



LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

City of Wanneroo and City of Joondalup Local Emergency Management Committee Meeting

City of Wanneroo and City of Joondalup
Local Emergency Management Committee
City of Wanneroo, Leschenaultia Room
Dundebar Road, Wanneroo

10:00am, 2 May 2013

1. ATTENDANCES AND APOLOGIES

ATTENDANCES:		
Name	Position	Organisation
Cr Dot Newton, JP	LEMC Chairperson	City of Wanneroo
Alan McColl	Manager Regulatory Services	City of Wanneroo
Ian McDowell	Coordinator Community Safety	City of Wanneroo
Resmie Greer	Senior Emergency Management and Community Safety Officer	City of Wanneroo
Wayne Harris	Coordinator Health Services	City of Wanneroo
Phil Hay	Community Emergency Services Manager (CESM)/Chief Bush Fire Control Officer (CBFCO)	City of Wanneroo/DFES
Cr John Chester	Elected Member	City of Joondalup
Derek Fletcher	Emergency Management Officer	City of Joondalup
Charlie Reynolds	Manager Asset Management	City of Joondalup
Wayne Dohmen	Inspector – Assistant District Officer	WA Police
Shane Scott	District Training Officer	WA Police
Alex Ryan	A/OIC – Hillarys	WA Police
Mal Jones	OIC – Clarkson	WA Police
Ken Walker	OIC – Warwick	WA Police
Julie Smith	Sergeant – Hillarys	WA Police
Tony Moss	A/Sergeant – Joondalup	WA Police
Shane Scott	Sergeant NW Metro District Training Officer	WA Police
Steve Post	Inspector – NW Metro District Office	WA Police
Bill Hansen	Local Manager	SES
Mary-Ann Jackson	Local Welfare Coordinator	DCPFS
Jo-Anne Bennett	Senior District Emergency Services Officer	DCPFS
Helen Barrett	Disaster Management Coordinator	Ramsay Health

Darryl Welsby	Manager Business Risk & Resilience	ECU
Visitors		
Terri Kurtis	Director Legal and Legislative Services	DFES
Paul Simpson	Manager Legal and Legislative Services	DFES
Taryn Boot	A/Project Administrator - Review of Emergency Services Acts	DFES

APOLOGIES:		
Name	Position	Organisation
Charlie Carver	Superintendent NW Metro District	WA Police
Charles Slavich	Principal Environmental Health Officer	City of Joondalup
Joanne Cramp	Emergency Management Officer NW Metro	WA Police
Geoff DeSanges	Inspector Assistant District Officer	WA Police
Chris Ruck	OIC – Wanneroo	WA Police
Craig Wanstall	OIC – Joondalup	WA Police
Peter Reeves	OIC – Yanchep	WA Police
Nadine McLoughlin	A/Community Emergency Management Officer	SEMC Secretariat
Allan Daw	District Officer – North Coastal	DFES- BFS
Stuart Palmer	District Officer – West Coastal	DFES
Mary McConnell	Disaster Management Coordinator	Ramsay Health
Ruth Lane	State Manager Emergency Services	Red Cross
Steve Pethick	Primary Response Coordinator	Western Power
Sam Hurd	Fire Operations Officer	DEC
Leigh Sage	Fire Protection Officer	DEC
Steve Pethick	Primary Response Coordinator	Western Power
Chris St Roas	Hillarys Boat Harbour	Department of Transport

Cr Dot Newton opened the meeting at 10:05am and welcomed those members in attendance.

2. PRESENTATION

2.1 Cr Newton welcomed Terri Kurtis, Paul Simpson and Taryn Boot from Legal and Legislative Services (DFES). A presentation was provided on the phases undertaken to review the Emergency Management Acts (*Fire Brigades Act 1942, Bush fires Act 1954 and Fire and Emergency Services Act 1998*). All government departments and stakeholders were invited to provide feedback on any issues or concerns that may be impacted by the legislative review. The consultation process has now closed, although contact can still be made to DFES Review Panel. To date 94 submissions have been received. The next phase will run from 1 September to 31 December 2013 where DFES will consult with stakeholders to focus on the strengths and weaknesses of the proposed options. The final stage will encompass Cabinet approval and DFES will assist Parliament Council's Office with drafting the new Emergency Services Bill and Regulations. The anticipated completion date is December 2015.

Copies of the "Legislative Review Fact Sheets" were distributed to members at the meeting. (An electronic copy of this information will be forwarded along with the minutes).

Cr Newton thanked Terri Kurtis, Paul Simpson and Taryn Boot for the comprehensive presentation and for explaining the phases undertaken to review the legislation.

3. CONFIRMATION OF PREVIOUS MINUTES (2 August 2012)

Moved Cr John Chester, **Seconded** Jo-Anne Bennett

That the Minutes of the Local Emergency Management Committee meeting held on 7 February 2013 be confirmed as a true and accurate record, subject to the following amendment:

"Stuart Palmer's position be altered from District Officer "North" Coastal to District Officer "West" Coastal."

CARRIED

4. BUSINESS ARISING

Item	LEMC Meeting	Subject	Responsible Agency/Person
2.1	7 February 2013	D Fletcher advised City of Joondalup still working with the Risk Management Task Force on minor changes.	City of Joondalup Completed April 2013

5. CORRESPONDENCE

The Inwards and Outwards correspondence was tabled at the meeting for reviewing and comments.

Resmie Greer reported on the following items for particular noting:

- (i) Item 10 – Draft Westplan – Fire for stakeholder consultation by 2 July 2013;
- (ii) Item 11 – Draft SEMP 4.4 – recovery Coordination consultation by 28 June 2013; and
- (iii) Item 15 – Emergency Management Act Review.

6. STANDING ITEMS

- **District Agency Updates:**

- **City of Wanneroo**

Resmie Greer reported on the following:

(a) WALGA has arranged AIIMS training for local governments, however invitation has now been extended to LEMC agencies as places are still available. The City of Wanneroo has agreed to offer WALGA a venue to conduct the training on Tuesday 28 May 2013 (8:30am – 12:30pm). The venue is the Quinns Rocks Volunteer Fire Brigade Station at Hidden Valley Retreat, Clarkson. Anyone wishing to attend should contact Sharna McKechnie at WALGA direct;

(b) WALGA has launched Emergency Management On-Line Training. The training program is suitable for Chief Executive Officers, Elected Members, Managers and all officers who wish to enhance their role in emergency management. The on-line unit is an elective within the Advanced Diploma and Public Safety (Emergency Management) qualifications. The cost per student is \$250.00;

(c) Ian McDowell attended the Metropolitan North and East Recovery Group meeting

held at the City of Joondalup on the 24 April; and

(d) LEMC Annual Report for period ending 2012/2013 is due for completion by 30 June 2013.

○ **City of Joondalup**

Derek Fletcher reported on the Metropolitan North and East Recovery Group Meeting held at the City of Joondalup on 25 April 2013. He explained that the group is made up of 7 local governments (City of Wanneroo, City of Joondalup, City of Bayswater, City of Swan, City of Stirling, City of Kalamunda, and Town of Bassendean) who have a Partnering Agreement in place for the provision of mutual aid for recovery during emergencies. At the meeting it was agreed that all participating local governments would share information/lessons learnt on recovery activations and exercises held.

○ **WA Police**

Shane Scott reported on the following:

(a) Recent major land searches in the district (Mindarie and Mullaloo) and highlighted some deficiencies that occurred. Police are addressing these issues and are in the process of appointing additional qualified land search officers within the district. A course has been scheduled for June 2013 to cover the specialised skills required for land search; and

(b) The Future Music Festival held at the Joondalup Arena on the Sunday 3 March 2013 posed no major problems for the Police.

○ **Department of Fire and Emergency Services (DFES)**

Phil Hay reported on the following:

(a) The V8 Supercars Event is on this weekend (3 – 5 May 2013) Barbagallo Raceway. Fire Crews and Volunteers will be in attendance throughout the weekend; and

(b) DFES continues to provide essential fire fighter training.

○ **Department of Environment and Conservation (DEC)**

No one in attendance.

○ **State Emergency Service (SES)**

Nothing to report.

○ **Department of Child Protection (DCP)**

Jo-Anne Bennett reported on the following:

(a) Following the elections DCP has changed its name to the Department for Child Protection and Family Support (DCPFS). This new name aligns with the department's full role and functions whilst still maintaining the focus on child protection;

(b) As a result of the name change and also because a review of the Local Welfare Plan and the Welfare Centre Sub Plans is due, the department's will amend and update the plans accordingly. The plans will be circulated to members for comment and then submitted to the LEMC for endorsement;

(c) Over the last quarter DCP across the State has been extremely busy with numerous (at times multiple and concurrent) activations for a number of DCPFS districts. As a result of fires, cyclone and floods, DCPFS Early Response Teams, including Jo-Anne Bennett, opened and operated numerous Evacuation Centres and ran them for the affected communities. The Centres looked after a couple of people

for a few hours through to hundreds for many days/nights over a week. One of the activations included officers being transported by helicopter into Marble Bar to run the Evacuation Centre for an indigenous community affected by the cyclone and subsequent flooding and then assisted with their repatriation and restocking of their community back to country. Locally the Joondalup Office provided support to the Midland Office during the Bullsbrook fires where it was necessary to activate two Evacuation Centres due to road blocks in the area;

(d) The Joondalup Local Welfare Centre Sub Plan has been amended. J Bennett and D Fletcher reviewed the available Evacuation Centres as the Warwick Leisure Centre is leased by a community group and may not necessarily be available as and when required for evacuation purposes. Two additional Centres were visited and it was decided to include Fleur Freame Pavilion in Padbury as this Centre was better suited for evacuation purposes;

(e) The Local Welfare Emergency Management Support Committee is scheduled for the end of May 2013. Requests for agenda items being sent out shortly. DCPFS is looking for a guest speaker for the meeting; and

(f) DCPFS will be conducting Evacuation Welfare Centre Training with DCPFS staff (date to be confirmed). R Greer and D Fletcher are invited to attend. A Welfare Exercise will follow in September 2013 which will simulate the opening, operating and closing of a Centre. J Bennett will discuss further with both local governments to consider an appropriate venue once a date is confirmed. A number of the LEMC members will also be invited to participate in the exercise.

