \$7,000 to \$10,000.
 - d. Deputy Chairperson's Allowance be increased from \$2,000 to \$4,750 (25% of Chairperson's Allowance).
 2. Effects the payments detailed in (B.1.) above from 1 July 2013.
 3. Amends Council Policy CP01 – Annual Fees, Allowances and Expenses of Councillors to reflect the changes detailed in B1 above.
(Absolute Majority Required)

RESOLVED

Cr Boothman moved, Cr Butler seconded
That the recommendation be adopted.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

9.4	ESTABLISH A NEW CONTRACT FOR FUTURE LANDFILL GAS MANAGEMENT AT TAMALA PARK
File No:	EST/2-03
Appendix(s):	Nil
Date:	15 July 2013
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide Council with information relating to the current situation with regards to the Tamala Park landfill gas contractual arrangements and seek endorsement of a process to establish a new contract for this project.

BACKGROUND

As stipulated within the Tamala Park operating Licence issued by the Department of Environment Regulation, it is an environmental requirement that the Mindarie Regional Council (MRC) appropriately manage landfill gas emissions from the Tamala Park landfill. This is to be achieved by either flaring or using the gas.

Being a specialist activity, the MRC (and the vast majority of other landfill operators) contract out the landfill gas management to a specialist company.

The Tamala Park landfill gas management is currently contracted out to Landfill Gas and Power (LGP). The original contract expired on 30 June 2011 and was subsequently extended by three years through to 30 June 2014.

With this contract end date in sight, it is now appropriate that the MRC consider landfill gas management options beyond the current contract period.

DETAIL

Current Contractual Arrangements

The current landfill gas management contractual arrangements with LGP include:

- An exclusive licence to extract gas from the landfill.
- A lease over a portion of land on which to construct permanent infrastructure.
- A requirement to maintain an efficient gas extraction system.
- A requirement to either flare or "consume/burn" the extracted gas.
- A requirement to pay to the MRC revenue based on a percentage of electricity sales and Renewable Energy Certificates (RECs) sold.
- On termination of the contract LGP is to leave a fully operational flare and gas extraction system as well as remove the remainder of its equipment from site.
- The contract terminates on 30 June 2014, without any further opportunity for an extension.

Available Future Options

There are a number of options available to the MRC with regards to the future management of landfill gas at Tamala Park. These include:

1. The MRC undertaking the activities in-house. Being a specialist activity, the MRC would have to employ landfill gas specialists in order to undertake the required activities. Due to the scale of operation (a single site) it is unlikely that the in-house activities would be carried out efficiently. There will also be the requirement for the MRC to spend significant capital in developing the
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permanent infrastructure required to produce green energy. The benefit of an in-house operation is that it allows total flexibility to adapt to future "carbon trading" environments.

2. Negotiate contractual arrangements with the current contractor (LPG). The Local Government (Functions and General) Regulations 1996 provides for local government to utilise the services of a contractor who has a "preferred supplier" status with the Western Australia Local Government Association (WALGA). LPG are on this preferred supplier list.
3. Tender out services. The tender period would need to be a minimum of 10 years to enable the successful tenderer to amortise the anticipated capital costs over a reasonable period in order to reduce the annual landfill gas management costs. The subsequent contractual arrangements would need to be flexible in order to accommodate possible changes or replacement of the current carbon trading schemes.

Consideration of Future Options

Option 1 - In-house activities. The MRC is not set up to manage landfill gas at Tamala Park and the cost and complexity of establishing this capability would likely be prohibitive. There are companies in the marketplace that provide this service exclusively, offering competitive solutions in this area. Therefore it is not deemed appropriate that the MRC take on landfill gas management.

Option 2 - Negotiated contractual arrangements. The MRC has an ability to negotiate directly with LPG without going to tender as they have been chosen by the WALGA as a "preferred supplier". The MRC would be in a strong position to get improved contractual arrangements through negotiations as LPG is already established on site and hence there would be significant savings for both the MRC and LPG in utilising the existing equipment as opposed to LPG having to remove all of the equipment and a new contractor establishing themselves on site.

