

01-005-03-0001



**WALGA**

**North Metropolitan Zone  
Minutes**

**28 February 2013**



# North Metropolitan Zone WALGA

Hosted by the City of Joondalup  
90 Boas Avenue JOONDALUP 9400 4000  
Thursday 28 February 2013 - Commenced at 6:05 pm

## Minutes

### MEMBERS

### 4 Voting Delegates from each Member Council

City of Joondalup	Cr Geoff Amphlett JP Cr Russ Fishwick JP Cr Mike Norman Cr Christine Hamilton-Prime Mr Jamie Parry, Director Governance and Strategy – non-voting delegate
City of Stirling	Cr Giovanni Italiano JP Cr Bill Stewart Mr Aaron Bowman, Manager Governance & Council Support – non-voting delegate
City of Wanneroo	Mayor Tracey Roberts JP- <b>Chair</b> Cr Stuart Mackenzie – <b>Deputy Chair</b> Cr Rudi Steffens Cr Frank Cvitan JP
WALGA Representatives	Mr Nick Wood, Executive Manager Corporate Business Solutions Ms Margaret Degebrot, Zone Liaison and Governance Support Officer
Guest Speakers	Nil

### APOLOGIES

City of Joondalup	Mr Garry Hunt, Chief Executive Officer – non-voting delegate
City of Wanneroo	Cr Diane Guise
City of Stirling	Mr Daniel Simms, Chief Executive Officer – non-voting delegate Mayor David Boothman Cr David Michael Mr Stuart Jardine, Chief Executive Officer – non-voting delegate
DLG Representative	Mr Peter Morrison, Manager Health and Compliance – non-voting delegate Apology

## ATTACHMENTS WITHIN THE AGENDA

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

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### 1. DEPUTATIONS

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Nil

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### 2. CONFIRMATION OF MINUTES

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#### RESOLUTION

**That the Minutes of the meeting of the North Metropolitan Zone held on 29 November 2012 be confirmed as a true and accurate record of the proceedings. No meeting was held during June.**

**Moved Cr Geoff Amphlett Seconded Cr Christine Hamilton-Prime**

**CARRIED**

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### 3. DECLARATION OF INTEREST

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

Nil

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### 4. BUSINESS ARISING

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#### 1.1 Fruit Fly Control Presentation

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Due to unforeseen circumstances Mr Graham McApline, project Manager – Fruit Quality Fruit West is unable to present to the Zone as scheduled for this meeting.

Mr McAlpine has requested that he present to the next meeting of the North Metropolitan Zone to be held 18 April 2013.

#### RESOLUTION

**That Mr Graham McApline, project Manager – Fruit Quality Fruit West be invited to present to the North Metropolitan Zone on 18 April 2013 and speak on an Area Wide Management program initiative for the control of fruit fly in backyard gardens and what Local Government can do to assist and support. The program is a whole of Government initiative with support Federally and State.**

**Moved Cr Giovanni Italiano Seconded Cr Bill Stewart**

**CARRIED**

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## 5. REPORTS FROM MEMBER COUNCILS

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Nil

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## 6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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

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### Item 5.1 Metropolitan Local Government Review – Submission on the Panel’s Final Report

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#### Amendment

#### Panel Recommendation 9

That the North Metropolitan Zone recommend that the words, ‘in the first instance’, be removed.

Moved Cr Bill Stewart Seconded Cr Giovanni Italiano CARRIED

#### Panel Recommendation 15

That the North Metropolitan Zone advise WALGA of the positions of the Cities with regard to Panel Recommendation 15

City of Joondalup	10-12 Local Governments
City of Stirling	12 Local Governments
City of Wanneroo -	TBA

Moved Cr Bill Stewart Seconded Cr Russ Fishwick CARRIED

#### Amendment

#### Panel Recommendation 16

That the North Metropolitan Zone recommend Panel Recommendation 16 be amended to read:

“That all Metropolitan Local Government elections to be conducted by the Western Australian Electoral Commission.

Moved Cr Russ Fishwick Seconded Cr Frank Cvitan CARRIED

#### Amendment

#### Panel Recommendation 8

The North Metropolitan Zone supports in principle with the following addition:

A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth pending the proposed forum of Mayors being clarified

Moved Cr Mike Norman Seconded Cr Giovanni Italiano CARRIED

**Amendment**

**Panel Recommendation 13**

That the North Metropolitan Zone amends recommendation 13 to read:

Periodic Local Government boundary reviews are undertaken by an independent body **every 8 years** to ensure the City's Local Government structure continues to be optimal as the Metropolitan region develops.

Moved Cr Mike Norman Seconded Cr Christine Hamilton Prime

LOST

**Panel Recommendation 18**

The North Metropolitan Zone advise WALGA that recommendation 18 is **SUPPORTED**.

Moved Cr Mike Norman Seconded Cr Russ Fishwick

WITHDRAWN

**RESOLUTION**

That the North Metropolitan Zone endorses 'en-bloc' all remaining items in the March 2013 State Council Agenda.

Moved Cr Bill Stewart Seconded Cr Geoff Amphlett

CARRIED

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**7. EXECUTIVE REPORTS**

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**7.1 President's Report to the Zone**

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Mr Nick Wood presented the President's Report. The Report was distributed with the Agenda.

**Noted**

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**7.2 State Councillor's report to the Zone**

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Mayor Tracy Roberts and Cr Geoff Amphlett presented on the previous State Council meeting.

**Noted**

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**7.3 Department of Local Government Representative Update Report.**

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Department of Local Government was an apology to the meeting while in caretaker.

The Director General's Update Report was distributed with the Agenda.

**Noted**

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**8. BUSINESS**

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Nil

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**9. OTHER BUSINESS**

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**9.1 Vacancies - Boards and Committees**

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Current vacancies are closed. The next round will be advertised around mid-March.

**Noted**

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**10. DATE, TIME AND PLACE OF NEXT MEETING**

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**RESOLVED**

**That the next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 18 April at the City of Wanneroo commencing at 6pm.**

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**11. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7:30pm.

**THE VOICE OF LOCAL GOVERNMENT**

**MARCH 2013**

**STATE COUNCIL SUMMARY  
MINUTES**



**WALGA**

## NOTICE OF MEETING

Meeting No. 1 of 2013 of the Western Australian Local Government Association State Council held at WALGA, 15 Altona St, West Perth on **6 March** 2013 commencing at 4:00pm.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Chairman	President of WALGA Deputy President of WALGA Pilbara Country Zone	Mayor Troy Pickard 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 Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone  Northern Country Zone Peel Country Zone South East Metropolitan Zone  South Metropolitan Zone  South West Country Zone	Cr Lawrie Short Mayor Don Ennis Cr Janet Davidson JP Mayor Heather Henderson Cr Glenys Godfrey Cr Bob Emery (Deputy)  Mayor Ron Yuryevich AM RFD Cr Ross Winzer President Cr Eileen O'Connell President Cr Barry Webster Cr Chris Mitchell President Cr Simon Broad 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 Cr Dennis Wood  Cr Tony Romano President Cr Wayne Sanford
Secretariat	Acting Chief Executive Officer EM Environment & Waste EM Governance & Strategy EM Marketing & Communications EM Planning & Community Development EM Infrastructure EM Workplace Solutions EM Corporate Business Solutions Manager Governance EO Governance and Strategy	Mr Wayne Scheggia Mr Mark Batty Mr Tony Brown Mr Zac Donovan Ms Allison Hailes Mr Ian Duncan Mr John Phillips Mr Nick Wood Mr James McGovern Ms Chantelle O'Brien

#### 1.2 Apologies

Chief Executive Officer East Metropolitan Zone South Metropolitan Zone The Rt Hon Lord Mayor of the City of Perth Local Government Managers Australia Finance Manager South Metropolitan Zone	Ms Ricky Burges Cr Mick Wainwright Mayor Cr Carol Adams Ms Lisa Scaffidi Dr Shayne Silcox Mrs Tina Mossdrop Cr Doug Thompson
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### **1.3 Announcements**

At the request of the WALGA President, a minutes silence was held in memory of President Cr John Gardiner, State Councillor - South West Zone, President of the Shire of Dardanup.

## **2. MINUTES**

### **2.1 Minutes of 5 December 2012 State Council Meeting**

#### **RECOMMENDATION**

**Moved: Cr J Brown**

**Seconded: Cr E O'Connell**

**That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 5 December 2012 be confirmed as a true and correct record of proceedings.**

#### **RESOLUTION 162.1/2013**

**CARRIED UNANIMOUSLY**

#### **2.1.1 Business Arising from the Minutes 5 December 2012**

There was no business arising from these Minutes.

## **3. DECLARATIONS OF INTEREST**

Mayor R Yuryevich declared an interest in Item 5.1 on issues relating to the Local Government Advisory Board as he is a member of the Board.

Cr K Chappel declared an interest in Item 5.1 on issues relating to the Local Government Advisory Board as she is a Deputy member of the Board

## **PAPERS**

State Councillors have been distributed the following papers under separate cover:

- President's Report (previously emailed to your Zone meeting)
- Item MWAC Submission on the Metropolitan Local Government Review Final Report
- Item Application for Transferal of Zone Membership - Shire of Serpentine - Jarrahdale
- Item Finance & Services Minutes;
- Item Selection Committee Minutes;
- State Council Performance Assessment Report 2012
- CEO's report to State Council

## **5. EMERGING ISSUES**

There were no Emerging issues for consideration.