- **Western Power**
No one in attendance.

Other Key Stakeholders:

- **State Emergency Management Committee (SEMC) Secretariat:**
Refer to attachment for SEMC Secretariat report provided electronically by Nadine McLoughlin, Acting Community Emergency Management Officer.
- **Edith Cowan University**
Darryl Welsby advised that all is relatively quiet at ECU.
- **Joondalup Health Campus**
Helen Barrett reported that the Health Campus will be conducting a CBR exercise on Tuesday 7 May 2013. Stuart Palmer (DFES) and 20 volunteers will be attending.
- **Red Cross**
No one in attendance.
- **Hillarys Boat Harbour:**
No one in attendance.
- **Department of Education:**
No one in attendance.
- **Coastal Emergency Group:**
No one in attendance.
- **Police Academy:**
No one in attendance.

- **West Coast Institute of Training (Joondalup):**
No one in attendance.
- **LEMC Arrangements:**
 - ***Risk Register/Mitigation Treatments:***
The City of Joondalup's Risk Register has been completed and can be viewed in the inwards correspondence folder (item 13).

The City of Wanneroo is conducting prescribed burns as necessary when weather conditions permit.
 - ***Training Activities/Simulations:***
Nil to report.
 - ***Other Emergency Activations for mention:***
Nil to report within the Cities of Wanneroo and Joondalup.
 - ***Review/Outcomes/Lessons Learnt:***
Nil to report.

7. NEW BUSINESS

- Phil Hay advised that the Education Department owns large parcels of land within the district and as some schools are located near bush fire prone areas, it was recommended that LEMC write to the Education Department requesting representation at LEMC meetings. It is important to have representation so that schools are informed and understand their responsibilities in regard to the need to have emergency evacuation plans in place and not to rely solely on the HMA. Mention was made of a fire incident at Glen Forrest whereby a local school did not have emergency management plans in place and pushed the responsibility back on to the HMA.

It was proposed **Moved** Phil Hay, **Seconded** Jo-Anne Bennett that the LEMC write to the Education Department to request representation at LEMC meetings.

CARRIED

8. NEXT MEETINGS

The next City of Wanneroo/City of Joondalup Local Emergency Management Committee meeting will be held on Thursday 8 August 2013 at the City of Joondalup.

9. CLOSE

There being no further business, the meeting was closed at 11:10am.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

2 MAY 2013

CITY OF WANNEROO

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



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5 ANNOUNCEMENTS BY THE PRESIDING PERSON
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Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE
--

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS
--

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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8.1 ORDINARY COUNCIL MEETING – 6 DECEMBER 2012

The Minutes of the Ordinary Council Meeting held on 6 December 2012 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 6 December 2012 be confirmed as a true record of the proceedings.

RESOLVED

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

CARRIED UNANIMOUSLY

8.2 ORDINARY COUNCIL MEETING – 7 MARCH 2013

The Minutes of the Ordinary Council Meeting held on 7 March 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 7 March 2013 be confirmed as a true record of the proceedings.

RESOLVED

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

CARRIED UNANIMOUSLY

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	TENDER FOR CLAY LINING
File No:	WST/132-02
Appendix(s):	Nil
Date:	11 April 2013
Responsible Officer:	CEO

SUMMARY

Seeking approval to tender for the clay lining of Stage 2 Phase 3 of the Tamala Park landfill and for funds to be set aside in next year's budget for the works.

BACKGROUND

In February 2012 waste commenced being placed on the final stage (Stage 2 Phase 3) of the Tamala Park landfill, the capacity of which is 2.6 million tonnes. Since then the first lift of waste in the landfill has been completed and the second lift commenced. The landfill is lined however the sides of the landfill require a further lining of clay. A Works Approval has been applied for from the Department of Environment and Conservation and it is anticipated that the approval will be issued within the next month.

Given that the second lift is current it is now time to commence the clay lining on the walls of Stage 2 Phase 3.

DETAIL

It is proposed to seek approval from Council to tender for the Clay Lining project prior to the commencement of the 2013/14 financial year so that the MRC can commence the tender process and present a report to Council at its meeting on 4 July 2013 enabling work to commence early in the next financial year. The tender will be drafted in accordance with the requirements of the *Local Government Act 1995* and associate Regulations. The value of the work of the clay lining is estimated to be up to \$5,000,000 over five years. A further report will be presented to council when the tender closes advising of the tenderers and seeking consideration of the tenderers to undertake the works.

The tender document is currently being drafted using the West Australian Local Government Associations Tender Guidelines which will include the technical specifications provided to the Department of Environment and Conservation for the works approval.

The following extract from the Environmental Assessment Report for the Works Approval describes the work required for this project.

“Works Approval for Stage 2 Phase 3 Progressive Clay Lifts

MRC has previously constructed the base for the Stage 2 Phase 3 landfill cell and now proposes to develop the progressive clay lifts above the Stage 2 Phase 3 base liner. The proposed works have been designed and documented by Golder Associates, a copy of which is at Attachment 1.

The construction of the Phase 3 progressive clay lifts involves the following specifications:

- *The identification of a suitable clay source.*
- *Deliver of clay to site.*
- *Moisture conditioning of the clay material,*
- *Placement and compaction of clay layers,*
- *Testing of clay layers,*
- *Tie-in to existing liner works,*
- *Extension of leachate extraction pipework, and,*
- *Compilation of Construction Quality Assessment Report.*

The above scope of works will be progressively carried out over a number of years as the waste height increase until the clay liner reaches the top of the Stage 2 excavation level (maximum height of landfill liner).

SUBGRADE

The current surface of Phase 3 comprises of the following:

- *A 3.5 m wide synthetically lined perimeter bench at RL. 9.6 m;*
- *Excavated limestone side slopes of approximately 1.5H:1V; and*
- *A lined base that has been covered with waste.*

The base of the landfill was constructed in 2010 under a previous Works Approval and has been covered by up to 9 m of putrescible waste. The perimeter synthetically lined bench has been left exposed and is now to be raised with progressive clay lifts as the height of waste increases.

The side slopes of the Phase 3 landfill have been previously excavated at approximately 1.5H:1V. The clay lifts will be placed directly up against the cut slope, which will predetermine the finished slope of the clay liner.

LINER SYSTEM

The liner system for Phase 3 clay lifts will consist of progressive 200 mm layers of compacted clay. These individual clay layers will be continued until the clay lift is at least 3 m high. The environmental barrier is achieved by ensuring that the clay layers are well compacted (to the required specification) and are a minimum of 2.6 m wide.

LEACHATE COLLECTION SYSTEM

The leachate collection system associated with the progressive clay lifts is simply extending the stainless steel leachate extraction pipes that are connected to the base liner leachate collection system. There will also be leachate drainage material (aggregate or sand) progressively placed up the exposed clay face to allow leachate to drain down the edge of the clay liner and enter the base leachate collection system.

A separation geotextile will be placed over the leachate drainage layer to prevent fines from clogging the drainage layer.

TIE-IN TO EXISTING LINER SYSTEM

The first of the progressive clay lifts will be tied in to the synthetically lined perimeter embankment using a layer of Geosynthetic Clay Liner (GCL) to achieve

the necessary low-permeability contact between the existing HDPE and the new clay material.

The interface with the existing wall liners for Stage 2 Phase 2 will be achieved in a similar manner, utilising GCL curtains to achieve the necessary bond.

1.5 REGULATORY CONTEXT

1.5.1 Development Approvals

The facility was assessed by the Environmental Protection Authority (EPA) and approved by the Minister for the Environment in 1983 under Part IV of the Environmental Protection Act 1971. This approval was published in the Government Gazette No. 2 on 9 January 1987. The Facility was also assessed under the Health Act 1911.

A Works Approval was granted by the Department of Environment and Conservation (DEC) to construct the first 12 cells (Stage 1, cells 1-12) and the site was subsequently developed and opened to receive waste in 1991 under an Environmental Protection Act 1986 licence from the DEC (see Section 1.5.2).

In July 2001, a Works Approval (Number W3396/1997/1) was granted by DEC for the construction of Stage 2, cells (13-22) approved in the initial environmental impact assessment for the facility. In September 2003, a Works Approval (Number W3690/1997/1) was granted by DEC for the construction of Stage 2A (North) cells 16, 17, 21 and 22 and Stage 2B (North) cells 26, 27, 31 and 32. In December 2004 the Western Australian Planning Commission (WAPC) approved the commencement of construction and landfill of Stage 2B of the facility (WAPC Development number 30-50077-2).

On 6 March 2009 a Works Approval (Number W4502/2008/1) was granted by DEC for the construction of a liner tie in between stages 1 and 2 of the landfill to allow waste to be placed over the old waste from stage 1 to form the final contour of the completed landfill. This was completed on 30 September 2009.

In October 2009 a Works Approval (Number W4582/2990/1) was granted by the DEC for the construction of Stage 2 Phase 3 liner. The Works Approval included progressive clay lining of the Phase 3 slopes. The Works Approval expired on 20 December 2012; hence, the requirement for further Works Approval to continue the lining of Phase 3.