Option 3 - Tender out services. This process would require the development of tender specifications and a business plan, and would be more appropriate if the Council did not have the opportunity to negotiate with the current contractor LPG and/or the marketplace was more competitive. A review of suppliers in the marketplace has been undertaken by IWProjects (Ian Watkins) with the findings of the review being detailed below:

Due to the specialised nature of landfill gas management and the high initial capital cost of establishing an operating system, there is not a large pool of potential service providers available. Currently there are the following providers active in the Perth Metropolitan Area:

- Landfill Gas and Power (LGP) – (current contractor) based in Perth, numerous operating landfill facilities including the two largest (Tamala Park and Redhill).
- LMS Energy (LMS) – based in Adelaide, two Perth-based landfill operations (Shale Road Landfill – WAL/SITA and Atlas Landfill).
- AGL Energy Services (AGL) – based in Sydney, one Perth-based landfill operation (City of Rockingham).
- Waste Gas Resources – Based in Perth, one Perth-based landfill operation (City of Cockburn), small operator.

The City of Armadale recently went out to tender for landfill gas management services (small landfill) and only received two quotes, one from LPG and the other from a Queensland company (Landfill Gas Industries) that is not currently established in WA, but

is looking to enter the market. The City of Armadale has not awarded a contract and is still assessing its options.

Of the above service providers, only three are seen as potential service providers at Tamala Park, these being:

- LGP;
- LMS; and,
- AGL.

Of these three companies, only one responded to the recent City of Armadale landfill gas tender. This may have been due to the small size of the project and hence it did not interest the larger eastern states operators.

Preferred Option

The preferred option would be to negotiate with the incumbent (LGP) to try and establish a new, long-term contract, similar to the current arrangements and ideally with improved operational and financial benefit to the MRC. If a reasonable negotiated solution were not achieved within three months, then the MRC would proceed to public tender for the required service.

Tender Considerations

If the MRC were to proceed to tender, then there would need to be consideration of the following aspects:

- A new contractor would need at least 6 months, ideally 12 months, to establish on site before it could commence operations. The tender would have to be based on a “level playing field” (according to previous legal advice) and hence all tenderers, including the incumbent, would need to quote on establishing their landfill gas processing infrastructure on a new site, likely immediately adjacent to the existing landfill gas infrastructure;
- The MRC’s lease of Tamala Park expires on 30 June 2032. However the lease holds the MRC responsible for satisfying all Environmental Liabilities after the expiry date of the lease. The landfill will continue to produce landfill gas for many years after the expiry date and this gas needs to be managed appropriately. It is estimated that the landfill gas production would continue to be economical for approximately 15 to 20 years beyond the closure of the landfill, which is currently estimated to be 2025; hence, the economic viability of the gas extraction would taper off gradually to cease in about 2045. Beyond this date, the gas would be extracted and flared (at a cost) for possibly an additional 15 years. It would be responsible to have flexibility in any new contract past the lease expiry date (June 2032) to enable the contractor to continue drawing the gas and/or getting the site ready for when extraction of gas is no longer commercially viable. However this would require the approval of the owners of the land as the lease as it is currently drafted only allows the MRC (not third party contractors) to have access to the site after the lease expiry date.

Future Contractual Arrangements

The scope of work and conditions for the negotiated contract would ideally be based around the terms of the existing LGP contractual arrangements, with some adjustment to the existing contract, these being:

- Increased share of the landfill gas related revenue;
 - The contractor to be required to increase gas extraction to reduce fugitive gas emissions from the landfill as necessary;
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- The contractor to be required to manage fugitive gas detected within external perimeter wells around the landfill;
 - The development of a flexible mechanism for dealing with the implementation of a carbon trading scheme, as well as future changes to the scheme or the implementation of completely new systems at some time in the future;
 - Clarification regarding operational control of the gas for the purposes of the carbon trading scheme;
 - A clear definition of when the contractor can terminate the contract due to lack of economically viable gas production or whether the contractor is compelled to continue to manage the gas up to the contract termination date (if the contractor is forced to manage an uneconomic gas field up to the end of a set contract period, it is likely that the contractor would walk away from the contract at the end of the 2032 period and not opt to extend the contract as this would be when the gas production was tapering off);
 - The term of the contract will be from 1 July 2014 through to 30 June 2032 (end of current landfill site Lease) and with the MRC having the ability to either extend the contract, if the MRC obtains a further extension to its lease or to assign the extended contract to another party such that landfill gas emissions beyond 30 June 2032 are satisfactorily managed.