## 5. **MATTERS FOR DECISION**

### 5.1 **Metropolitan Local Government Review – Submission on the Panel’s Final Report (05-034-01-0018TL)**

#### **WALGA RECOMMENDATION**

**That the Association’s Submission to the State Government in relation to the Metropolitan Local Government Review Panel’s Final Report and Recommendations be endorsed.**

<b>Avon Midland Country Zone</b>	WALGA recommendation supported
<b>East Metropolitan Zone</b>	WALGA recommendation supported
<b>Gascoyne Zone</b>	WALGA recommendation supported
<b>Great Southern Country Zone</b>	WALGA recommendation supported
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>Northern Country Zone</b>	WALGA recommendation supported
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South Metropolitan Zone</b>	WALGA recommendation supported

Refer to Attached document containing a table that outlines:

- 1 Panel Recommendations;
- 2 Position in WALGA’s draft submission and
- 3 Zone Position.

#### **SECRETARIAT COMMENT**

*There are comments on a number of WALGA’s positions in relation to the Panel’s Recommendations; however, the WALGA submission represents the views of the majority of the sector.*

*Amendments are recommended by the secretariat to WALGA’s position in relation to recommendation 1, 25 and Additional Recommendation II, as per the composite recommendation below.*

**ATTACHMENT**

**ITEM 5.1 Metropolitan Local Government Review – Submission on the Panel’s Final Report**

*Unless stated, all Zones support WALGA’s position*

PANEL RECOMMENDATION		POSITION IN WALGA’s DRAFT SUBMISSION	ZONE POSITIONS
1	The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.	<b>Recommendation 1 is SUPPORTED.</b>	<b>SOUTH EAST METROPOLITAN ZONE That WALGA comment on Recommendation 1 be amended from “Supported” to “Conditionally Supported subject to there being direct action taken to address these inequities rather than to ‘give consideration’ ”</b>
2	A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.	<b>Panel Recommendation 2 is SUPPORTED.</b>	
3	The State Government facilitate improved coordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.	<b>Panel Recommendation 3 is SUPPORTED.</b>	

4	A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.	<b>Panel Recommendation 4 is SUPPORTED.</b>	<p><b>CENTRAL COUNTRY ZONE</b> • That a full review of State and Local Government functions be undertaken by a commission made up of a majority of experienced relevant local government representatives and further that the review be undertaken in two parts one being based on the metropolitan area and the other on the balance of the state with such reviews being undertaken prior to any consideration of amalgamation. • The commission undertaking the review be made up of a majority of metropolitan local government representatives for the metropolitan review and a majority of local government representative of non-metropolitan representatives for the non-metropolitan review. • The terms of reference for the review be agreed between local government and the state government. <b>GOLDFIELDS-ESPERANCE COUNTRY ZONE</b> GVROC's support for Recommendation 4 is conditional on further clarification being provided as to what the review will include and the degree to which Local Government will be consulted. <b>GREAT EASTERN COUNTRY ZONE</b> Whilst the GECZ supports WALGA's position with respect to Recommendation 4 it notes the review should be undertaken with proper consultation and not lead to</p>
			<p>further cost shifting. <b>SOUTH EAST METROPOLITAN ZONE</b> That WALGA not support Recommendation 4 unless the full review of State and Local Government functions is conducted at least parallel to, but preferably after, a review of Local Government form.</p>
5	In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.	<b>Panel Recommendation 5 is CONDITIONALLY SUPPORTED. Local Governments should have full planning approval powers reinstated, however this should not be tied to the proposed structural and governance reforms.</b>	<p><b>GOLDFIELDS-ESPERANCE COUNTRY ZONE</b> GVROC Supports Panel Recommendation 5 noting that the planning powers should be reinstated across all local governments and not just those in the metropolitan area. <b>GREAT EASTERN COUNTRY ZONE</b> Whilst it supports WALGA's position with respect to Recommendation 5 the GECZ believe that planning approval powers should be reinstated across all local governments and not just those within the metropolitan area.</p>

6	The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.	<b>Panel Recommendation 6 is SUPPORTED.</b>	<b>SOUTH EAST METROPOLITAN ZONE</b> That WALGA comment on Recommendation 6 be amended from “Supported” to “Not Supported” on the basis that it has not been demonstrated that a State Government waste authority will operate with any greater efficiency than Local and Regional Local Governments.
7	A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.	<b>Panel Recommendation 7 is SUPPORTED.</b>	<b>GREAT EASTERN COUNTRY ZONE</b> Whilst it supports WALGA’s position with respect to Recommendation 7 the GECZ notes the vision should be for the whole State and not just confined to the metropolitan area.
8	A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.	<b>Panel Recommendation 8 is OPPOSED. The WALGA ‘Policy Forum of Metropolitan Mayors’ is a more appropriate governance structure.</b>	<b>NORTH METROPOLITAN ZONE</b> The North Metropolitan Zone supports in principle with the following addition: A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth pending the proposed forum of Mayors being clarified
9	The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.	<b>Panel Recommendation 9 is NOTED.</b>	<b>NORTH METROPOLITAN ZONE</b> That the North Metropolitan Zone recommend that the words, ‘in the first instance’, be removed.
10	The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.	<b>Panel Recommendation 10 is SUPPORTED.</b>	
11	The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the <i>Local Government Act 1995</i> be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.	<b>Panel Recommendation 11 is NOT SUPPORTED until other outcomes of the Metropolitan Local Government Review are clear.</b>	<b>CENTRAL METROPOLITAN ZONE</b> That WALGA’s response to the Metropolitan Local Government Review Panel Final Report Recommendation 11 be amended to state: ‘Panel Recommendation 11 is NOT SUPPORTED’.
12	The State Government give consideration to transferring oversight responsibility for developments at Perth’s airports, major hospitals and universities to the Metropolitan Redevelopment Authority.	<b>Panel Recommendation 12 is OPPOSED.</b>	

13	Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.	Panel Recommendation 13 is <b>CONDITIONALLY SUPPORTED</b> with the reviews being undertaken at least every 15 years.	<b>CENTRAL COUNTRY ZONE</b> Don't support recommendation as it is felt there is sufficient opportunity within the current legislation to undertake periodic reviews. <b>NORTH METROPOLITAN ZONE</b> That the North Metropolitan Zone amends recommendation 13 to read: Periodic Local Government boundary reviews are undertaken by an independent body every 8 years to ensure the City's Local Government structure continues to be optimal as the Metropolitan region develops.
14	The Local Government Advisory Board be dissolved and its operating and process provisions in the <i>Local Government Act 1995</i> be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.	Panel Recommendation 14 is <b>CONDITIONALLY SUPPORTED</b> , subject to: • The 'poll provisions' in Schedule 2.1 of the Act not being repealed; and, • The Local Government Commission having a substantial capacity building role.	<b>CENTRAL COUNTRY ZONE</b> Retain the current Local Government Advisory Board (in lieu of the proposed Local Government Commission) and enhance the Board's capacity building focus; Retain the poll provisions in Schedule 2.1 of the <i>Local Government Act 1995</i> . <b>GOLDFIELDS-ESPERANCE COUNTRY ZONE</b> GVROC opposed Panel Recommendation in its entirety.
15	A new structure of local government in metropolitan Perth be created through specific legislation which: a) incorporates all of the Swan and Canning Rivers within applicable local government areas b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.	Panel Recommendation 15 is <b>NOT SUPPORTED</b> : A. The Association <b>EXPRESSES CONCERN</b> that part (a) potentially represents a cost-shift to Local Government to manage a significant State asset; B. The Association <b>EXPRESSES CONCERN</b> with part (b) – it is not clear from the report whether this recommendation represents a simple administrative change for electoral purposes or a proposal for responsibility to be shifted from the Rottnest Island Authority to the City of Fremantle. This recommendation could be supported if it only represents an administrative change; and, C. Part (c) is <b>NOT SUPPORTED</b> – WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 Local Governments, and will work towards achieving this objective, based on sustainability principles, with reference to Directions 2031, using existing Local	<b>CENTRAL METROPOLITAN ZONE</b> That WALGA's response to the Metropolitan Local Government Review Panel Final Report Recommendation 15, part (c) be amended to: 'Part (c) is <b>NOT SUPPORTED</b> '.
		Government boundaries as a starting point.	