1.5.2 Part V Environmental Protection Act 1986

The facility currently operates under environmental protection licence (L6963/1997/13) issued by DEC under Part V of the Environmental Protection Act 1986. The Tamala Park Facility has been assessed as a “prescribed premises” under category number 12 (Screening of material) and category number 64 (Putrescible landfill - Class II). The additional categories are recommended for inclusion in the amended licence - Category number 57: Used Tyre Storage, Category number 62: Solid Waste Depot and Category number 72: Chemical Manufacturing, pertaining to the manufacture of biodiesel as described in Section 1.2.

1.5.3 Rights in Water Irrigation Act 1914

MRC holds a Groundwater Well Licence (GWL) under the Rights in Water and Irrigation Act 1914 (RIWI Act). Licence number GWL 00068672 provides an allocation of 45,000 kL of groundwater per year. The GWL licence is valid until July 2015.

1.5.4 Dangerous Goods Act 1961

MRC holds a Dangerous Goods Storage Licence under the Dangerous Goods Safety Act 2004. The Facility is licensed (licence number DGS020256) for:

- *one 5 kL self contained diesel fuel tank located at the active area of the landfill*
- and one 10 kL self contained diesel fuel tank near the workshop. The fuel tanks were designed to comply with Australian Standard (AS) 1692 and AS 1940 and are fitted with a plate indicating compliance with both standards;*
- *3.4 kL flammable liquids stored in the household chemicals storage shed;*
- *0.9 kL corrosive liquids stored in the household chemicals storage shed;*
- and*
- *0.6 kL toxic liquids stored in the household chemicals storage shed.”*

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Mindarie Regional Council is required to get approval from the Department of Environment and Conservation for the works undertaken to line Stage 2 Phase 3 of the landfill.

As the works exceed \$100,000 a tender process has to be undertaken in accordance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996. The following extracts detail the requirements:

Extract from the Local Government Act 1995

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.

Extract from the Local Government (Functions and general) Regulations 1996

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.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is estimated to be in the region of \$5,000,000 over a period of five years. The tender will be constructed with a five year fixed term with two optional periods of one year. The purpose of offering two optional periods to the main term of the contract is that the exact timing of the clay lining works cannot be predicted.

To progress the Tender at this stage the Council will have to set aside funds of \$1.5Million in the 2013/14 Budget as part of its resolution. In accordance with MRC's funding model the project will be funded from borrowings.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The clay lining works is a requirement of Mindarie Regional Council's licence and provides an affective barrier preventing waste from leeching out with the landfill and is not discretional. The works required exceed the \$100,000 tendering threshold of the *Local Government Act 1995* therefore it is recommended that the Administration is given authority to proceed to tender for the project acknowledging clearly that the cost of the project and its commencing will occur in next year's budget after 1 July 2013 and that the Council approve \$1.5Million dollars.

VOTING REQUIREMENT

Absolute/Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That:

- 1 **The tendering for the clay lining to Stage 2 Phase 3 of the landfill at Tamala Park be authorised;**
- 2 **\$1.5Million be set aside in the 2013/14 Budget for the first year of the project detailed in (1) above;**
(Absolute Majority Required)
- 3 **The funds required detailed in (2) above to be funded from borrowings and included in the 2013/14 Budget; and**
- 4 **The response to, and consideration of, the tenders be the subject of a separate report to Council at its meeting on 4 July 2013.**

RESOLVED

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

9.2	ENDORSEMENT OF COUNCIL POLICIES
File No:	COR/49
Appendix(s):	Appendix No. 1
Date:	9 April 2013
Responsible Officer:	Brian Callander

SUMMARY

Seeking endorsement of new and modified council policies.

BACKGROUND

In the past council policies, environmental procedures, human resource procedures, occupational safety and health procedures were held in a Business Manual. This made it difficult to assign responsibility to appropriate officers for these policies and procedures.

To address this, management have replaced the Business Manual with a number of manuals containing policies and procedures more relevant to the professional areas within the Mindarie Regional Council (MRC). The new manuals are the Council Policy Manual, the Human Resources Procedures Manual, the Occupational Safety and Health Manual and a Standard Operations Manual.

The Council Policy Manual contains only items that require a discretionary decision by council. For instance, the type of fees and allowances that councillors can receive are defined in the *Local Government Act 1995* and associated legislation. However their values are set within a range requiring council to make a discretionary decision. By contrast, the various procedures manuals provides guidance to employees and the MRC on their obligations on a wide variety of issues such as how to handle asbestos through to customer complaint handling procedures.

The council policies, along with the Delegations given from Council to the CEO, will be managed by the Chief Executive Officer (CEO), who will ensure that they are reviewed annually and are maintained up-to-date and relevant.

DETAIL

The new policy format includes a policy title, policy statement and a policy procedure. The policy title is self-explanatory. The policy statement indicates the action required and the policy procedure prescribes the manner in which the administration is to implement the policy.

The complete policies have been included in Appendix No. 1 of this agenda however a brief explanation of each of the policies and the rationale behind seeking Council's endorsement for them follows:

Policy No: CP01

Policy Title: Annual Fees, Allowances and Expenses for Councillors

Councillor fees, allowances and expenses are covered in sections 5.98., 5.98A., 5.99., and 5.99A. of the *Local Government Act 1995* (the Act) and parts 30 - 34AB of the Local Government (Administration) Regulations 1996, which sets a range of values for councillor fees and allowances.

Given that there is a range of values provided for in legislation, the Council is required to make a decision on a specific value within the range for each of the fees and allowances.

Note. The fees detailed in this council policy are the same as the fees approved by Council at its meeting on 25 October 2012. This policy may not be required after 1 July 2013 due to the changes to the Local Government Amendment Act 2012 and the Salaries & Allowances Act 1975. Currently the Regulations prescribe the value of fees, allowances and expenses to Councillors, but after 1 July 2013 the Salaries and Allowances Tribunals will determine the fees allowances and expenses.

Policy No: CP02

Policy Title: Affixing of the Common Seal

Defines who is authorised to sign the document requiring the common seal and the procedure for recording and reporting of the documents that have been signed.

Policy No: CP03

Policy Title: Councillor Arrangements while attending an overseas / interstate / intrastate conference

Defines the administration's responsibilities for booking conferences, accommodation and flights and the value of the cash advance and taxi vouchers provided to Councillors and how the expenses incurred by a Councillor are to be remitted.

Policy No: CP04

Policy Title: Employee arrangements while attending an overseas / interstate / intrastate conference

This policy is similar to CP03 but relates to employees.

Policy No: CP05

Policy Title: Environmental Management of Tamala Park

This policy defines how the environmental issues at Tamala Park are to be managed. This policy is also a requirement for compliance with AS/AZS ISO 14001: 2004 - Environmental Management Systems.

Policy No: CP06

Policy Title: Purchase of Goods and Services

This policy is a requirement of the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996 – Part 4 that require local government/regional councils to set procedures for various levels of expenditure up to \$100,000 and the tendering requirements for when the expenditure exceeds \$100,000.

Policy No: CP07

Policy Title: Gratuity Payments

This policy provides the Council the ability to confer a gratuity benefit on an employee over and above their entitlements. The *Local Government Act 1995* and Local Government (Administration) Regulations 1996 require the Council to develop a policy prior to enabling it to confer a benefit on an employee other than the employee benefits that are due. The policy procedure also includes clarification on a differentiation between a gratuity benefit and a farewell function.

Policy No: CP08

Policy Title: Provision and use of Council Vehicles

This policy prescribes the positions that are provided with vehicles and the associated benefits / restrictions that are provided to the positions.

Policy No: CP09
Policy Title: Investments

This policy is designed to ensure that the funds held with the Council are invested astutely and outlines the manner in which the Administration can invest the funds of the MRC.

Policy No: CP10
Policy Title: Donations – Financial Assistance / Support

This policy determines the manner in which, and the value of, donations or financial assistance support will be provided to various community groups, schools and MRC employees.

Note. This policy is a direct result of a Council resolution at its meeting on 19 April 2012.

STATUTORY ENVIRONMENT

The policies being proposed for consideration by Council are substantially a response to the legislative frameworks set in the Local Government Act and associated Regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the policies contained within this report are consistent with the manner in which the MRC currently operates there are no financial implications.

STRATEGIC IMPLICATIONS

By separating these policies from the procedures, it sets stronger governance principles and makes it easier to ensure that they are managed by the appropriate senior staff.

COMMENT

The Business Manual served its purpose however by seeking endorsement of the new format for Council policies and procedures, it will improve the accountability of the Administration and makes it easier to disseminate information to employees.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council acknowledge the new policy/procedure format and endorse the following policies:-

- 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**

RESOLVED

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

9.3	REQUEST FROM CITY OF STIRLING FOR A FURTHER EXTENSION TO 30 JUNE 2014 FOR THE EXEMPTION TO DISPOSE OF WASTE AT MINDARIE REGIONAL COUNCIL'S FACILITIES
File No:	LEG/14-02/02
Appendix(s):	Nil
Date:	9 April 2013
Responsible Officer:	CEO

SUMMARY

Consider extending the City of Stirling's (Stirling) exemption to dispose of waste at Mindarie Regional Council (MRC) facilities, being Tamala Park Landfill Site and the Neerabup Resource Recovery Facility (RRF).

BACKGROUND

Since the Heads of Agreement was signed in August 2010 the MRC has provided Stirling with a number of exemptions from delivering waste to both the Tamala Park Landfill and the Neerabup RRF in accordance with its Constitution. The last time the exemption was considered by Council was at its meeting on 20 September 2012 where the following was resolved:

- "1. The City of Stirling be granted a further extension to the exemption from delivering waste to both Tamala Park Landfill and the Neerabup RRF as required by the Constitution of the Mindarie Regional Council for a further period of 9 months to the 30 June 2013.*
- 2. The City of Stirling be obligated to pay the charges set for commercial users during the exemption period if it chooses to use the Mindarie Regional Council's facilities.*
- 3. The City of Stirling be advised of Council's decision."*

It was anticipated that this extension would provide adequate time for the Minister for Local Government (the Minister) to make a decision on the withdrawal of Stirling.