With regards to the contract extension beyond 2032, it is preferable for the MRC to not force the contract beyond this period, but to have a flexible contractual arrangement that if both parties agree, then the contract would be extended. If the MRC was to force the contract extension, then it is likely the contractor would insist on a greater share of the revenue in the earlier years with the intention of using the addition revenue to fund the decreasing revenue in the latter years. It is preferable for the MRC to retail the revenue and assess the gas field viability in 2032 to determine the best way forward. It is likely that at some stage the MRC will have to take over the management of the gas field when there is simply a flaring operation (easier operation in comparison to power generation and power marketing).

Project Timetable

The major consideration is the time required for a new contractor to establish on-site. As a minimum this will take 6 months, with the ideal duration being nearer 12 months. If a contract can be successfully negotiated with the incumbent, then this timeline is irrelevant. However, if negotiations breakdown and the MRC is required to go out to tender, then there would be significant time constraints to finalise alternative contractual arrangements.

The following project timetable is a worst case scenario where a negotiated solution is not possible:

- September to November 2013 – Negotiate with preferred party; however, no solution is agreed.
 - December 2013 – Compile tender document (this could be carried out during the last month of the negotiation period if it appears that the parties are struggling to come to an agreement).
 - January 2014 - Go out to tender (there is no benefit in rushing this and getting a tender out in mid-December).
 - February 2014 - Council award the tender.
 - March to August 2014 - Contractor prepares and establishes on-site.
 - September 2014 - the commencement of the new contractual arrangements on site.
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As can be seen, if there is a breakdown in the negotiations, it is highly unlikely that the new contractor would be able to mobilise on site in time to commence operations on 1 July 2014. This is not however seen as a major impediment as there would be options available to the MRC, these being:

- Negotiate a month-on-month extension to the current arrangements; or
- Flare the gas for the duration of the transition period (the current contract requires the contractor to leave the site with an operational flare at the end of the contract).

CONSULTATION

Prior to the extension of the current contract, extensive consultation was undertaken with the following parties:

- Landfill Gas and Power
- Landfill Management Services
- Woodhouse Legal
- Eastern Metropolitan Regional Council
- City of Rockingham
- City of Cockburn

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995 (the Act) requires that local government has to tender out certain goods and services as follows:

“3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.”

Part 4 of the Local Government (Functions and General) Regulations 1996 have made provisions about tenders in accordance with s.3.57 (2) of the Act (refer above) and in part read as follows:

“Part 4 — Provision of goods and services

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.
 - (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) **the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;**”
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The purchasing services of WALGA include services relating to Sustainable Energy Infrastructure, for which LGP is included as the only company in the area of gas extraction from Landfill. The following reference is from the WALGA website and explains the purpose of the preferred supplier panel and identifies LGP as a preferred supplier until December 2014.

“ENERGY: SUSTAINABLE ENERGY INFRASTRUCTURE

Contract No. C007A_11

Expiry 31 December 2014

Local Government infrastructure is supported by sustainable energy generation, energy efficiency and consumption reduction products and services. This Preferred Supplier Panel assists Local Governments to directly source suppliers for the development of products and services that ultimately reduce energy consumption. Preferred Suppliers on this Panel can partner with Local Governments to develop energy strategies, develop and scope sustainable energy solutions, and project manage implementation and delivery.

Landfill Gas & Power

Landfill Gas and Power (LGP) is a market leader in the development and management of efficient landfill gas to energy technologies. LGP is appointed to this Panel as a specialist in engineered landfill gas extraction systems and where eligible, converting landfill gas into a safe, clean and reliable renewable energy source. The initiative to install and operate an engineered landfill gas extraction system and flare can assist to place emission levels below tax thresholds for the emerging carbon tax regime.”