16	Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.	<b>Panel Recommendation 16 is OPPOSED.</b>	<b>CENTRAL METROPOLITAN ZONE</b> That WALGA's response to the Metropolitan Local Government Review Panel Final Report Recommendation 16 be amended to: 'Panel Recommendation 16 is SUPPORTED'. <b>NORTH METROPOLITAN ZONE</b> That the North Metropolitan Zone recommend Panel Recommendation 16 be amended to read: "That all Metropolitan Local Government elections to be conducted by the Western Australian Electoral Commission.
17	Compulsory voting for local government elections be enacted.	<b>Panel Recommendation 17 is OPPOSED.</b>	
18	All Mayors and Presidents be directly elected by the community.	<b>Panel Recommendation 18 is OPPOSED. Local Governments should be able to determine the election method of their Mayor or President.</b>	<b>NORTH METROPOLITAN ZONE</b> The North Metropolitan Zone advise WALGA that recommendation 18 is SUPPORTED.
19	Party and group nominations for local government electoral vacancies be permitted.	<b>Panel Recommendation 19 is OPPOSED.</b>	
20	Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.	<b>Panel Recommendation 20 is OPPOSED.</b>	
21	Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.	<b>Panel Recommendation 21 is SUPPORTED.</b>	<b>CENTRAL COUNTRY ZONE</b> Support recommendation on the basis of such training not being compulsory. <b>GOLDFIELDS-ESPERANCE COUNTRY ZONE</b> Support recommendation on the basis of such training not being compulsory. <b>GREAT EASTERN COUNTRY ZONE</b> Whilst it supports WALGA's position with respect to Recommendation 21 the GECZ's support is made on the basis that such training is not compulsory and that the cost is met by others eg the State Government.
22	A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).	<b>Panel Recommendation 22 is considered in two parts:</b> • A full review to consider the property franchise is SUPPORTED; and, • A full review to consider moving away from first-past-the-post voting is OPPOSED. The Local Government sector supports first-past-the-post as the most appropriate electoral system.	<b>GOLDFIELDS-ESPERANCE COUNTRY ZONE GROC</b> resolved to oppose Panel Recommendation 22 in its entirety.
23	Implementation of the proposed setting of fees and allowances for elected members as set by the	<b>Panel Recommendation 23 is SUPPORTED.</b>	
	Salaries and Allowances Tribunal.		

24	Payments made to elected members be reported to the community on a regular basis by each local government.	<b>Panel Recommendation 24 is CONDITIONALLY SUPPORTED provided the payments made to Elected Members are only required to be reported in the Local Government's Annual Report.</b>	
25	The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.	<b>Panel Recommendation 25 is SUPPORTED.</b>	<b>CENTRAL COUNTRY ZONE Support recommendation subject to involvement being by invitation of the individual local government to provide support and no loss of autonomy by the local government in appointing and performance managing a CEO. GOLDFIELDS-ESPERANCE COUNTRY ZONE GVROC opposes Panel Recommendation 25 believing that the <i>status quo</i> should be maintained. GREAT EASTERN COUNTRY ZONE Whilst it supports WALGA's position with respect to Recommendation 25 the GECZ notes that the support should be non-mandatory. SOUTH WEST COUNTRY ZONE That recommendation 25 be amended to include the words at the beginning of the recommendation "At the request of the local Government" ... and delete the words after the word "Officers" the words "with consideration given to the Public Sector Commission being represented on relevant selection panels and committees."</b>
26	A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.	<b>Panel Recommendation 26 is SUPPORTED.</b>	
27	Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.	<b>Panel Recommendation 27 is SUPPORTED.</b>	
28	The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.	<b>Panel Recommendation 28 is SUPPORTED.</b>	<b>CENTRAL COUNTRY ZONE Support recommendation subject to financial support equality for all Councils</b>

29	A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.	Panel Recommendation 29 is <b>CONDITIONALLY SUPPORTED</b> , subject to: 1. Responsibility for Intergovernmental Agreements sitting with the Department of Premier and Cabinet, in liaison with WALGA, 2. The Local Government Commission, established as an independent body from the Department of Local Government, undertaking the following functions: a. The majority of the advisory and sector support functions currently undertaken by	<b>GOLDFIELDS-ESPERANCE COUNTRY ZONE GVROC opposed Panel Recommendation 29.</b>
		the Department of Local Government; b. Progressing Local Government's ability to examine and improve its sustainability; c. Improving access to consistent aggregated Local Government financial information; d. Encouraging uniform best practice asset management practices; e. Encouraging long term strategic financial planning and management; f. Assisting with the implementation of community infrastructure planning; and, 3. That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in the establishment of the Local Government Commission.	
30	The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.	Panel Recommendation 30 is <b>NOT SUPPORTED</b> .	
<b>ADDITIONAL WALGA RECOMMENDATION I: The positions put forward by the Association in this submission in response to the Metropolitan Local Government Review Panel's recommendations be implemented as one complete reform package and be implemented in their entirety.</b>			

**ADDITIONAL WALGA RECOMMENDATION II:** That, in the event Local Government reform proceeds, a staged structural reform transition process is implemented whereby: 1. the State Government establishes and states its vision and objectives for Local Government in metropolitan Perth and country Western Australia, and determines the parameters for Local Government structural reform; 2. the Local Government sector is empowered to achieve the objectives within a 12 month timeframe; 3. That transitional arrangements are managed by serving Elected Members rather than appointed commissioners; 4. That any change to the structure and governance of Local Governments, whether forced or voluntary, is funded by the State Government; and, 5. That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in any Local Government reform initiative stemming from the Metropolitan Local Government Review.

**CENTRAL COUNTRY ZONE** That, in the event Local Government reform proceeds, a staged structural reform transition process is implemented whereby: 1. the State Government establishes and states its vision and objectives for Local Government in metropolitan Perth and country Western Australia, and determines the parameters for Local Government structural reform; 2. the Local Government sector is empowered to achieve the objectives within a 12 month timeframe; 3. That transitional arrangements are managed by selected serving Elected Members from the amalgamating Local Governments rather than appointed commissioners; 4. That any change to the structure and governance of Local Governments, whether forced or voluntary, is funded by the State Government; and, 5. That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in any Local Government reform initiative stemming from the Metropolitan Local Government Review. **SOUTH WEST COUNTRY ZONE** That Para 2 be amended to delete the words “a 12 month timeframe” and replace with the words “an agreed timeframe.”

Moved: Cr Barrett  
Seconded: Cr Short

That the Association's Submission to the State Government in relation to the Metropolitan Local Government Review Panel's Final Report and Recommendations be endorsed with the following amendments:

1. That WALGA's position in response to Recommendation 1 be amended to: "Panel Recommendation 1 is **CONDITIONALLY SUPPORTED** subject to direct action being taken to address the inequities that exist in Local Government rating";
2. That WALGA's position in response to Recommendation 25 be amended to: "Panel Recommendation 25 is **CONDITIONALLY SUPPORTED** subject to any involvement of the Public Sector Commission being at the request of the Local Government; and,
3. That Part 3 of WALGA's 'Additional Recommendation II' be amended to: "That transitional arrangements are managed by selected serving Elected Members from the amalgamating Local Governments rather than appointed commissioners."

**AMENDMENT**

Moved: Mayor D Ennis  
Seconded: Mayor R Yuryevich

3. That Part 3 of WALGA's 'Additional Recommendation II' be amended to: "That transitional arrangements are managed by selected serving Elected Members from the amalgamating Local Governments to act as appointed commissioners."

**LOST**

**AMENDMENT**

Moved: Mayor R Yuryevich  
Seconded: Mayor D Ennis

4. That part 3 of WALGA's position in response to Recommendation 29 be amended to:  
That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in the establishment and are members of the Local Government Commission.

**THE AMENDMENT WAS PUT AND CARRIED**

Mayor R Yuryevich and Cr Chappel declared an interest in recommendations pertaining to the Local Government Advisory Board and left the meeting 4.43pm

**AMENDMENT**

Moved: Mayor D Ennis  
Seconded:

Panel recommendation 14 is opposed and the local Government Advisory Board is retained and the Board's capacity building focus is enhanced; and the Poll provisions and schedule 2.1 of the Local Government Act is retained.

**LAPSED FOR WANT OF A SECONDER**

Mayor R Yuryevich and Cr Chappel returned to the meeting at 4.47pm.

That the Association's Submission to the State Government in relation to the Metropolitan Local Government Review Panel's Final Report and Recommendations be endorsed with the following amendments:

1. That WALGA's position in response to Recommendation 1 be amended to: "Panel Recommendation 1 is **CONDITIONALLY SUPPORTED** subject to direct action being taken to address the inequities that exist in Local Government rating";
2. That WALGA's position in response to Recommendation 25 be amended to: "Panel Recommendation 25 is **CONDITIONALLY SUPPORTED** subject to any involvement of the Public Sector Commission being at the request of the Local Government; and,
3. That Part 3 of WALGA's 'Additional Recommendation II' be amended to: "That transitional arrangements are managed by selected serving Elected Members from the amalgamating Local Governments rather than appointed commissioners."
4. That part 3 of WALGA's position in response to Recommendation 29 be amended to:  
That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in the establishment and are members of the Local Government Commission.

**RESOLUTION 163.1/2013**

**THE SUBSTANTIVE MOTION WAS  
PUT AND CARRIED  
UNANIMOUSLY**

**5.1.1 MWAC Submission on the Metropolitan Local Government Review Final Report**

**WALGA RECOMMENDATION**

That the MWAC Submission on the Metropolitan Local Government Review Final Report be endorsed.

Moved: Cr G Godfrey  
 Seconded: Mayor D Ennis

That the MWAC Submission on the Metropolitan Local Government Review Final Report be endorsed.

**RESOLUTION 164.1/2013**

**CARRIED UNANIMOUSLY**

**5.2 Public Sector Reform – Submission to the Standing Committee on Public Administration (05-068-04-0001TL)**

**WALGA RECOMMENDATION**

That the attached Submission to the Standing Committee on Public Administration in relation to Public Sector Reform 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 Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	That the State Council Agenda be noted
Murchison Country Zone	No response to Flying Minute from the Zone
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	Meeting held prior to receiving Agenda
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

Moved: Cr G Amphlett  
 Seconded: Mayor H Zelones

That the attached Submission to the Standing Committee on Public Administration in relation to Public Sector Reform be endorsed

**RESOLUTION 165.1/2013**

**CARRIED UNANIMOUSLY**

**5.3 Development Assessment Panels- Legislation and Regulations Review (05-047-01-0016CG)**

**WALGA RECOMMENDATION**

That WALGA advocate to State Government a review of Part 11A of the Planning and Development Act 2005 and the Planning and Development (Development Assessment Panels) Regulations 2011 to clarify uncertainties with respect to responsibilities of Local Government.