On 6 February 2013 the MRC received correspondence from the Minister for Local Government, Hon. John Castrilli MLA (the Minister) advising he has received MRC's submission and that due to the *"considerable complexities involved in determining an appropriate adjustment of Assets and Liabilities"* he has decided not to intervene and for the parties to continue to negotiate an acceptable outcome strongly suggesting that any negotiations should include a reconsideration of the Stirling's withdrawal from the MRC.

The Minister's letter was the subject of a report to Council held on 7 March 2013 where the officer recommended to meet with Stirling to determine if and how further negotiations can commence in line with the Minister's decision. However, the Council considered that any negotiations should be held off until the State Government determined a position on the Metropolitan Local Government Review (Final Report) and resolved, inter alia, the following:

"That Council:

- 1. Holds off any further negotiation/discussions with the City of Stirling until after the State Government has taken a position on the Metropolitan Local Government Review (Final Report). This decision to be reviewed within 6 months."*
-

DETAIL

On 5 April 2013 correspondence was received from Stirling's Director Infrastructure, Geoff Eves requesting a further extension to the exemption. The correspondence reads as follows:

“The City of Stirling is requesting an extension to the exemption from the delivery of waste to the Mindarie Regional Council (MRC) in accordance with the date limited approval on the 20 September 2012 which expires on 30 June 2013.

I believe that it would be financially prudent for both the MRC and the City to go forward post 30 June 2013 with certainty over the delivery of waste tonnages on respective budgets. Therefore, the exemption now sought, together with the exemptions currently in place, would apply for the period 1 July 2013 through to 30 June 2014 unless agreement is reached between the City of Stirling and the members of MRC on withdrawal.

It would be appreciated if this matter could be listed for consideration at the next meeting of Council on 2 May 2013.”

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The MRC's Constitution binds the member councils to deliver their waste to a nominated site but has the ability to exempt a member council from this requirement. The relevant parts of the Constitution are 4A.1 and 4A.2 as follows:

“4A.1 A constituent municipality, unless otherwise agreed by the parties hereto, shall be bound to dispose of waste in accordance with the requirements of the Regional Council and in particular, without limiting the generality of the foregoing, shall be bound to deliver waste to such site or sites as the Regional Council nominates.

4A.2 The Regional Council may exempt a constituent municipality from the provisions of clause 4A.1 hereof for such time and subject to such conditions as the regional Council deems fit and any exemption granted shall be communicated in writing.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the exemption has been provided since 2010 there is no financial impact on the budget however the opportunity cost of not having Stirling tip at Tamala Park for the further three months exemption is approximately \$1.2Million (based on 2010 figures).

STRATEGIC IMPLICATIONS

Nil

COMMENT

The request from Stirling to extend the exemption to 30 June 2014 is noted. However Council has resolved to hold off any further negotiations/discussions with Stirling until after the State Government has taken a position on the Metropolitan Local Government Review (Final Report) or within a six month period. As such, it is considered to be more

appropriate to align any extension to the exemption provided to Stirling to Council's previous decision and not until 30 June 2014 as requested by Stirling.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

1. **The City of Stirling be:**
 - (a) **granted a further extension to the exemption from delivering waste to both Tamala Park Landfill and the Neerabup RRF as required by the Constitution of the Mindarie Regional Council until 30 September 2013; and**
 - (b) **advised that the Mindarie Regional Council reserves the right to review its decision in 1. (a) above after the State Government has taken a position on the Metropolitan Local Government Review (Final Report) or any time within the exemption period.**
2. **The City of Stirling be obligated to pay the charges set for commercial users during the exemption period if it chooses to use the Mindarie Regional Council's facilities.**
3. **The City of Stirling be advised of Council's decision.**

Cr Stewart requested that the recommendation be voted on separately.

RESOLVED

Cr Fishwick moved, Cr Boothman seconded

Prior to the recommendation being considered Cr Newton foreshadowed the following motion:

"That the City of Stirling be advised that:

1. *The Mindarie Regional Council will not provide any further exemptions to the City of Stirling from delivering waste to its Tamala Park Landfill Site or Neerabup Resource Recovery Facility;*
2. *As of 1 July 2013 the City of Stirling will commence delivering municipal waste to the Mindarie Regional Council, at a location specified by the Mindarie Regional Council, in accordance with its Constitutional obligations, save for any valid exemptions provided for 22,000 tonnes of processible waste at Tamala Park for a period of 20 years commencing on the date the Council resolved to provide the exemption being the 26 April 2007.*

Reasons for the motion are that the withdrawal of the City of Stirling from the Mindarie Regional Council has been frustrated as a result of:

- a. *the impasse between the City of Stirling and the Mindarie Regional Council in reaching agreement on the adjustment of Assets and Liabilities of the Mindarie Regional Council as required by s.699.(3)(a) of the Local Government Act 1960.*
 - b. *The Minister informing the parties that he would not arbitrate on the Adjustment of Assets and Liabilities nor will he intervene in the withdrawal process. The Minister also encouraged the parties to review their previous agreement to allow the City of Stirling to withdraw from the Mindarie Regional Council."*
-

RESPONSIBLE OFFICERS RECOMMENDATION PART 1

1. The City of Stirling be:

- (a) granted a further extension to the exemption from delivering waste to both Tamala Park Landfill and the Neerabup RRF as required by the Constitution of the Mindarie Regional Council until 30 September 2013; and
- (b) advised that the Mindarie Regional Council reserves the right to review its decision in 1. (a) above after the State Government has taken a position on the Metropolitan Local Government Review (Final Report) or any time within the exemption period.

LOST 7/3

For: Cr Boothman, Cr Cooke, Cr Stewart

Against: Cr Butler, Cr Fishwick, Cr Gobbert, Cr Gray, Cr MacTiernan, Cr Newton, Cr Withers

RESPONSIBLE OFFICERS RECOMMENDATION PART 2

- 2. The City of Stirling be obligated to pay the charges set for commercial users during the exemption period if it chooses to use the Mindarie Regional Council's facilities.**

LOST 7/3

For: Cr Boothman, Cr Cooke, Cr Stewart

Against: Cr Butler, Cr Fishwick, Cr Gobbert, Cr Gray, Cr MacTiernan, Cr Newton, Cr Withers

RESPONSIBLE OFFICERS RECOMMENDATION PART 3

- 3. The City of Stirling be advised of Council's decision.**

LOST 7/3

For: Cr Boothman, Cr Cooke, Cr Stewart

Against: Cr Butler, Cr Fishwick, Cr Gobbert, Cr Gray, Cr MacTiernan, Cr Newton, Cr Withers

Cr Newton then presented her motion, which was seconded by Cr Gray.

Two amendments were requested and supported by the mover and the seconder. The amendments read as follows:

AMENDMENT 1

Amend part 2 by deleting "provided for 22,000 tonnes of processible waste at Tamala Park for a period of 20 years commencing on the date the Council resolved to provide the exemptions being the 26 April 2007".

AMENDMENT 2

Amend part 2 by Inserting the word "pre-existing" after the word "valid".

PROCEDURAL MOTION

Cr Stewart moved to have the motion deferred until the next meeting, Cr Cooke seconded.

LOST 7/3

For: Cr Boothman, Cr Cooke, Cr Stewart

Against: Cr Butler, Cr Fishwick, Cr Gobbert, Cr Gray, Cr MacTiernan, Cr Newton, Cr Withers

MOTION

That the City of Stirling be advised that:

- 1. The Mindarie Regional Council will not provide any further exemptions to the City of Stirling from delivering waste to its Tamala Park Landfill Site or Neerabup Resource Recovery Facility;**
- 2. As of 1 July 2013 the City of Stirling will commence delivering municipal waste to the Mindarie Regional Council, at a location specified by the Mindarie Regional Council, in accordance with its Constitutional obligations, save for any valid pre-existing exemptions.**

RESOLVED

Cr Newton moved, Cr Gray seconded

That the motion be adopted

CARRIED: 7/3

For: Cr Butler, Cr Fishwick, Cr Gobbert, Cr Gray, Cr MacTiernan, Cr Newton, Cr Withers

Against: Cr Boothman, Cr Cooke, Cr Stewart

Reasons provided by Cr Newton for amending the responsible Officers Recommendation were:

“That the withdrawal of the City of Stirling from the Mindarie Regional Council has been frustrated as a result of:

- a. the impasse between the City of Stirling and the Mindarie Regional Council in reaching agreement on the adjustment of Assets and Liabilities of the Mindarie Regional Council as required by s.699.(3)(a) of the Local Government Act 1960.*
 - b. The Minister informing the parties that he would not arbitrate on the Adjustment of Assets and Liabilities nor will he intervene in the withdrawal process. The Minister also encouraged the parties to review their previous agreement to allow the City of Stirling to withdraw from the Mindarie Regional Council.”*
-

9.4	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 JANUARY 2013 AND 28 FEBRUARY 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 2 Appendix No. 3 Appendix No. 4
Date:	11 April 2013
Responsible Officer:	Gunther Hoppe

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 January 2013 and 28 February 2013 and are attached at **Appendix No. 2 and 3** to this Item. The Tonnage Report for the 8 months to 28 February 2013 is attached at **Appendix No. 4**.

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.