Sections 25 and 26 of the Western Australia Department of Environment Regulation – Licence L6963/1997/14 in respect of the Tamala Park landfill site cover matters relating to landfill gas as outlined below:

LANDFILL GAS CONTROL

25. The Licensee shall install an approved capping system on each putrescible waste cell after the final contours of the cell(s) have been reached, where the capping system conforms to the following requirements:
 - (i) each cell is capped with a permeable layer contoured to allow gas migration to extraction ports;
 - (ii) the capping material allows a hydraulic conductivity (K) of at least 1×10^{-7} m/s;and
 - (iii) a protective capping cover is maintained.
26. The Licensee shall maintain a collection system for landfill gas for the cells identified in condition 25 and shall ensure the landfill gas collected from the cells is flared or used.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Landfill gas management at Tamala Park is a net revenue generating activity. It is anticipated that this situation will continue well into the future. Currently the revenue budgeted for 2013/14 from LGP is \$505,000.

The objective of a future landfill gas contract would be to maximise the return to the MRC whilst appropriately allocating risk to that party best able to manage it.

STRATEGIC COMMUNITY and CORPORATE BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2013/14 - 2033/34	
OBJECTIVE 1	LONG TERM VIABILITY
Sub Objective	Maintaining a sound financial footing with a commercial focus
Strategy 1.3	Manage and acquire suitable assets to achieve an optimal mix of waste management solutions
Strategy 1.5	Ensure the Council is commercially relevant to the regional market
OBJECTIVE 2	EFFECTIVE MANAGEMENT
Sub Objective	Industry Leading Waste management and Practices
Strategy 2.1	Operate waste management activities effectively
Entering into a new contract for gas management and extraction at Tamala Park ensures that the MRC continues to mitigate the release of gases into the atmosphere and utilise these gases to produce electricity. It also provides additional revenue for the MRC to allow it to improve its services and assist it in meeting its overall objectives in line with industry best practise.	

Corporate Business Plan 2013/14 – 2016/17		
Strategies	Actions	Responsible Officer
1.3	1.3.3 Manage Landfill infrastructure to support the MRC's operations	Operations Supervisor
1.5	1.5.4 Manage the costs of the landfill operations in line with other benchmark landfill sites	Director Corporate Services
2.1	2.1.1 Manage the environmental issues associated with operating a landfill site	Operations Supervisor
2.1	2.1.2 Comply with DER Licence	Operations Supervisor
The DER Licence requires the MRC to ensure that landfill gas emissions from the Tamala Park landfill are appropriately managed, specifically stating that this is to be achieved by either flaring or using the gas. This contract ensures compliance with this requirement.		

COMMENT

LGP have operated on the site since 2003 and have demonstrated their expertise and been high performers, as well as providing a competitive financial return to the MRC over this period. As such, it is considered appropriate to enter into initial negotiations with LGP and only consider tendering the contract if the negotiations are unsuccessful.

It is likely that gas will have to be extracted from the landfill beyond the current 2032 lease term and a flare will have to eventually be built to flare the remaining gas. It would be advantageous to have the same company complete all this work, and as a result, it is recommended that the MRC write to the owners of the property advising them of the work required past the lease expiry date and seeking their support to be party to the new agreement to allow the completion of the required work by the contractor.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Authorises the CEO to commence negotiations for a new landfill gas contract with Landfill Gas and Power on the basis that the company is a preferred supplier on the WALGA Preferred Supplier Panel;**
- 2. Receive a report from the CEO detailing the outcome of the negotiations at its meeting to be held on 10 October 2013;**
- 3. Write to the owners of Tamala Park requesting their consideration of being party to any new agreement, or any other formal arrangement, that will allow the contractor to continue to extract gas or complete the necessary work to flare the gas past the expiry date of the current lease.**

RESOLVED

**Cr Boothman moved, Cr Butler seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 12

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 12 be received.