<b>Avon Midland Country Zone</b>	WALGA recommendation supported
<b>Central Country Zone</b>	WALGA recommendation supported
<b>Central Metropolitan Zone</b>	WALGA recommendation supported
<b>East Metropolitan Zone</b>	WALGA recommendation supported
<b>Gascoyne Zone</b>	WALGA recommendation supported
<b>Goldfields Esperance Country Zone</b>	WALGA recommendation supported
<b>Great Eastern Country Zone</b>	WALGA recommendation supported
<b>Great Southern Country Zone</b>	WALGA recommendation supported
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation supported
<b>Northern Country Zone</b>	WALGA recommendation supported
<b>Peel Zone</b>	WALGA recommendation supported
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation supported
<b>South Metropolitan Zone</b>	WALGA recommendation supported
<b>South West Country Zone</b>	WALGA recommendation supported

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

That WALGA advocate to State Government a review of Part 11A of the Planning and Development Act 2005 and the Planning and Development (Development Assessment Panels) Regulations 2011 to clarify uncertainties with respect to responsibilities of Local Government.

**RESOLUTION 166.1/2013**

**CARRIED UNANIMOUSLY**

**5.4 Review of Local Government Planning and Development Fees and Charges (06-036-01-0001 VJ)**

**WALGA RECOMMENDATION**

- 1) That the results of the Local Government Planning and Development Fees and Charges Review be noted;
- 2) That this report and the interim position submitted to the Department of Planning to assist in the review of the planning fees and charges regulated under the Planning and Development Regulations 2009 be endorsed;
- 3) That WALGA advocate that the State Government initiate a full review of the planning fees and charges, as the current system is cumbersome and the proposed recommendations from the review have wider implications for Local Government and other key stakeholders; and
- 4) That WALGA advocate for a CPI increase to fees and charges in the 2013/14 financial year as a minimum increase, until the full review is completed.

<b>Avon Midland Country Zone</b>	WALGA recommendation supported
<b>Central Metropolitan Zone</b>	WALGA recommendation supported
<b>East Metropolitan Zone</b>	WALGA recommendation supported
<b>Gascoyne Zone</b>	WALGA recommendation supported
<b>Great Southern Country Zone</b>	WALGA recommendation supported
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation supported
<b>Northern Country Zone</b>	WALGA recommendation supported
<b>Peel Zone</b>	WALGA recommendation supported
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation supported
<b>South West Country Zone</b>	WALGA recommendation supported

**SOUTH METROPOLITAN ZONE**

That recommendation 4 be amended to:

“That WALGA advocate for an increase to fees and charges in the 2013/14 financial year using the ABS labour cost index as a minimum increase until the full review is completed.”

**CENTRAL COUNTRY ZONE**

That Part 4 of the WALGA Recommendation be amended to clearly identify what CPI is being used to increase fees and charges.

**GREAT EASTERN COUNTRY ZONE**

That Part 4 of the WALGA Recommendation be amended to clearly identify what CPI is being used to increase fees and charges.

**GOLDFIELDS ESPERANCE ZONE**

That Part 4 of the WALGA Recommendation be amended to clearly identify what CPI is being used to increase fees and charges.

Moved: Cr J Brown  
Seconded: Cr K Chappel

- 1) That the results of the Local Government Planning and Development Fees and Charges Review be noted;
- 2) That this report and the interim position submitted to the Department of Planning to assist in the review of the planning fees and charges regulated under the Planning and Development Regulations 2009 be endorsed;
- 3) That WALGA advocate that the State Government initiate a full review of the planning fees and charges, as the current system is cumbersome and the proposed recommendations from the review have wider implications for Local Government and other key stakeholders; and
- 4) That WALGA advocate for an increase to fees and charges in the 2013/14 financial year using the WA Wage Price Index as a minimum increase until the full review is completed

#### **AMENDMENT**

Moved: Mayor Yuryevich  
Seconded: Cr O'Connell

- 1) That the results of the Local Government Planning and Development Fees and Charges Review be noted;
- 2) That this report and the interim position submitted to the Department of Planning to assist in the review of the planning fees and charges regulated under the Planning and Development Regulations 2009 be endorsed;
- 3) That WALGA advocate through the Minister for Planning that the Department of Planning initiate and fully fund a full review of the planning fees and charges, as the current system is cumbersome and the proposed recommendations from the review have wider implications for Local Government and other key stakeholders; and
- 4) That WALGA advocate for the following changes to the regulated fees and charges:
  - Fees to be increased by either CPI or the WA Wage Price Index (whichever is the higher) for both the 2012/13 and 2013/14 financial years:
  - Increases to be compounded annually:
  - This formula to automatically apply in future years, until the full review is completed.

**THE AMENDMENT WAS PUT AND CARRIED**

**RESOLUTION 167.1/2013**

**THE SUBSTANTIVE MOTION  
WAS PUT AND CARRIED**

**5.5 Building Local Government Capacity in Emergency Management Project – Background Paper and Advocacy Strategy (05-024-03-0026 EF)**

**WALGA RECOMMENDATION**

The Building Local Government Capacity in Emergency Management Background Paper and the Advocacy Strategy identifies potential future actions to support Local Government build capacity in Emergency Management be endorsed.

<b>Avon Midland Country Zone</b>	WALGA recommendation supported
<b>Central Country Zone</b>	WALGA recommendation supported
<b>Central Metropolitan Zone</b>	WALGA recommendation supported
<b>East Metropolitan Zone</b>	WALGA recommendation supported
<b>Gascoyne Zone</b>	WALGA recommendation supported
<b>Goldfields Esperance Country Zone</b>	WALGA recommendation supported
<b>Great Eastern Country Zone</b>	WALGA recommendation supported
<b>Great Southern Country Zone</b>	WALGA recommendation supported
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation supported
<b>Northern Country Zone</b>	WALGA recommendation supported
<b>Peel Zone</b>	WALGA recommendation supported
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation supported
<b>South Metropolitan Zone</b>	WALGA recommendation supported

**SOUTH WEST COUNTRY ZONE**

That attachment B of 5.5 - Advocacy Strategy be amended by the addition of a new section as follows

<b>Issue</b>	<b>Strategy</b>	<b>Resources</b>	<b>Timeframe</b>
<p>Improve emergency management communications across the state and during emergencies</p>	<p>Review current communications practices to ensure a more coordinated and effective process with particular regard to the inclusion of local government</p> <p>Advocate for better communications infrastructure</p>	<p>As above and SEMC Secretariat</p> <p>DFES</p> <p>DEC</p>	<p>Dec 2013</p>

Moved: Cr Sanford  
 Seconded: Cr Mitchell

The Building Local Government Capacity in Emergency Management Background Paper and the Advocacy Strategy identifies potential future actions to support Local Government build capacity in Emergency Management be endorsed subject to attachment B – Advocacy Strategy be amended by the addition of a new section as follows.

<u>Issue</u>	<u>Strategy</u>	<u>Resources</u>	<u>Timeframe</u>
Improve emergency management communications across the state and during emergencies	Review current communications practices to ensure a more coordinated and effective process with particular regard to the inclusion of local government  Advocate for better communications infrastructure	As above and SEMC Secretariat  DFES  DEC	Dec 2013

**RESOLUTION 168.1/2013**

**CARRIED UNANIMOUSLY**

**5.6 WALGA Submission – Inquiry into Recent Trends in and Preparedness for Extreme Weather Events (05-024-03-0026 EF)**

**WALGA RECOMMENDATION**

That the Association’s Submission to the Senate Standing Committee on Environment and Communication’s Inquiry into Recent Trends in and Preparedness for Extreme Weather Events 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 Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	That the State Council Agenda be noted
Murchison Country Zone	No response to Flying Minute from the Zone
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported

Peel Zone	WALGA recommendation supported
Pilbara Zone	Meeting held prior to receiving Agenda
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

Moved: Cr C Mitchell  
 Seconded: President Cr K Chappel

That the Association's Submission to the Senate Standing Committee on Environment and Communication's Inquiry into Recent Trends in and Preparedness for Extreme Weather Events be endorsed.

**RESOLUTION 169.1/2013**

**CARRIED UNANIMOUSLY**

**5.7 Draft Position Paper on the Strong Foundations for Sustainable Local Infrastructure Report (05-100-03-0001 PS)**

**WALGA RECOMMENDATION**

That the Association's draft position paper on the Ernst and Young report, Strong Foundations for Sustainable Local Infrastructure, 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 Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Zone	That the State Council Agenda be noted
Murchison Country Zone	No response to Flying Minute from the Zone
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Zone	WALGA recommendation supported
Pilbara Zone	Meeting held prior to receiving Agenda
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

Moved: Mayor D Ennis  
 Seconded: Mayor T Roberts

That the Association's draft position paper on the Ernst and Young report, Strong Foundations for Sustainable Local Infrastructure, be endorsed.