Summary of results for the year to 28 February 2013

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	164,450	165,319	(869)
Tonnes – Others (a)	26,282	35,865	(9,583)
TOTAL TONNES	190,732	201,184	(10,452)
	\$	\$	\$
Revenue – Members	21,761,910	21,932,908	(170,998)
Revenue – Other (b)	5,775,287	6,027,145	(251,858)
TOTAL REVENUE	27,537,197	27,960,053	(422,856)
Expenses	27,930,784	27,632,457	(298,327)
Loss/(profit) on sale of assets	5,909	(10,888)	(16,797)
NET DEFICIT (c)	(399,496)	338,484	(737,980)

(a) there is a net loss of approx. \$1m associated with the non-members' tonnage shortfall

(b) includes carbon price revenue of \$867k, which is why the full impact of (a) is not seen clearly in the revenue line

(c) the attached financial statements for February include a \$17k expense adjustment that was posted after month end closing, which will be resolved in the March accounts.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 2 and 3 for the months ended 31 January 2013 and 28 February 2013, respectively, be received.

RESOLVED

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

CARRIED UNANIMOUSLY

9.5	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JANUARY 2013 AND 28 FEBRUARY 2013
File No:	FIN/5-03
Appendix(s):	Appendix No. 5 Appendix No. 6
Date:	11 April 2013
Responsible Officer:	Gunther Hoppe

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 January 2013 and 28 February 2013 are at **Appendix x and x** 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 January 2013	General Municipal	Cheques	\$103,367.96
		EFT	\$3,772,672.54
		DP	\$532,469.58
		Total	\$4,408,510.18
28 February 2013	General Municipal	Cheques	\$103,056.37
		EFT	\$2,572,362.32
		DP	\$600,465.30
		Total	\$3,275,883.99

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 January 2013 and 28 February 2013 be noted.

RESOLVED

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

CARRIED UNANIMOUSLY

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 10

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 10 be received.

RESOLVED

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

CARRIED UNANIMOUSLY

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of Motion received from Cr MacTiernan.

1. **The Mindarie Regional Council (MRC) commence urgent talks with the City of Stirling aimed at retaining them as a member of the MRC;**
2. **The Chairperson and the Chief Executive Officer be authorised to enter into the talks detailed in (1) above;**
3. **The Chief Executive Office presents a report to Council on the outcome of the talks with the City of Stirling;**
4. **The Chief Executive Officer advises that the MRC no longer supports the withdrawal of Stirling from the MRC for the following reasons:**
 - (a) **Agreement could not be reached between the City of Stirling and the MRC on the Adjustment of Assets and Liabilities as required by s.699 (3) (a) of the *Local Government Act 1960* as:**
 - (i) **the adjustment proposed by the City of Stirling, together with the reduction in tonnage supplied by the City of Stirling, would over time reduce the competitiveness of the Regional Council; and**
 - (ii) **induce the other member councils to leave seeking the same methodology used to facilitate the withdrawal of the City of Stirling or to exercise their option for exemptions.**
 - (b) **The significant cost on the remaining members if the City of Stirling were to withdraw, both in terms of the capital settlement required (\$6.2 million) and in terms of the higher cost per tonne that has been borne by the remaining members for the last two years. This is illustrated by the members' gate fee increasing from \$105 per tonne in the last year of Stirling tipping to a**

forecast \$152.50 for the 2013/14 financial year (significantly driven by a reduction in tonnage).

and accordingly requests the Minister not to approve Stirling's application to withdraw.

Notice of Motion was seconded by Cr Withers.

AMENDMENT 1

- a. Amend part 4 by deleting the words "The Chief Executive Officer advises that".
- b. Amend part 4 (c) by deleting the words "and accordingly requests the Minister not to approve Stirling's application to withdraw." and inserting a new part (c) "That the MRC requests the Minister not to approve Stirling's application to withdraw".

AMENDMENT 2

Amend part 3 by inserting the words "the next ordinary meeting of" after the words "report to".

Both the mover and the seconder agreed to the amendments.

SUBSTANTIVE MOTION

1. **The Mindarie Regional Council (MRC) commence urgent talks with the City of Stirling aimed at retaining them as a member of the MRC;**
 2. **The Chairperson and the Chief Executive Officer be authorised to enter into the talks detailed in (1) above;**
 3. **The Chief Executive Office presents a report to the next ordinary meeting of Council on the outcome of the talks with the City of Stirling;**
 4. **The MRC no longer supports the withdrawal of Stirling from the MRC for the following reasons:**
 - (a) **Agreement could not be reached between the City of Stirling and the MRC on the Adjustment of Assets and Liabilities as required by s.699 (3) (a) of the *Local Government Act 1960* as:**
 - (iii) **the adjustment proposed by the City of Stirling, together with the reduction in tonnage supplied by the City of Stirling, would over time reduce the competitiveness of the Regional Council; and**
 - (iv) **induce the other member councils to leave seeking the same methodology used to facilitate the withdrawal of the City of Stirling or to exercise their option for exemptions.**
-

- (b) **The significant cost on the remaining members if the City of Stirling were to withdraw, both in terms of the capital settlement required (\$6.2 million) and in terms of the higher cost per tonne that has been borne by the remaining members for the last two years. This is illustrated by the members' gate fee increasing from \$105 per tonne in the last year of Stirling tipping to a forecast \$152.50 for the 2013/14 financial year (significantly driven by a reduction in tonnage).**
- (c) **That the MRC requests the Minister not to approve Stirling's application to withdraw.**

RESOLVED

**Cr MacTiernan moved, Cr Withers seconded
That the motion be adopted.**

CARRIED: 6/4

For: Cr Butler, Cr Fishwick, Cr Gobbert, Cr MacTiernan, Cr Newton, Cr Withers

Against: Cr Boothman, Cr Cooke, Cr Gray, Cr Stewart

12 URGENT BUSINESS

Cr MacTiernan advised that the Waste Authority and Environmental Protection Authority (EPA) have released the findings of a review into Waste to Energy Technologies. The Review provides recommendations to the Environment Minister on the adoption of these technologies in Western Australia. MWAC will be providing a response to the report.

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 NEXT MEETING

A Special meeting of Council to be held on Thursday 20 June 2013 in the Council Chambers at Town of Victoria Park commencing at 5.30pm.

Next Ordinary meeting of Council to be held on Thursday 4 July 2013 in the Council Chambers at Town of Cambridge commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.30pm and thanked the City of Joondalup 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 2 May 2013.

Signed Chairman

Dated this day of 2013

THE VOICE OF LOCAL GOVERNMENT

MAY 2013

**STATE COUNCIL SUMMARY
MINUTES**



WALGA

NOTICE OF MEETING

Meeting No. 2 of 2013 of the Western Australian Local Government Association State Council to be held at the Karratha International, Corner of Hillview and Millstream Roads, Karratha WA 6714 on **3 May** 2013 beginning at 9.00am.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

	Deputy President of WALGA Pilbara Country Zone	President Cr Lynne Craigie
Members	Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone North Metropolitan Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone South Metropolitan Zone	Cr Lawrie Short Mayor Don Ennis Mayor Heather Henderson Cr Mick Wainwright Cr Darryl Trease (Deputy) Mayor Ron Yuryevich AM RFD Cr Ross Winzer President Cr Eileen O'Connell Mayor Tracey Roberts JP Cr Geoff Amphlett JP Cr David Michael President Cr Karen Chappel President Cr Wally Barrett Mayor Cr Henry Zelones JP Cr Julie Brown Mayor Cr Carol Adams Cr Doug Thompson Cr Maria Rico(Deputy) Dr Shayne Silcox
Ex-Officio	Local Government Managers Australia	
Secretariat	EM Governance & Strategy EM Marketing & Communications EM Planning & Community Development EM Corporate Business Solutions EO Governance and Strategy	Mr Tony Brown Mr Zac Donovan Ms Allison Hailes Mr Nick Wood Ms Chantelle O'Brien

1.2 Apologies

	President Central Metropolitan Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone South West Country Zone South Metropolitan Zone	Mayor Troy Pickard Cr Janet Davidson JP Cr Roslyn Harley (Deputy) President Cr Barry Webster Cr Ken Clements (Deputy) Cr Chris Mitchell Cr Elsie Archer (Deputy) President Cr Simon Broad President Cr Wayne Sanford Cr Murray Scott (Deputy) Cr Tony Romano
Associate	The Rt Hon Lord Mayor of the City of Perth Chief Executive Officer EM Environment & Waste EM Infrastructure EM Workplace Solutions Manager Governance Finance Manager	Ms Lisa Scaffidi Ms Ricky Burges Mr Mark Batty Mr Ian Duncan Mr John Phillips Mr James McGovern Mrs Tina Mossdrop

1.3 Announcements

Minister Grylls will be joining State Council for lunch today

President's report was requested by President, Mayor Troy Pickard to be brought forward

Moved: Mayor Don Ennis
Seconded: Mayor Roberts

7.3 President's Report

Moved: Cr Brown
Seconded: Mayor Adams

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

RESOLUTION189.2/2013

CARRIED

Moved: Mayor Yuryevich
Seconded:

That consideration of a report on the electoral process be laid on the table.

WITHDRAWN

Moved: Mayor Yuryevich
Seconded: Cr Brown

- 1. State Council reinforces and endorses the sectors position on reform as presented by the President and WALGA staff.**

RESOLUTION 190.2/2013

CARRIED UNANIMOUSLY

2. MINUTES

2.1 Minutes of 6 March 2013 State Council Meeting

RECOMMENDATION:

Moved: Mayor Adams
Seconded: Cr Winzer

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 6 March 2013 be confirmed as a true and correct record of proceedings.