RESOLVED

**Cr Gray moved, Cr Newton seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

The Chairperson requested that in accordance with clause 7.9(3) of the Mindarie Regional Council Standing Orders Local Law 2010 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider Confidential Items 14.1 and 14.2 of this agenda. As they relate to:

- **Matters that affect the CEO’s contract**
- **A decision of Council that may result in a contract being entered into**

Cr Stewart moved, Cr Gray seconded

CARRIED UNANIMOUSLY (10/0)

Member Council CEOs and Officers, Mindarie Regional Council CEO and Officers and visitors departed the Chamber at 5.45pm

14.1	CONFIRMATION OF MINUTES OF CEO PERFORMANCE REVIEW COMMITTEE AND CONSIDERATION OF COMMITTEES RECOMMENDATIONS
File No:	PER/79
Attachments(s):	1. CEO Review 2013 (Final Report) 2. Minutes of the CEO Performance Review Committee
Date:	29 August 2013
Responsible Officer:	Sonia Cherico

SUMMARY

Seeking conformation of the minutes of the CEO Performance Review Committee and consideration of the recommendations made by the Committee.

BACKGROUND

The CEO Performance Review Committee (the Committee) consists of four members being Councillors’ Fishwick (Chairperson), Bissett (Deputy Chairperson), Withers and Cooke and has been set up to review the annual performance of the Chief Executive Officer(CEO) of the Mindarie Regional Council (MRC) in accordance with his contract and the Local Government Act 1995.

Mr Brian Callander was appointed the CEO on 16 January 2012 for a (3) three year period. His contract of employment requires Council to review both his performance (clause 3.3) and remuneration (clause 5.5) after 6 months, then annually thereafter.

The committee completed the 6 month review presenting a report to Council at the Special Council Meeting on 20 September 2012. The Council supported the recommendation that Council:

“That Council:

- 1. ADOPTS the August 2012 Interim Performance Review Report*
-

-
- a. *ENDORSES the overall rating of "Meets performance criteria and associated Performance Indicators at a highly satisfactory level".*
 - b. *ENDORSES the draft Key Result Areas and Objectives for 2012/2013.*
 - c. *SCHEDULES the next appraisal process to commence in April 2013.*
2. *That Mr Brian Callander's remuneration package as the Mindarie Regional Council's Chief Executive Officer's be increased to \$209,991 (overall 5.0%), effective from the first pay period in July 2012."*

DETAILS

On 23 April 2013 letters of request were sent out by the MRC Human Resource Officer, seeking quotation for a Specialist Human Resource Consultant to assist the committee to conduct a review of the CEO's performance and remuneration. The committee informally met on 16 May 2013 to review quotations and presented a recommendation to Council.

A report was presented to Council at its Special Council Meeting on 20 June 2013 providing the details of the quotations received and contained the recommendation from the Committee to engage Mr John Phillips, Executive Manager 'Local Government Workplace Solutions', Western Australian Local Government Association to assist with the performance review process. The Council supported the request resolving the following:

"That Council appoint John Phillips from WALGA to assist the CEO Performance Review Committee in reviewing the performance and remuneration of the Chief Executive Officer, Brian Callander."

Mr Phillips has provided guidance on the procedure and reports that have assisted the Committee in making the necessary recommendations to Council.

The report entitled the "Chief Executive Officer's Annual Performance Review 27 August 2013" (refer attached) defines the process, which report, in part, as follows:

The consultation and report preparation process was undertaken between 13 August 2012 to 26 July 2013.

Mr Callander provided a report outlining achievements against the performance indicators for the review year.

Seven Elected Members contributed to the feedback process, using the agreed performance indicators determined as part of the August 2012 appraisal. One respondent offered an overall assessment, but did not provide ratings against each key result area.

Feedbacks received indicate that Mr Callander has:

- *Developed a professional team of people, particularly at the senior management level;*
 - *Demonstrated strategic thinking in his role as CEO, and an aptitude for improving efficiencies within the organisation and its operations;*
 - *Has managed the organisation and relationships with member Councils, in a positive, diplomatic and professional manner and has improved the level and standard of communication with member Councils.*
-

Overall, Mr Callander was evaluated as 'highly satisfactory' for the appraisal period.