**RESOLUTION 170.1/2013**

**CARRIED UNANIMOUSLY**

**5.8 Submission on the ‘Walking, Riding and Access to Public Transport’ draft discussion paper (05-005-03-0005 MM)**

**WALGA RECOMMENDATION**

That the interim submission on the ‘Walking, Riding and Access to Public Transport’ draft discussion paper be endorsed.

<b>Avon Midland Country Zone</b>	WALGA recommendation supported
<b>Central Country Zone</b>	WALGA recommendation supported
<b>Central Metropolitan Zone</b>	WALGA recommendation supported
<b>East Metropolitan Zone</b>	WALGA recommendation supported
<b>Gascoyne Zone</b>	WALGA recommendation supported
<b>Goldfields Esperance Country Zone</b>	WALGA recommendation supported
<b>Great Eastern Country Zone</b>	WALGA recommendation supported
<b>Great Southern Country Zone</b>	WALGA recommendation supported
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation supported
<b>Northern Country Zone</b>	WALGA recommendation supported
<b>Peel Zone</b>	WALGA recommendation supported
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation supported
<b>South Metropolitan Zone</b>	WALGA recommendation supported
<b>South West Country Zone</b>	WALGA recommendation supported

**Moved: Cr C Mitchell**  
**Seconded: Cr T Romano**

That the interim submission on the ‘Walking, Riding and Access to Public Transport’ draft discussion paper be endorsed.

**RESOLUTION 171.1/2013**

**CARRIED UNANIMOUSLY**

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

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**5.9 Application for Transferal of Zone Membership – Shire of Serpentine-Jarrahdale (01-005-02-0018 TB)**

*By Tony Brown, Executive Manager Governance and Strategy*

**Moved: Mayor H Zelones  
Seconded: Cr W Barrett**

**That State Council approves the Shire of Serpentine-Jarrahdale's application:**

- 1. To transfer from the Metropolitan Constituency of WALGA to the Country Constituency of WALGA in accordance with Clause 5 of the Association Constitution; and,**
- 2. To transfer from the South East Metropolitan Zone of WALGA to the Peel Country Zone of WALGA in accordance with Clause 14 of the Association Constitution.**

**RESOLUTION 172.1/2013**

**CARRIED UNANIMOUSLY**

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

*By Nick Wood, Executive Manager, Corporate Business Solutions*

**Moved: Cr T Romano  
Seconded: Cr E O'Connell**

**That the minutes of the Finance and Selection Committee meeting held 27 February 2013 be received**

**RESOLUTION 173.1/2013**

**CARRIED UNANIMOUSLY**

**5.11 Selection Committee Minutes (01-006-03-0011 TL)**

*By Timothy Lane, Manager Strategy and Reform*

**Moved: President Cr L Craigie  
Seconded: Cr L Short**

**That the Minutes of the Selection Committee meeting held 5 March 2013 be noted;**

**RESOLUTION 174.1/2013**

**CARRIED UNANIMOUSLY**

**5.12 State Council Performance Assessment Report 2012**

**CONFIDENTIAL**

Moved: Cr J Brown  
 Seconded: President Cr S Broad

That State Council:

1. Notes the President’s Report regarding the Performance Assessment of State Council and
2. Notes the overall positive rating of the performance of State Council and the President.

**RESOLUTION 175.1/2013** **CARRIED UNANIMOUSLY**

**6. MATTERS FOR NOTING / INFORMATION**

**6.1 Update on Local Government Child Health Facilities (05-030-03-0005 SH)**

**WALGA RECOMMENDATION**

**That the progress update on Local Government Child Health Facilities 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	That the State Council Agenda be noted
Murchison Country Zone	No response to Flying Minute from the Zone
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Zone	WALGA recommendation noted
Pilbara Zone	Meeting held prior to receiving Agenda
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

Moved: Mayor D Ennis  
 Seconded: Cr C Mitchell

**That the progress update on Local Government Child Health Facilities be noted.**

**RESOLUTION 176.1/2013** **CARRIED UNANIMOUSLY**

<b>6.2 Bush Fire Risk Management and the WA Planning System (05-024-02-0056 CG)</b>
---

**WALGA RECOMMENDATION**

That the work that the Association is currently undertaking associated with mitigating the threat of bushfire through the planning system, 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	That the State Council Agenda be noted
Murchison Country Zone	No response to Flying Minute from the Zone
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Zone	WALGA recommendation noted
Pilbara Zone	Meeting held prior to receiving Agenda
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

Moved: Cr L Short  
 Seconded: Cr D Wood

That the work that the Association is currently undertaking associated with mitigating the threat of bushfire through the planning system, be noted.

**RESOLUTION 177.1/2013**

**CARRIED UNANIMOUSLY**

<b>6.3 Heavy Vehicle Charging and Investment Reform (05-088-03-0001 PS)</b>
---

**WALGA RECOMMENDATION**

That State Council note developments on the Heavy Vehicle Charging Investment Reform (HVCI) Project.

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	That the State Council Agenda be noted

<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation noted
<b>Northern Country Zone</b>	WALGA recommendation noted
<b>Peel Zone</b>	WALGA recommendation noted
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation noted
<b>South Metropolitan Zone</b>	WALGA recommendation noted
<b>South West Country Zone</b>	WALGA recommendation noted

**Moved: Mayor R Yuryevich**  
**Seconded: Cr G Amphlett**

**That State Council note developments on the Heavy Vehicle Charging Investment Reform (HVCI) Project.**

**RESOLUTION 178.1/2013**

**CARRIED UNANIMOUSLY**

#### **6.4 Financial Assistance Grants Review (05-100-03-0001 PS)**

##### **WALGA RECOMMENDATION**

**That State Council note the Commonwealth Grants Commission's review of Financial Assistance Grants**

<b>Avon Midland Country Zone</b>	WALGA recommendation noted
<b>Central Country Zone</b>	WALGA recommendation noted
<b>Central Metropolitan Zone</b>	WALGA recommendation noted
<b>East Metropolitan Zone</b>	WALGA recommendation noted
<b>Gascoyne Zone</b>	WALGA recommendation noted
<b>Goldfields Esperance Country Zone</b>	WALGA recommendation noted
<b>Great Eastern Country Zone</b>	WALGA recommendation noted
<b>Great Southern Country Zone</b>	WALGA recommendation noted
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation noted
<b>Northern Country Zone</b>	WALGA recommendation noted
<b>Peel Zone</b>	WALGA recommendation noted
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation noted
<b>South Metropolitan Zone</b>	WALGA recommendation noted
<b>South West Country Zone</b>	WALGA recommendation noted

**Moved: Cr B Emery**  
**Seconded: Mayor D Ennis**

**That State Council note the Commonwealth Grants Commission's review of Financial Assistance Grants**

**RESOLUTION 179.1/2013**

**CARRIED UNANIMOUSLY**

<b>6.5 Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)</b>
---

**WALGA RECOMMENDATION**

That the resolutions of the Municipal Waste Advisory Council at its 19 December 2012 meeting be noted.

<b>Avon Midland Country Zone</b>	WALGA recommendation noted
<b>Central Country Zone</b>	WALGA recommendation noted
<b>Central Metropolitan Zone</b>	WALGA recommendation noted
<b>East Metropolitan Zone</b>	WALGA recommendation noted
<b>Gascoyne Zone</b>	WALGA recommendation noted
<b>Goldfields Esperance Country Zone</b>	WALGA recommendation noted
<b>Great Eastern Country Zone</b>	WALGA recommendation noted
<b>Great Southern Country Zone</b>	WALGA recommendation noted
<b>Kimberley Zone</b>	That the State Council Agenda be noted
<b>Murchison Country Zone</b>	No response to Flying Minute from the Zone
<b>North Metropolitan Zone</b>	WALGA recommendation noted
<b>Northern Country Zone</b>	WALGA recommendation noted
<b>Peel Zone</b>	WALGA recommendation noted
<b>Pilbara Zone</b>	Meeting held prior to receiving Agenda
<b>South East Metropolitan Zone</b>	WALGA recommendation noted
<b>South Metropolitan Zone</b>	WALGA recommendation noted
<b>South West Country Zone</b>	WALGA recommendation noted

Moved: Cr C Mitchell  
 Seconded: Mayor D Ennis

That State Council note the Commonwealth Grants Commission's review of Financial Assistance Grants

**RESOLUTION 180.1/2013**

**CARRIED UNANIMOUSLY**

## **7. ORGANISATIONAL REPORTS**

### **7.1 Key Activity Reports**

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

Moved: Cr D Wood  
 Seconded: President Cr B Webster

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

**RESOLUTION 181.1/2013**

**CARRIED**

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

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 182.1/2013**

**CARRIED**

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

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 183.1/2013**

**CARRIED**

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

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 184.1/2013**

**CARRIED**

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

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 185.1/2013**

**CARRIED**

**7.3 President's Report**

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 186.1/2013**

**CARRIED**

7.4 CEO's Report
------------------

Moved: Cr D Wood  
Seconded: President Cr B Webster

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

**RESOLUTION 187.1/2013**

**CARRIED**

## **8. ADDITIONAL ZONE RESOLUTIONS**

Moved: Mayor R Yuryevich  
Seconded: Cr C Mitchell

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 188.1/2013**

**CARRIED**

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### **KIMBERELY ZONE**

**State Administrative Tribunal Determination 409/2012**  
**Governance and Strategy**

*That the Kimberley Zone of WALGA:*

*Requests the Secretariat to urgently raise the State Administrative Tribunal Determination DR 409/2012 with WALGA advising of the implications to the local government sector in regard to the SAT Decision and its effect on local government decision making. This advice to include the following:*