RESOLUTION 191.2/2013

CARRIED UNANIMOUSLY

2.1.1 Business Arising from the Minutes of 6 March 2013

There was no business arising from these Minutes.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. EMERGING ISSUES

4.1 Support for Agricultural Areas

Moved: Cr O'Connell

Seconded: Cr Brown

1. State Council acknowledges:

- the difficulties being faced by farmers in the wheatbelt and other agricultural areas due to poor seasons, rising costs and high debt levels;
 - the potential financial impact this may have on individual Local Governments, rural businesses and rural communities; and
 - the assistance packages provided by the State and Commonwealth Government for farmers in crisis.
- 2. That WALGA coordinate development of a representative paper with affected Local Governments, which highlights the potential long term financial / economic implications of the agricultural downturn on Local Governments and their communities and outlines preferred solutions that may assist in minimizing the impacts of these on Local Governments and the community.**
- 3. That WALGA write to the relevant Ministers and State Government agencies to highlight the views of the affected Local Governments, as set out in the paper and the need for appropriate resources and long term planning support to be provided to assist rural Local Governments and their communities.**

AMENDMENT

**Moved: Mayor Zelones
Seconded Cr Chapell**

That point 3 be amended to:

- 3. That WALGA write to the relevant Ministers and State and Federal Government agencies thank them for their assistance and to highlight the views of the affected Local Governments, as set out in the paper and the need for appropriate resources and long term planning support to be provided to assist rural Local Governments and their communities.**

THE AMENDMENT WAS PUT AND CARRIED

1. State Council acknowledges:

- the difficulties being faced by farmers in the wheatbelt and other agricultural areas due to poor seasons, rising costs and high debt levels;**
 - the potential financial impact this may have on individual Local Governments, rural businesses and rural communities; and**
 - the assistance packages provided by the State and Commonwealth Government for farmers in crisis.**
- 2. That WALGA coordinate development of a representative paper with affected Local Governments, which highlights the potential long term financial / economic implications of the agricultural downturn on Local Governments and their communities and outlines preferred solutions that may assist in minimizing the impacts of these on Local Governments and the community.**
 - 3. That WALGA write to the relevant Ministers and State and Federal Government agencies thank them for their assistance and to highlight the views of the affected Local Governments, as set out in the paper and the need for appropriate resources and long term planning support to be provided to assist rural Local Governments and their communities.**

RESOLUTION 192.2/2013

**THE SUBSTANTIVE MOTION WAS PUT
AND CARRIED**

5. MATTERS FOR DECISION

5.1 Constitutional Recognition (05-074-03-0001 WFS)

WALGA RECOMMENDATION

1. That the payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "*National Campaign for Constitutional Recognition*" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign.
3. That such payment is made on condition that unexpended funds are returned to the Association in the event that the referendum does not proceed.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA Recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
Northern Country Zone	WALGA Recommendation supported
Pilbara Zone	WALGA Recommendation supported
South East Metropolitan Zone	WALGA Recommendation supported
South West Country Zone	WALGA Recommendation supported

EAST METROPOLITAN ZONE

That point 2 of the Recommendation be amended to read:

2. That such payment is made on condition that all States and Territory Local Government Associations contribute to the National campaign as per previous agreements on national contributions.

SECRETARIAT COMMENT

Position included in composite recommendation.

GOLDFIELDS ESPERANCE COUNTRY ZONE

That part 2 of the WALGA Recommendation be amended to read:

That such payment is made on the condition that each drawdown of WA's funds is as an equitable proportion to all other States and Territory Local Government Associations contribution to the National Campaign.

SECRETARIAT COMMENT

Position included in composite recommendation.

SOUTH METROPOLITAN ZONE

That point 2 of the Recommendation be amended from:

'That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign.'

to:

'That such payment is made on condition that all States and Territory Local Government Associations fully contribute to the National Campaign prior to its commencement.'

SECRETARIAT COMMENT

Position included in composite recommendation.

That point 3 of the Recommendation be amended from:

'That such payment is made on condition that unexpended funds are returned to the Association in the event that the referendum does not proceed.'

to:

'That such payment is made on condition that unexpended funds are returned to the Western Australian Local Government Association within 30 days in the event that the referendum does not proceed.'

SECRETARIAT COMMENT

Position included in composite recommendation.

That an additional point 4 be added to the Recommendation:

'That the Western Australian Local Government Association considers running its awareness campaign in the run-up to the referendum.'

SECRETARIAT COMMENT

The WALGA Local Government awareness campaigns are ongoing and are currently on air in metropolitan and regional television. It is the intention of WALGA to continue to run these campaigns in the lead up to the referendum as a critical part of gaining community support.

PEEL ZONE

That the Zone request WALGA to reconsider the recommendation in light of its previous decision which recognises the great difficulty in actually achieving success in a referendum.

SECRETARIAT COMMENT

The position to proceed with the National Campaign is supported by a majority of Zones.

Moved: Mayor Ennis
Seconded: Cr Wainwright

1. That the payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "*National Campaign for Constitutional Recognition*" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign prior to its commencement and as per previous agreements on National contributions.
3. That such payment is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.

RESOLUTION 193.2/2013

CARRIED UNANIMOUSLY

5.2 Elected Member Fees and Allowances – Submission to the Salaries and Allowances Tribunal (05-034-01-0001 TL)
--

WALGA RECOMMENDATION

That the Association’s submission to the Salaries and Allowances Tribunal in relation to Elected Member Fees and Allowances be endorsed.

Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA Recommendation supported
East Metropolitan Zone	WALGA Recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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

Recommendation supported subject to the note that the current minimum rates should be retained as the base rate for any new determinations.

SOUTH EAST METROPOLITAN ZONE

That the WALGA’s submission be amended to include suggested relativities (for ongoing future parity purposes) between payments to mayors, deputy mayors and councillors like that which occurs in the other states as per the following table explains;

State	Councillor Fee as a % of the Mayor’s Fee	Deputy Mayor’s Fee as a % of the Mayor’s Fee
Queensland	60%	68%
New South Wales	27%	?
Northern Territory	18%	37%
South Australia	25%	31%
Tasmania	29%	50%
Victoria	32%	?
Western Australia (currently)	13%	25%

SECRETARIAT COMMENT

The Association’s Submission to the Salaries and Allowances Tribunal aimed to provide flexibility to the Tribunal in setting Elected Member fees and allowances.

The Association’s Submission argued that, based on comparisons with other Australian jurisdictions and the time commitment required of Elected Members, there is scope for Elected Member fees and allowances to be increased. Further, fees and allowances should be determined using a band structure with the Tribunal setting actual amounts and not a range.

The Association's Submission did mention the benchmarking that occurs in Queensland between Members of Parliament and Elected Members but did not recommend ratios between allowances for the Mayor / President and their Deputy or the Mayor / President and Councillors.

The ratios between fees and allowances paid to Mayors and Presidents, Deputies and Councillors will be analysed by the Association following the Tribunal's upcoming determination and will be a consideration in advocacy relating to future Tribunal reviews of Elected Member fees and allowances.

**Moved: Mayor Adams
Seconded: Cr O'Connell**

That the Association's submission to the Salaries and Allowances Tribunal in relation to Elected Member Fees and Allowances be endorsed.

RESOLUTION 194.2/2013

CARRIED

**Moved: Cr Thompson
Seconded: Cr Chappell**

The Association investigate the matter of remuneration to Elected Members being linked to training and experience.

RESOLUTION 195.2/2013

CARRIED

5.3 Control and Maintenance of Roads on Prioritised Public Transit Routes (05-005-03-0007 ID)

WALGA RECOMMENDATION

That the Association advise the State Government:

1. That for the purposes of prioritised public transport infrastructure, the preferred approach is the introduction of legislative or regulatory amendments to enable the creation and transfer to the Public Transport Authority (PTA) of a separate reserve within existing Local Government road reserves for the light rail infrastructure.
2. That a detailed investigation of the agreements, codes of practice and underpinning legislation applying in other jurisdictions should be undertaken by PTA in conjunction with Local Governments, within the context of the Western Australian situation, learning from best practice.
3. If legislation cannot be developed in a timely fashion, then a series of separate formal agreements between the State Government and the affected Local Government be developed prior to the detailed planning phase to allow a consultative process with Local Government and their communities; and the Minister make a series of formal undertakings regarding the roles and responsibilities of Local Government in the development and implementation of light rail and express bus way plans and projects.
4. Affected Local Governments are consulted and engaged early in the planning for any proposed development of prioritised public transit infrastructure.
5. Specific traffic modelling of the impact of light rail and express busways on surrounding roads be undertaken by the PTA and required treatments be included in the scope of the public transport project.
6. Memoranda of Understanding between the State Government (or its agencies) and Local Government not be encouraged due to their limited legal status.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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

CENTRAL METROPOLITAN ZONE

That an amendment be made to recommendation point 1.:

That the Association advise the State Government:

It does not support the introduction of legislative or regulatory amendments to enable the creation and transfer to the Public Transport Authority (PTA) of a separate reserve within existing Local Government road reserves for the light rail infrastructure.

EAST METROPOLITAN ZONE

That point 1 of the Recommendation be amended to read:

That the prioritised transport routes should become the sole responsibility of the Public Transport Authority (PTA).

SECRETARIAT COMMENT

The initial WALGA recommendation is to a degree a “middle ground”, between the views of the Central Metropolitan Zone (retain Local Government control of the road reserve) and the East Metropolitan Zone (Routes become the sole responsibility of the State Government).

The WALGA recommendation is proposed by the secretariat however, if the initial WALGA recommendation is not supported the alternative could be:

“That the Local Government retain responsibility for the care and control of roads used for prioritised public transport and that the PTA reach agreement with the affected Local Governments concerning the development and operation of light rail or other public transport infrastructure”.