The report contains recommendations from the Committee for performance measures for 2013/14, which are presented below for Council's consideration.

CONSULTATION

The Committee, through Mr Phillip's, consulted with the Councillors on Mr Callander's performance as detailed above.

STATUTORY ENVIRONMENT

The Local Government Act 1995 requires Regional Councils to review the CEO's performance as follows:

"5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment."

The CEO's contract specifies the requirements of the review, specifically Clauses 3.3 Performance Review and 5.5 Review of Remuneration Package, which read as follows:

"3.3 Performance Review

- a) *Within 6 months of the commencement of this agreement, the Council and you must negotiate and determine the KPIs.
 - i. *You agree that: the KPIs must be reasonably achievable by you.*
 - ii. *You must use every reasonable endeavour to comply with the KPIs.**
- b) *The Council will review your performance each year during April-May review period with the first review 6 months after commencement and then annually. Your performance may be reviewed more frequently if the Council deems it necessary.*
- c) *The performance review will take into account:
 - i. *your performance, including whether or not you have met the KAs and KPIs; and*
 - ii. *your responsibilities during the preceding year.**
- d) *You will be given reasonable notice in writing that a performance review is to be conducted, including how the review will be conducted, to allow you sufficient time to prepare.*
- e) *The Council may use the outcome of any performance review for the purposes of*
- f) *your remuneration review in accordance with **clause 5.5***
The Council may vary the KAs and KPIs outlined in your Position Description and Performance Review, in consultation with you, and replace all or any of them with such other duties, key accountabilities or key performance indicators as may be agreed from time to time."

"5.5 Review of Remuneration Package

The Council will review your Remuneration Package each year. The first review will be in June 2012 with any increase in remuneration to occur on or after the first pay period in July 2012 and thereafter annually each year.

The review will take into account:

- i. the outcomes of your performance review under **clause 3.3**;*
- ii. any benefits which have accrued and will accrue to you under this agreement; and*
- iii. industry salary movements over the review period.*

The Council is under no obligation to increase your Remuneration Package following such a review.”

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Salaries and Wages Budget 13/14 provides for the performance based pay increase to the CEO's package.

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority / Absolute Majority

That Council:

- A. Confirm the Minutes of the CEO Performance Review Committee meeting held on Tuesday 27 August 2013 as contained in Attachment 2.**
- B. Approve the CEO's Performance Review Committee's recommendations as follows:**
 - 1. Endorse the 2013 Performance Review Report for the CEO as contained in Attachment 1;**
 - 2. Endorse the overall rating of “Meets performance criteria and associated performance indicators at a highly satisfactory level”;**
 - 3. Endorse the Key Result Areas and Objectives for 2013/2014 as follows:**
 - a. Develop key actions that will increase the rate of recycling, mitigate against market risk and reduce ongoing costs.**
 - b. Liaise with the Waste Authority and Regional Councils in providing a coordinated State waste management process to enable efficiencies in processing, and higher recycling rates.**
 - c. Develop a Strategic Waste Management Plan in conjunction with member Councils and in accordance with the requirements of the Waste Authority;**
 - d. In accordance with the Strategic Community Plan 2013/14 – 2033/34, and in conjunction with member Councils investigate solutions for:**
 - i. a new landfill site suitable for the development for a class 2 landfill; and,**
 - ii. a sorting shed designed to increase the amount of waste recycled and reused.**

e. **Develop Business Plans for 3.d.i and 3.d.ii (above) for consideration of Council.**

4. **Approve an increase to the CEO's remuneration package from \$209,991 to \$226,705 per annum, effective from the first pay period in July 2013.**

RESOLVED

**Cr Stewart moved, Cr Butler seconded
That the recommendation be adopted.**

CARRIED (9/1)

ATTACHMENT 1
TO ITEM 14.1
ORDINARY COUNCIL MEETING
5 SEPTEMBER 2013
CEO REVIEW 2013 (FINAL REPORT)
PREPARED BY LOCAL GOVERNMENT WORKPLACE SOLUTIONS

CONFIDENTIAL - This is a report prepared to assist with the Annual Appraisal of the Mindarie Regional Council's Chief Executive Officer, and as an Employee – Confidential document neither it nor any part of it is NOT to be released into the public domain.