- a) Implications on local law determination by a local government*
- b) The ramifications for local government for like actions and potential legal costs involved as being experienced by the Shire of Broome.*
- c) Requests the WALGA legislative review team to raise this matter with the Department of Local Government to consider what changes to section 9.9 of the Local Government Act 1995 may be applicable to remedy this precedence.*

**Kimberley Rural Fire Service**  
**Planning and Community Development**

- 1. That the Kimberley Zone Fire Management Committee organise a face to face meeting to prepare a clearly defined strategy to progress the issue.*
- 2. That the committee be increased to 8 members with at least one elected member from each LG and representation from WALGA.*
- 3. That the Zone identifies the options to present our case directly to the relevant ministers.*
- 4. That this process be completed and ready to be voted on at the next Zone meeting (prepared and allowing each LG to vote on the recommendations)*
- 5. The fire management committee discuss options for other Kimberley fire management options*

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**GASCOYNE COUNTRY ZONE**

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**TransWA Bus Service  
Infrastructure**

*That WALGA advocate for an expansion of TransWA services to the Gascoyne region given the recent withdrawal of the Greyhound Perth-Darwin route.*

**Emergency Services Legislation  
Planning and Community Development**

*That, as part of the review of Emergency Services legislation, Local Government be able to hand-over responsibility for all bushfires to the Department of Fire and Emergency Services*

**9. MEETING ASSESSMENT**

Cr Tony Romano provided feedback as to the effectiveness of the meeting.

**10. DATE OF NEXT MEETING**

That the next meeting of the Western Australia Local Government Association State Council, be held in Karratha on **Friday 3 May 2013** commencing 9am.

**11. CLOSURE**

There being no further business, the President declared the meeting closed at 6.20pm



# MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

7 MARCH 2013

CITY OF JOONDALUP

---

*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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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

*The Chairman declared the meeting open at 5.30pm.*

**2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**PRESENT: Chairman**

Cr R Fishwick JP  
Cr J Bissett  
Cr D Boothman  
Cr R Butler (*arrived at 6.20pm*)  
Cr S Cooke  
Cr L Gray JP  
Cr K Hollywood  
Cr A MacTiernan (*arrived at 5.36pm*)  
Cr D Newton JP  
Cr J Robbins  
Cr B Stewart  
Cr S Withers (*arrived at 5.44pm*)

**APOLOGIES:**

Nil

**IN ATTENDANCE:**

Mindarie Regional Council Officers

B Callander Chief Executive Officer  
G Hoppe Director Corp. Services  
L Nyssen Governance Officer  
G Atkinson Education Manager  
P Davies Education Officer

Member Council Officers

S Browne  
K Caple  
N Claassen  
D Forster  
S Jardine  
A Murphy  
D Simms  
A Vuleta

**VISITORS:**

Nil

**MEDIA:**

Nil

**PUBLIC:**

Nil

**3 DECLARATION OF INTERESTS**

Nil

**4 PUBLIC QUESTION TIME**

Nil

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**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

*The Chairman encouraged members to forward any amendments or alternate motions to members and administration prior to council meetings which would help facilitate a good meeting.*

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**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.**

*Cr MacTiernan arrived at 5.36pm*

**PROCEDURAL MOTION**

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

*CARRIED UNANIMOUSLY*

*CEO to arrange meeting with the Chairperson and Cr Cooke to clarify why Cr Cooke's and Cr Stewart's motions put to Item 14.1 were not recorded in the minutes.*

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<b>9 CHIEF EXECUTIVE OFFICER REPORTS</b>	
<b>9.1 TIPFACE RESOURCE RECOVERY TRIAL</b>	
<b>File No:</b>	<b>COR/48</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>14 February 2012</b>
<b>Responsible Officer:</b>	<b>Mike Myring, Site Supervisor</b>

### **SUMMARY**

The purpose of this report is to:

1. Provide details on the Tipface Resource Recovery Trial conducted at Tamala Park from October – December 2012;
2. Seek consideration of extending the trial to financial year end;
3. Consider continuing on with the project on a permanent basis; and
4. Request the member councils' support to have the project funded on a permanent basis from the Waste Authority's Regional Funding Program.

### **BACKGROUND**

Currently kerbside pick-ups are disposed of in landfill. In October 2012 a trial was initiated to recover recyclables from the tipface, which has been very successful. The cost of the trial totalled \$64,348 including the hiring of the plant (\$34,641), fuel costs (\$5,755) and recovering 1,450 mattresses at a disposal cost of (\$23,952). These costs were offset by revenue from the sale of the steel recovered totalling \$36,255 (212 tonnes) and through recovering \$6,342 of the landfill levy placed on waste to landfill by the State Government. The net cost of the project was \$21,751, which has been funded from the current budget.

In addition to this, the reduction in airspace consumed of 868m<sup>3</sup> is valued at approximately \$73,780, although this benefit will only be realised towards the end of the landfill's life.

The initial scheme was intended to recover bulky items like scrap metal, mattresses, timber, toys and e-waste from the landfill, however the volume of metal and mattresses alone being salvaged has meant that there has not been enough resources to recover any other recyclable items.

The trial to the 30 December 2012 has recovered 37 tonnes (1,450 mattresses) and 212 tonnes of scrap metal.

The tables below detail the costs associated with running the trial for the three month period to December 2012 and the savings in air space.

<b>COST OF TRIAL TO DECEMBER 2012</b>	
Expense Cost/Savings type	(\$)
Plant Hire Cost	(34,641)
Fuel Cost	(5,755)
Mattress Disposal Cost (1450 off)	(23,952)
<b>Total Cost</b>	<b>(\$64,348)</b>
Savings	
Proceeds from Sale of Steel	36,255
DEP Levy Saving (Mattresses and Steel)	6,342
<b>Total Savings</b>	<b>42,597</b>
<b>*TOTAL COST OF TRIAL</b>	<b>(\$21,751)</b>

\*Excludes savings in air space (868m3 at \$85 per m3 = \$73,780)

The trial of the scheme was presented to the Strategic Working Group where discussions ensued in relation to having the scheme funded through the Waste Authority via its Regional Funding Program. The Waste Authority recently informed the MRC that the project previously submitted to undertake a Waste Audit was unsuccessful. General support was provided to this request and the MRC has sent correspondence to the member councils seeking formal support prior to completing the program application and to reduce the lag time in gaining the necessary approvals if the council resolves to support making the scheme permanent.

#### **DETAIL**

The trial has provided many benefits to the MRC. Reducing waste to landfill, incentivising the employees to operate in accordance with MRC's objectives and allowing them to take responsibility for the project and improving moral. Given the benefits the trial has continued into 2013 and \$49,900 has been sought in the half yearly budget review to continue the trial through to the end of the financial year.

If the scheme continues to be successful consideration must be made to making it permanent. Additional resources will be required to support the trial if it was made permanent, which would include the purchasing of an excavator (cost table below includes purchase), another two hooklift bins and employing an additional plant operator. Operating on a permanent basis would allow the tipface operations team to recover even more recyclables from the tipface. The table below indicates the cost of running the scheme annually.

<b>COST TO OPERATE PROJECT FOR A FULL YEAR</b>	
Expense Cost/Savings type	(\$)
Plant Purchase Cost	(187,000)
Fuel Cost	(27,908)
Mattress Disposal Cost	(102,056)
Full Time Operator Cost	(70,000)
Hooklift Bins (2 off)	(14,500)
<b>Total Cost</b>	<b>(\$401,464)</b>
Savings	
Proceeds from Sale of Steel	145,020
DEP Levy Saving (Mattresses and Steel)	25,368
<b>Total Savings</b>	<b>170,388</b>
<b>*TOTAL COST OF TRIAL</b>	<b>(\$231,076)</b>

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\*Excludes Savings in Air Space as these savings are not realised until the end of life of landfill. However based on this year's rates the anticipated savings would be (3,500m<sup>3</sup> at \$85 per m<sup>3</sup> = \$297,500)

While the program would operate at a cash loss of \$231,076 annually it supports the MRC's overall strategic objective to minimise the amount of waste going to landfill and will extend the life of the landfill or alternatively, allow the landfill site to be used more intensively, both of which have significant long term benefits to the MRC.

Based on the pilot project, it is likely that the MRC's waste diversion rate would be improved by 0.5%. As a result, an opportunity may exist to have this trial project funded on a permanent basis by the Waste Authority via its Regional Funding Program if the member councils were supportive of the project. This would allow the significant capital cost of the project to be covered with the MRC covering the projects operational costs.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The trial to December 2012 has been funded from the 2012/13 Budget. However if the trial is to continue to the end of the financial year then a further \$49,900 is required, which cannot be funded from the current budget. A further report later in the agenda on the half yearly Budget review has included the amount required to continue the trial to the financial year end.

### **STRATEGIC IMPLICATIONS**

The scheme is directly in line with the objectives of the MRC in reducing the amount of waste going to landfill.

### **COMMENT**

The trial project has been extremely successful in reducing the amount of waste to landfill and as such it is proposed to seek council's endorsement to continue with the project for the rest of the financial year at a cost of \$49,900 and discuss making the project permanent at the budget workshops. There is an opportunity to obtain funding for the project through the Waste Authority's Regional Funding Program. This funding opportunity has been discussed with the member councils through the Strategic Working Group where it received support.