Moved: Cr Barrett

Seconded: Cr Zelones

That the Association advise the State Government:

- 1. That for the purposes of prioritised public transport infrastructure, the preferred approach is the introduction of legislative or regulatory amendments to enable the creation and transfer to the Public Transport Authority (PTA) of a separate reserve within existing Local Government road reserves for the light rail infrastructure.**
- 2. That a detailed investigation of the agreements, codes of practice and underpinning legislation applying in other jurisdictions should be undertaken by PTA in conjunction with Local Governments, within the context of the Western Australian situation, learning from best practice.**
- 3. If legislation cannot be developed in a timely fashion, then a series of separate formal agreements between the State Government and the affected Local Government be developed prior to the detailed planning phase to allow a consultative process with Local Government and their communities; and the Minister make a series of formal undertakings regarding the roles and responsibilities of Local Government in the development and implementation of light rail and express bus way plans and projects.**
- 4. Affected Local Governments are consulted and engaged early in the planning for any proposed development of prioritised public transit infrastructure.**
- 5. Specific traffic modelling of the impact of light rail and express busways on surrounding roads be undertaken by the PTA and required treatments be included in the scope of the**

public transport project.

6. Memoranda of Understanding between the State Government (or its agencies) and Local Government not be encouraged due to their limited legal status.

AMENDMENT

Moved: Mayor Henderson
Seconded: Cr Wainwright

That Item 1 be amended to :

1. That the Local Government retain responsibility for the care and control of roads used for prioritised public transport and that the PTA reach agreement with the affected Local Governments concerning the development and operation of light rail or other public transport infrastructure.

LOST

RESOLUTION 196.2/2013

**THE ORIGINAL MOTION WAS
PUT AND CARRIED**

5.4 Draft Code of Practice for Onsite Sewage Management - WALGA Submission (05-026-03-0014 EF)

WALGA RECOMMENDATION

That the Association’s submission on the Department of Health’s Draft Code of Practice for Onsite Sewage Management be endorsed.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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

CENTRAL METROPOLITAN ZONE

That the recommendation be amended to read as follows:

1. That the Association’s submission on the Department of Health’s Draft Code of Practice for Onsite Sewage Management be endorsed.
2. WALGA supports the use of domestic onsite sewage treatment as a means of increasing our water resources.
3. WALGA urges its member Councils to take on the additional administrative burden of facilitating the use of domestic onsite sewage treatment plants.
WALGA believes that the proposed Code of Practice should be simplified to encourage the use of domestic onsite sewage treatment in suitable areas.

SECRETARIAT COMMENT

The Zones position on simplifying the Code of Practice is included in the composite recommendation.

In respect to point 3 of the Zones position, not all Local Governments are in a position to take on the additional administrative burden of facilitating the use of domestic onsite sewage treatment plants due to limited technical resources.

GREAT SOUTHERN COUNTRY ZONE

That WALGA expresses concern to the Ministers and Shadow Ministers of Health and Regional Development and Lands regarding the cost implications surrounding the introduction of the code of Practice for Onsite Sewage Management with reference to affordability of development, particularly housing, in regional and remote areas.

SECRETARIAT COMMENT

The Zones position has been included in the composite recommendation.

Moved: Mayor Yuryevich
Seconded: Mayor Henderson

1. That the Association's submission on the Department of Health's Draft Code of Practice for Onsite Sewage Management be endorsed.
2. That WALGA highlight the need for the proposed Code of Practice to be simplified to reduce the administrative burden for Local Governments and encourage the use of domestic onsite sewage treatment in suitable areas and to minimise the additional costs for development, particularly housing in regional and remote areas.

RESOLUTION 197.2/2013

CARRIED

5.5 Draft State Planning Strategy – WALGA Submission (05-036-03-0022 CG)

WALGA RECOMMENDATION

That the submission to the Western Australia Planning Commission regarding the draft State Planning Strategy 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 Zone	WALGA Recommendation supported
Goldfields Esperance Country Zone	WALGA Recommendation supported
Great Southern Country Zone	WALGA Recommendation supported
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 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

GREAT EASTERN COUNTRY ZONE

The Great Eastern Country Zone advise the WA Local Government Association that it is not prepared to endorse the State Planning Strategy until such time as all the Regional Planning and Infrastructure Frameworks have been finalised.

SECRETARIAT COMMENT

Zone comments noted. This item is to endorse the WALGA submission, not the States Government Draft Planning Strategy.

Moved: Cr Wainwright
Seconded: Mayor Ennis

That the submission to the Western Australian Planning Commission regarding the draft State Planning Strategy be endorsed.

RESOLUTION 198.2/2013

CARRIED UNANIMOUSLY

5.6 Public and Private Cyclone Shelter Construction Requirements and the Building Code of Australia (05-015-02-0005VJ)

WALGA RECOMMENDATION

That the Association supports changes to the Building Code of Australia (BCA) to ensure that minimum standards for the construction, maintenance and operation of public or private buildings that are to be used as cyclone shelters are included within the BCA.

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 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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 Brown
Seconded: Cr Barrett

That the Association supports changes to the Building Code of Australia (BCA) to ensure that minimum standards for the construction, maintenance and operation of public or private buildings that are to be used as cyclone shelters are included within the BCA.

RESOLUTION 199.2/2013

CARRIED

5.7 Bushfire Hazard Mitigation: Planning a Response (05-024-02-0056 CG)

WALGA RECOMMENDATION

1. That State Council endorse the following land-use planning bushfire mitigation provisions principles;
 - a. Bushfire prone areas should be declared by the State / Western Australian Planning Commission (WAPC);
 - b. There should be a series of consistent State-wide, minimum standards, developed in consultation with Local Government, that development and subdivision proposals within bushfire prone areas should satisfy; and
 - c. Local Governments should retain the powers to adopt local planning scheme and policy provisions that exceed the State-wide minimum requirements, if so desired.

2. That WALGA advocate that the WAPC seek to adopt land-use planning bushfire mitigation provisions that satisfy the above principles; and

In accordance with these principles and the provisions within the current planning legislative framework, the Association recommend that a ‘deemed provisions’ approach be adopted by the State Government, for the purposes of expediting bushfire risk mitigation through the land use planning and development control system.

Central Country Zone	WALGA Recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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

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 Zelones

Seconded: Cr Wainwright

1. **State Council fully supports the intent of recommendation 3 in the report by Mr Mick Keelty, *A Shared Responsibility* and strongly advocates that the Western Australian Planning Commission (WAPC) must take responsibility for bushfire risk mapping and land-use planning bushfire mitigation provisions that achieve the following:**
 - **Bushfire prone areas are identified and declared by the State Government/WAPC through bushfire prone area maps published by the State;**
 - **Consistent, State-wide, minimum bushfire mitigation standards are adopted and applied by decision making bodies, to all strategic plans, subdivision and development applications, in areas identified and declared by the State as bushfire prone.**
2. **That the provisions within the current Planning and Development Act (Part 15, Division 1, s256), enabling the Minister to make regulations that prescribe 'deemed provisions' in local planning schemes be utilised for the purposes of achieving Point 1, in a consistent and efficient manner; and**
3. **That any regulations prescribed for this purpose shall not limit a Local Government's powers to adopt local planning scheme and policy provisions that exceed the State-wide minimum requirements, if so desired.**

RESOLUTION 200.2/2013

CARRIED UNANIMOUSLY

5.8 Financial Assistance Grants Review (05-100-03-0001 PS)

WALGA RECOMMENDATION

That the Association's interim submission to the Commonwealth Grants Commission's review of Financial Assistance Grants be endorsed.

Central Country Zone	WALGA Recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne 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 Agenda
Murchison Country Zone	No meeting held
North Metropolitan Zone	No meeting held
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

Support the recommendation with a suggestion to change a word in point 3 in the section, 'In Brief' from "should" to "must". Also noting that the guiding principles for FAGS must continue to protect Western Australia's funding.

Moved: Mayor Ennis
Seconded: Mayor Zelones

That the Association's interim submission to the Commonwealth Grants Commission's review of Financial Assistance Grants be endorsed.

RESOLUTION 201.2/2013

CARRIED

It is requested that a presentation be organised for State Council from the WA Local Government Grants Commission

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

5.9 Finance and Services Committee Minutes (01-006-03-0006 NW)

By Tony Brown, Executive Manager Governance and Strategy

**Moved: Cr O'Connell
Seconded: Cr Brown**

That the minutes of the Finance and Services Committee meeting held 17 April 2013 be received.

RESOLUTION 202.2/2013

CARRIED UNANIMOUSLY

5.10 Honours Panel Committee Minutes (01-006-03-0006 CO)

By Chantelle O'Brien, Executive Officer Governance and Strategy

**Moved: Cr Thompson
Seconded: Cr Short**

That the minutes of the Honours Committee meeting held 5 March 2013 be received.

RESOLUTION 203.2/2013

CARRIED UNANIMOUSLY

5.11 Use of the Association's Common Seal (01-004-07-0001 RB)

By Ricky Burges, Chief Executive Officer

Moved: Cr Thompson

Seconded: Mayor Ennis

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

Document	Document Description	Signatory	State Council prior approval
Car Park Licence 15-17 Altona Street, West Perth	Licence	<ul style="list-style-type: none"> • WALGA as Trustees for the Local Government House Trust (Mayor Troy Pickard/Wayne Scheggia); and • WALGA (Mayor Troy Pickard/Wayne Scheggia) 	No
Lease – Ground Floor, Part First Floor and Second Floor, 15-17 Altona Street, West Perth	Lease	<ul style="list-style-type: none"> • WALGA as Trustees for the Local Government House Trust (Mayor Troy Pickard/Wayne Scheggia); and • WALGA (Mayor Troy Pickard/Wayne Scheggia) 	No

RESOLUTION 204.2/2013

CARRIED UNANIMOUSLY

6.1 Department of Sport and Recreation report - Active Open Space (playing fields) in a growing Perth-Peel Region (05-036-03-0007 VJ)

WALGA RECOMMENDATION

That State Council notes the report by the Department of Sport and Recreation '*Active Open Space (playing fields) in a growing 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: Cr Thompson
Seconded: Cr O'Connell

That State Council notes the report by the Department of Sport and Recreation '*Active Open Space (playing fields) in a growing Perth-Peel region*'.