Pages 23 – 39 are confidential in accordance with sections 5.23(2)(a) and 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- *a matter affecting an employee.*
- *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

The resolutions relating to items 14.1 and 14.2 considered behind closed doors are as follows:

14.1 Confirmation of Minutes of CEO Performance Review Committee and consideration of Committee's recommendations

"A Confirm the minutes of the CEO Performance Review Committee meeting held on Tuesday 27 August 2013 as contained in Attachment 2;

B Approve the CEO's Performance Review Committee's recommendations as follows:

1 Endorse the 2013 Performance Review Report for the CEO as contained in Attachment 1;

2 Endorse the overall rating of "Meets performance criteria and associated performance indicators at a highly satisfactory level";

3 Endorse the Key Results Areas and Objectives for 2013-14 as follows:

a Develop key actions that will increase the rate of recycling, mitigate against market risk and reduce ongoing costs;

b Liaise with the Waste Authority and Regional Councils in providing a coordinated State waste management process to enable efficiencies in processing, and higher recycling rates;

c Develop a Strategic Waste Management Plan in conjunction with member Councils and in accordance with the requirements of the Waste Authority;

d In accordance with the Strategic community Plan 2013-14 – 2033-34, and in conjunction with member Councils investigate solutions for:

i a new landfill site suitable for the development for a class 2 landfill;

ii a sorting shed designed to increase the amount of waste recycled and reused;

e Develop Business Plans for 3(d)(i) and 3(d)(ii) (above) for consideration of Council;

4 Approve an increase to the CEO's remuneration package from \$209,991 to \$226,705 per annum, effective from the first pay period in July 2013.

14.2 City of Stirling Retention – Negotiations

“That Council:

- 1 *accept the offer presented by the City of Stirling in correspondence received by email dated 29 August 2013 and commence charging the City of Stirling in accordance with the table below from 1 October 2013:*

<i>Initial discount</i>	8.33%	
<i>Initial Gate Fee</i>	\$120/tonne	
Year	Discount Path	Effective discount on future gate fee
13-14 (October – 30 June)	100%	8.33%
14-15 (1 July – 30 June)	75%	6.25%
15-16 (1 July – 30 June)	50%	4.17%
16-17 (1 July – 30 June)	25%	2.08%
17-18 (1 July – 30 June)	0%	0.00%

Note: It is expected that the gate fee will increase to take into account changes in the waste Levy and other statutory charges, operating costs and increases in CPI.

- 2 *will reduce the gate fee for its Member Councils (other than the City of Stirling) from \$149 per tonne to \$120 per tonne as from 1 October 2013;*
- 3 *advise the City of Stirling that, the MRC would be prepared to formalise the negotiated outcome in a Deed of Settlement;*
- 4 *write to the Minister for Local Government advising that agreement has been made with the City of Stirling to retain them as participating members of the Mindarie Regional Council;*
- 5 *provides public notice in accordance with s.1.7 of the Local Government Act 1995 informing the public of its intention to amend its fees and charges by reducing member fees from \$149 per tonne to \$120 per tonne.”*

NOTE: The Chief Executive Officer has NOT released Report 14.2 for Public information due to Council's decision may result in a contract being entered into.

The Chairperson sought that the meeting be reopened to the public

Cr Butler moved, Cr Cooke seconded.

CARRIED UNANIMOUSLY (10/0)

The meeting was reopened at 5.58pm.

The Chairperson read out the resolutions and the votes, made behind closed doors, of the Council Items 14.1 and 14.2 as detailed above.

15 NEXT MEETING

Next meeting to be held on Thursday 10 October 2013 in the Council Chambers at City of Perth commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.02pm and thanked the City of Vincent for their hospitality and the use of their meeting facilities.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 5 September 2013.

Signed Chairman

Dated this day of 2013