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

1. **Acknowledge the success of the trial of recovering waste from the tip face as detailed in this report;**

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- 
2. **Approve the allocation of \$49,900 to fund the continuation of the trial to the end of the 2012/13 financial year;**
  3. **Approve the allocation of \$49,900 detailed in (2) above to be funded in the 2012/13 half yearly budget review;**  
**(Absolute Majority Required)**
  4. **Consider in the formulation of the 2013/14 budget allocating the necessary funds to make the project permanent; and**
  5. **Endorse the principle of the project being funded from the Waste Authority's Regional Funding Program and encourage the member councils' to support the application for funding to the Waste Authority.**

#### **AMENDMENT**

Cr Gray moved, Cr Newton seconded

A new part 6.

6. Requests the Chief Executive Officer to scope and cost out a verge collection trial of recyclable collections, as compared to tipface source separation and recycling.

*Cr Withers arrived at 5.44pm*

*Amendment withdrawn by mover and seconder.*

#### **AMENDMENT**

Cr Withers moved, Cr Robbins seconded

A new part 6.

6. Authorise the CEO to prepare a report on MRC's ability to support member councils with recyclable verge collection.

*CARRIED UNANIMOUSLY*

#### **SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENT**

**That Council:**

1. **Acknowledge the success of the trial of recovering waste from the tip face as detailed in this report;**
  2. **Approve the allocation of \$49,900 to fund the continuation of the trial to the end of the 2012/13 financial year;**
  3. **Approve the allocation of \$49,900 detailed in (2) above to be funded in the 2012/13 half yearly budget review;**  
**(Absolute Majority Required)**
-

4. Consider in the formulation of the 2013/14 budget allocating the necessary funds to make the project permanent; and
5. Endorse the principle of the project being funded from the Waste Authority's Regional Funding Program and encourage the member councils' to support the application for funding to the Waste Authority.
6. Authorise the CEO to prepare a report on MRC ability to support member councils with recyclable verge collection.

**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.2</b>	<b>REQUEST FOR SPORTING SPONSORSHIP</b>
<b>File No:</b>	<b>CMR/1-03</b>
<b>Appendix(s):</b>	<b>Appendix No. 1</b>
<b>Date:</b>	<b>13 February 2013</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe, Director Corporate Services</b>

### **BACKGROUND**

The Mindarie Regional Council (MRC) has received a request from an employee for an individual sports sponsorship, which is attached at **Appendix No. 1**.

### **DETAILS**

Ms Cunningham has been employed by the MRC since March 2012. She is an active in-line speed skating competitor, who has represented WA at the recent National In-line Speed Skating Championships, taking gold in each of the 11 events in which she competed.

She will now be representing Australia at the Oceania Asia Pacific In-line Speed Skating Championships in Brisbane and is requesting a partial sponsorship of her costs by the MRC, totalling \$1,500. This will largely cover her flight and accommodation expenses.

This sponsorship would show our support and commitment towards a staff member who has shown excellence in her chosen sport and who is now competing in the Australian national team. In addition, it also provides the MRC with the opportunity for some marketing and publicity exposure.

### **FINANCIAL IMPLICATIONS**

The cost to the MRC will be \$1,500 which will be covered by the half yearly budget review.

### **STRATEGIC IMPLICATIONS**

The recognition and support of a staff member's notable achievements is consistent with the MRC's overall strategy in that it serves to promote a performance culture in the business, even if in this instance it doesn't relate directly to a work activity, and it serves to improve staff engagement.

### **COMMENT**

Nil

### **VOTING REQUIREMENT**

Absolute Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That Council approve the sponsorship of Ms Cunningham's participation in the Oceania Asia Pacific In-line Speed Skating Championships by the MRC to the value of \$1,500.**

**(Absolute Majority Required)**

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## **AMENDMENT 1**

Cr Fishwick moved, Cr Withers seconded to include a new part 2 as follows:

2. The CEO be requested to develop a Council Policy in relation to the sponsorship of staff, including those who have been selected to represent Australia or the State of Western Australia at sporting events whereby the details of any sponsorship provided by the Council are to be reported in the Members Information Bulletin.

*AMENDMENT CARRIED: (7/4)*

*Against: Cr Gray, Cr Newton, Cr Robbins, Cr Stewart*

## **AMENDMENT 2**

Cr Withers moved, Cr MacTiernan

Amend part 1 by deleting "\$1,500" and inserting "\$750".

*AMENDMENT CARRIED: (7/4)*

*Against: Cr Gray, Cr Newton, Cr Robbins, Cr Stewart*

*Cr Boothman requested that the motion, including the amendments, be voted on separately.*

## **SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENT**

1. That Council approve the sponsorship of Ms Cunningham's participation in the Oceania Asia Pacific In-line Speed Skating Championships by the MRC to the value of \$750.

**(Absolute Majority Required)**

### **RESOLVED**

**Cr Bissett moved, Cr Hollywood seconded**

**That the recommendation be adopted.**

*LOST: (5/6)*

*Against: Cr Boothman, Cr Cooke, Cr Gray, Cr Newton, Cr Robbins, Cr Stewart*

2. The CEO be requested to develop a Council Policy in relation to the sponsorship of staff, including those who have been selected to represent Australia or the State of Western Australia at sporting events whereby the details of any sponsorship provided by the Council are to be reported in the Members Information Bulletin.

### **RESOLVED**

**Cr Bissett moved, Cr Hollywood seconded**

**That the recommendation be adopted.**

*CARRIED: (7/4)*

*Against: Cr Gray, Cr Newton, Cr Robbins, Cr Stewart*

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<b>9.3</b>	<b>CITY OF STIRLING WITHDRAWAL</b>
<b>File No:</b>	<b>LEG/14-02</b>
<b>Appendix(s):</b>	<b>Appendix No. 2</b>
<b>Date:</b>	<b>11 February 2013</b>
<b>Responsible Officer:</b>	<b>Brian Callander, CEO</b>

### **SUMMARY**

Determine the next steps on the City of Stirling (Stirling) withdrawal from the Mindarie Regional Council (MRC) now that the Minister for Local Government has responded to MRC's submission.

### **BACKGROUND**

The withdrawal of Stirling has been ongoing since 2010 with numerous reports being presented to Council as the withdrawal process evolved. The last report to Council was at its meeting held on 6 December 2012 where an alternative valuation methodology prepared by Deloitte was presented along with a draft submission to the Minister detailing MRC's position on the withdrawal. At this meeting the Council, inter alia, resolved:

*"That:*

- 1. The report entitled "Valuation of the City of Stirling's Interest in the Mindarie Regional Council" dated 23 October 2012 as prepared by Deloitte and presented in attachment 1 be endorsed.*
- 2. The report detailed in (1) above be used as the basis for determining the adjustment of assets and liabilities for the withdrawal of the City of Stirling in accordance with s.699 (3) (a) of the Local Government Act 1960 as follows:*
  - a. The City of Stirling be provided the Adjusted Value of \$754,500 minus \$302,000 being the City of Stirling's proportionate share of the insurance cover required to address MRC's lease obligations for environmental liability. Total payment to the City of Stirling being \$452,500.*
- 3. The City of Stirling retains:*
  - a. Its liability under the Resource Recovery Facility Deed of Guarantee;*
  - b. Its ownership share in the land at Tamala Park Landfill Site; and*
  - c. Its equity share (one third) in the land (lot 805 Pederick Street) owned by the Mindarie Regional Council and currently partially leased to BioVision for the operations of a Resource Recovery Facility. The equity share of the land will only be realised by the City of Stirling when the Mindarie Regional Council at its sole discretion decides to sell the land or if/when Mindarie Regional Council is wound up."*

*D. The Mindarie Regional Council endorses the submission, and its release, to the Minister for Local Government, as presented in attachment 2.*

The submission, which included Council's resolution above was finalised and sent to the Minister on 7 December 2012.

### **DETAIL**

On 5 February 2013 correspondence was received from the Minister (**Appendix No. 2**) confirming receipt of MRC's submission on 7 December 2012 and stating, Inter alia, the following:-

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*“Having given the matter careful consideration, I have come to the view that it would not be appropriate for me to intervene in a matter involving such complexities. Furthermore, the constitution agreement of the MRC does not contemplate any role for me to act as arbitrator in determining such matters. Rather, it is for the parties to reach agreement on the settlement required to enable the withdrawal of any member of the MRC and to then seek my approval of such an agreement.”*

The Ministers letter goes on to discuss the Final Report of the Metropolitan Local Government Review Panel indicating that he’s mindful of the report’s findings in relation to the responsibilities for waste management across the metropolitan area, and to strongly suggest that the parties reconsider the proposed withdrawal of the Stirling as part of these discussions. The key recommendations contained in the Metropolitan Local Government Review (Final Report) in relation to waste management across the metropolitan area are as follows:

*“Executive Summary*

*The Panel examined if some local government functions could be managed from a metropolitan-wide perspective. For example, many respondents agreed that waste management would have improved co-ordination if it was the State’s responsibility. The Panel agrees and recommends that the State Government take over the role of waste management.*

*Recommendations:*

- 6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.*
  
- 11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.”*

It is difficult for local government or regional councils to take any position based on the Final Report as it has no standing in the current Government apart from having Cabinet approval for its release for public consultation until early April.