RESOLUTION 205.2/2013

CARRIED UNANIMOUSLY

6.2 Review of WA Planning Commission's Liveable Neighbourhoods document (05-073-01-0001 VJ)

WALGA RECOMMENDATION

That State Council note the process for the review of the WA Planning Commission's Liveable Neighbourhood document and the Association's coordination and representation role.

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: Cr Thompson
Seconded: Cr O'Connell

That State Council note the process for the review of the WA Planning Commission's Liveable Neighbourhood document and the Association's coordination and representation role.

RESOLUTION 206.2/2013

CARRIED UNANIMOUSLY

6.3 Regional Water Infrastructure – Impacts of Reduction in Water Pressure on Regional Developments (05-015-02-0005VJ)

WALGA RECOMMENDATION

That State Council note the Water Corporation’s policy of reducing water pressure in regional areas, as a means of extending the life of its aging infrastructure; and the Association’s commencement of research into the effects of this policy on development in regional areas.

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: Cr Thompson
Seconded: Cr O’Connell

That State Council note the Water Corporation’s policy of reducing water pressure in regional areas, as a means of extending the life of its aging infrastructure; and the Association’s commencement of research into the effects of this policy on development in regional areas.

RESOLUTION 207.2/2013

CARRIED UNANIMOUSLY

6.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)
--

WALGA RECOMMENDATION

That the resolutions of the Municipal Waste Advisory Council at its 20 February 2013 meeting 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: Cr Thompson
Seconded Cr O'Connell

That the resolutions of the Municipal Waste Advisory Council at its 20 February 2013 meeting be noted.

RESOLUTION 208.2/2013

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: Mayor Ennis
Seconded: Cr Wainwright**

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

RESOLUTION 209.2/2013

CARRIED

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

**Moved: Mayor Ennis
Seconded: Cr Wainwright**

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

RESOLUTION 210.2/2013

CARRIED

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

**Moved: Mayor Ennis
Seconded: Cr Wainwright**

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

RESOLUTION 211.2/2013

CARRIED

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

**Moved: Mayor Ennis
Seconded: Cr Wainwright**

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

RESOLUTION 212.2/2013

CARRIED

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

**Moved: Mayor Ennis
Seconded: Cr Wainwright**

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

RESOLUTION 213.2/2013

CARRIED

7.3 President's Report

This item was brought forward and considered earlier in the meeting.

7.4 CEO's Report

Moved: Mayor Zelones
Seconded: Mayor Adams

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

RESOLUTION 214.2/2013

CARRIED

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Cr Wainwright
Seconded: Mayor Ennis

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

RESOLUTION 215.2/2013

CARRIED

CENTRAL COUNTRY ZONE

Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) – Shire of Kulin (Infrastructure)

That the WA Local Government Association:

1. Establish, as a matter of priority, a working party (or a policy forum) comprising of representatives from WALGA, Department of Fire and Emergency Services, Main Roads WA, two elected members from a rural Local Government and two employees (preferably CEO or Engineer/Works Supervisor) from a rural Local Government;
2. In establishing the working party request it to examine the issues being experienced by Local Government with the current WANDRRA arrangements and determine a course of action to have the principles amended to remove identified anomalies within the arrangements. This action may include, but is not limited to:
 - a. political lobbying to both State and Commonwealth politicians to progress our concerns, particularly in relation to Local Government being unable to complete road reinstatement works using day labour and plant, including the additional costs incurred by both the Commonwealth and Local Governments under this ruling;
 - b. submission of an appropriate motion to the upcoming Australian Local Government Association Conference to seek a united approach from Local Government throughout Australia;
 - c. liaising with the State Roads Advisory Committee to ensure that they are aware of our concerns and if necessary changing meetings dates or providing appropriate delegations to ensure eligible claims submitted by Local Governments are not delayed;
 - d. liaising with the Commonwealth Government to obtain a firm ruling on what constitutes a contractor, under what conditions Local Government can carry out road reinstatement works to allow an eligible claim under the WANDRRA arrangements; and
 - e. encourage Department of Fire and Emergency Services to be more transparent with their involvement in the whole process.

Country Local Government Fund (Governance and Strategy)

That the Central Country Zone write to WALGA requesting that the advocacy with respect to the continuation of the Country Local Government Fund be maintained to ensure that both the individual and regional components of the fund are retained at their present levels.

GOLFIELDS ESPERANCE COUNTRY ZONE

House of Representatives Standing Committee on Regional Australia – Parliament of Australia – Report on Fly-in, Fly-out and Drive-in, Drive-out Workforce Practices in Regional Australia (Planning and Community Development)

That:

1. the details of the report and recommendations be referred to the WALGA Mining Policy Forum;
2. GVROC write to all major political parties before the next Federal election seeking details of their policy position in regard to the House of Representatives' Regional Australia Committee report into the impact of the fly-in, fly-out, drive-in, drive-out workforce in regional Australia;

the City of Kalgoorlie-Boulder be requested to submit a motion to the ALGA National General Assembly seeking support for the implementation of recommendations contained with the House of Representatives' Regional Australia Committee report into the impact of the fly-in, fly-out, drive-in, drive-out workforce in regional Australia.

GREAT EASTERN COUNTRY ZONE

State Planning Strategy (Planning and Community Development)

1. the Report be noted;
2. Member Councils be encouraged to provide comments to the Executive Officer by Wednesday 24 April 2013 for inclusion in a submission to the State Planning Strategy;
3. the Executive Officer discuss with the Department of Planning the development of a timeframe for the completion of the Wheatbelt Planning and Infrastructure Framework ensuring adequate consultation with local government; and
4. the Great Eastern Country Zone advise the WA Planning Commission and WA Local Government Association that it is not prepared to endorse the State Planning Strategy until such time as all the Regional Planning and Infrastructure Frameworks have been finalised.

Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) – Shire of Kulin (Infrastructure)

That the WA Local Government Association:

1. Establish, as a matter of priority, a working party (or a policy forum) comprising of representatives from WALGA, Department of Fire and Emergency Services, Main Roads WA, two elected members from a rural Local Government and two employees (preferably CEO or Engineer/Works Supervisor) from a rural Local Government;
2. In establishing the working party request it to examine the issues being experienced by Local Government with the current WANDRRA arrangements and determine a course of action to have the principles amended to remove identified anomalies within the arrangements. This action may include, but is not limited to:
 - a. political lobbying to both State and Commonwealth politicians to progress our concerns, particularly in relation to Local Government being unable to complete road reinstatement works using day labour and plant, including the additional costs incurred by both the Commonwealth and Local Governments under this ruling;
 - b. submission of an appropriate motion to the upcoming Australian Local Government Association Conference to seek a united approach from Local Government throughout Australia;

- c. liaising with the State Roads Advisory Committee to ensure that they are aware of our concerns and if necessary changing meetings dates or providing appropriate delegations to ensure eligible claims submitted by Local Governments are not delayed;
- d. liaising with the Commonwealth Government to obtain a firm ruling on what constitutes a contractor, under what conditions Local Government can carry out road reinstatement works to allow an eligible claim under the WANDRRA arrangements; and
- e. encourage the Department of Fire and Emergency Services to be more transparent with their involvement in the whole process.

Affects of the Agricultural Downturn on Local Government (Planning and Development)

That:

1. That the GECZ develop a list of issues to support local government during the period of economic downturn in the agriculture sector; and
2. WALGA together with local representation lobby the State Government and relevant agencies for support of those initiatives.

That the issue of the crisis in agricultural areas of Western Australia be referred as a matter of urgency to the WA Local Government Association to be considered as an emerging issue at the WALGA State Council Meeting to be held in Karratha on 3 May 2013.

SOUTH WEST COUNTRY ZONE

Cotton Bush impacts in rural areas – Shire of Dardanup (Environment and Waste)

Motion:

That:

The SWZ of WALGA:

1. Raises the WALGA, the Minister for Agriculture and all local Members of Parliament its urgent concerns in relation to the infestation of Cotton Bush in the south west and the lack of attention to this and other weed and pest control by DAFWA.
2. Seeks a commitment from the State Government to adequately resource DAFWA to enable it to address weed and pest control in the state.
3. Advises the state government of the ongoing concerns with the lack of management of pest and weed control of other government agencies on their controlled lands.
4. Request WALGA that this issue be placed on the WALGA AGM agenda for further consideration.

EAST METROPOLITAN ZONE

Citizenship Ceremony Subsidisation (Planning and Community Development)

The Zone requests that WALGA continue to advocate on this issue and requests a visit from the relevant Commonwealth Department to the Zone to discuss issues.

PEEL ZONE

Climate Change – Council Indemnity (Environment and Waste)

Mayor Creevy reported that the City of Mandurah Council had resolved to lobby the Minister for Local Government to change the Local Government Act to indemnify Councils that had acted in good faith approving development approvals, if climate change (coastal erosion, fire mitigation and flood plain) impacted on property.

ACTION: Members urged WALGA to pursue the issue with the Government.

9. ANNOUNCEMENT

State Council discussed the contribution by former State Councillor, Glenys Godfrey.

Moved: Cr Thompson

Seconded: Mayor Adams

State Council congratulate Glenys Godfrey on her election to the Western Australian Parliament and thank her for her contributions to State Council.

10. MEETING ASSESSMENT

Cr Ross Winzer provided feedback as to the effectiveness of the meeting.

11. 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 Alton Street, West Perth on **Wednesday 3 July 2013** commencing 4pm.

12. CLOSURE

There being no further business, the Deputy President declared the meeting closed at 11.52am.