Notwithstanding this it is important that we enter into discussions with Stirling to determine if agreement can be reached on the next step in the process. The following scenarios detail the options available for negotiation:

Scenario 1

The MRC requests Stirling to consider Deloitte’s valuation as the basis for adjusting MRC’s assets and liabilities (settlement) as required by s.699 of the *Local Government Act 1960*. Any such agreement would need to be conditional upon the value of the settlement being deducted from any further settlement that may be provided if, or when, the State Government abolishes or amends the boundaries of the MRC.

Scenario 2

The MRC holds off any further negotiations/discussions with Stirling until after the State Government has taken a position on the Metropolitan Local Government Review (Final Report).

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Scenario 3

The MRC enter into discussions with Stirling to retain them as members of the MRC.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

The Minister's decision not to intervene and request of the parties to continue negotiations to facilitate a solution for Stirling to remain in the MRC is disappointing. However it is important that the MRC, and Stirling for that matter, are clear on the required next steps. As such it is recommended that the council authorise its Chairperson and Chief Executive Officer to enter into discussions with the Mayor and Chief Executive Officer of Stirling to determine if there is any preference/agreement to pursue one or more of the scenarios.

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

1. Authorise the Chairperson and the Chief Executive Officer of the Mindarie Regional Council to enter into discussions with the Mayor and Chief Executive Officer of the City of Stirling to determine if there is any preference/agreement to pursue one or more of the scenarios.
2. Receive a further report from the Chief Executive Officer detailing the outcomes of the discussions detailed in (1) above and providing recommendations on the most appropriate actions to resolve the issue.

*Cr Butler arrived at 6.20pm*

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## MOTION

Cr Boothman moved, Cr Cooke seconded

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).
2. In the interests of accountability, transparency and good governance releases the Deloitte report on the valuation of Stirling's interest in the MRC to all member councils and their officers for review and feedback.

## AMENDMENT 1

Cr Bissett moved, Cr Robbins seconded

Amend part 1 by inserting "This decision to be reviewed within 6 months" after "(Final Report)."

CARRIED: (10/2)

Against: Cr Gray, Cr Newton

## AMENDMENT 2

Cr Withers moved, Cr Newton seconded

Delete part 2 and insert new part 2.

- 2. Agrees to release to the City of Stirling and the Member Councils' its submission to the Minister for Local Government including the Deloitte Report dated 23 October 2012 subject to the City of Stirling agreeing to releasing its submission to the Minister for Local Government to the MRC and the Member Councils'.**

*CARRIED UNANIMOUSLY*

## SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENTS

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.**
  - 2. Agrees to release to the City of Stirling and the Member Councils' its submission to the Minister for Local Government including the Deloitte Report dated 23 October 2012 subject to the City of Stirling agreeing to releasing its submission to the Minister for Local Government to the MRC and the Member Councils'.**
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**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.4</b>	<b>MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE AMENDMENT LOCAL LAW 2013</b>
<b>File No:</b>	<b>LAW/5</b>
<b>Appendix(s):</b>	<b>Appendix No. 3</b>
<b>Date:</b>	<b>5 February 2013</b>
<b>Responsible Officer:</b>	<b>Brian Callander, CEO</b>

#### **SUMMARY**

Seeking Council's approval to make the Mindarie Regional Council's Waste Facility Site Amendment Local Law 2013.

#### **BACKGROUND**

The Joint Standing Committee on Delegated Legislation (the Committee) has reviewed the Mindarie Regional Council Waste Facility Site Local Law (Principal Local Law) and has written to the Mindarie Regional Council (MRC) recommending a number of minor changes be addressed in the Principal Local Law.

In the letter the Committee requested the MRC to provide to them, in writing, an undertaking that it will amend a number of drafting errors prior to Monday 23 July 2012. The MRC responded to the Committee on 5 July 2012 advising that it will make the amendments to the Principal Local Law as requested.

The MRC sought clarification from the Department of Local Government relating to the wording of the Purpose and Effect and was advised that the wording should be in relation to the Amendment Local Law.

The purpose and effect of the amended Local Law reads as follows:

**The purpose** of the local law is to implement changes as requested by the Joint Standing Committee on Delegated Legislation.

**The effect** of the local law is to amend specific clauses being:

1. Clause 11 include a part 1
2. Clause 16(1) be deleted and the rest of that clause re-numbered accordingly
3. Clause 22 requiring a full stop
4. Clause 23 undertake a redraft
5. Schedule 1 – undertake a redraft

#### **DETAIL**

On the 20 September 2012, the Council resolved to give Statewide public notice of its proposal to amend the Mindarie Regional Council (MRC) Waste Facility Site Local Law 2012.

Subsequently, Statewide public notice was given of the proposed Amendment Local Law. No submissions were received.

On the 1 February 2013 the MRC The Department of Local Government provided comments on the proposed amendments to this local law as follows:

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1. Under the instructions of the proposed amendment to Clause 11 the outcome would result as such:  
“(1)(1) A person must not, without permission, park a vehicle, or cause or permit it to be parked, on the site.
  2. As there is only one subclause in Clause 18 it is unnecessary to number it as such, it is suggested that the “(1)” is deleted at the start of the paragraph; and Insert the word “or” after the semi colon at the end of subparagraph (b).
  3. The following minor edits are suggested to Schedule 1:
    - a. The reference to “[clause26]” in the title should be centralised;
    - b. Replace clause reference “16(1)” with the correct clause of the prescribed offence it relates to, being “16(2)” and
    - c. For consistency purposed consider changing the layout to clause 9(4)(a) and (b).

**The effect** of the amendment local law is amended to include changes to specific clauses suggested by the Department of Local Government being:

1. Clause 16(1) be deleted and the rest of that clause re-numbered accordingly
2. Clause 18 undertake a redraft
3. Clause 22 requiring a full stop
4. Clause 23 undertake a redraft
5. Schedule 1 – undertake a redraft

The MRC Waste Facility Site Amendment Local Law 2013 has been prepared by the MRC Administration taking into account the comments from the Department of Local Government and is at **Appendix No. 3**.

## **CONSULTATION**

Department of Local Government

## **STATUTORY ENVIRONMENT**

The process for amending the text of a Local Law is covered in s3.12 of the Local Government Act 1995, which reads as follows:

*“3.12. Procedure for making local laws*

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be*

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*specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) stating the title of the local law;*
  - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) In this section —*
- making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

**3.13. Procedure where significant change in proposal**

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

**3.14. Commencement of local laws**

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
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- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15. *Local laws to be publicized*

*A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.*

3.16. *Periodic review of local laws*

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
- (a) *the local government proposes to review the local law;*
  - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required.”*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Committee has advised the MRC of textual errors in the Principal Local Law as it was presented and requested that they be addressed. To amend the text of a Local Law requires the same process as if a new Local Law was being developed. The Council at a meeting on 20 September 2012 endorsed the changes to the local law and confirmed its purpose and effect and authorised that the Principal Local Law as amended be advertised Statewide as required by s.3.12 (3) of the *Local Government Act 1995*.

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As required by s.3.12 (4) of the *Local Government Act 1995* the Council is now required to consider and may make the local law proposed or make the local law that is not significantly different from what was proposed.

**COMMENT**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council proceeds to make the Mindarie Regional Council Waste Facility Site  
Amendment Local Law 2013 as set out in Appendix No. 1.  
(Absolute Majority Required)**

**RESOLVED**

**Cr Robbins moved, Cr Hollywood seconded**

**That the recommendation be adopted.**

*CARRIED UNANIMOUSLY*

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<b>9.5</b>	<b>MINDARIE REGIONAL COUNCIL STANDING ORDERS AMENDMENT LOCAL LAW 2013</b>
<b>File No:</b>	<b>LAW/6</b>
<b>Appendix(s):</b>	<b>Appendix No. 4</b>
<b>Date:</b>	<b>15 February 2013</b>
<b>Responsible Officer:</b>	<b>Brian Callander, CEO</b>

### **SUMMARY**

Seeking Council's approval to approve Mindarie Regional Council's Standing Orders Amendment Local Law 2013 and give Statewide Public Notice.

### **BACKGROUND**

The Joint Standing Committee on Delegated Legislation (the Committee) considered the Amendment Local Law at its meeting on 14 May 2012 and resolved to write to the MRC regarding a potential procedural defect in the making of the Amendment Local Law. The Committee noted that information provided by MRC reveals s.3.12(3) of the *Local Government Act 1995 (the Act)* was not followed in the prescribed sequential process demanded of s.3.12.

The information revealed that the MRC gave State-wide public notice on 14 December 2011 but:

- Did not give a copy of the proposed local law to the Department of Local Government until a month later, whereas the Act stipulates that this must be done "as soon as the notice is given"; and
- Did not give a copy of the State-wide public notice to the Minister pursuant to s.3.12(3)(b) of the Act.

The Committee resolved to place a 'protective' *Notice of Motion* to disallow the Amendment Local Law in the Legislative Council on 14 June 2012. On the 19 June 2012 the Committee requested the MRC to provide to them, in writing confirmation of the above. The MRC responded to the Committee on 16 July 2012 confirming that the information was correct.

The Committee advised MRC on the 3 December 2012 that the MRC Standing Orders Amendment Local Law 2012 was disallowed by the Legislative Council on 27 September 2012 and requested information as to what steps the Council is undertaking to re-make the Amendment Local Law. The MRC responded to the Committee on 3 December 2012 advising that the proposed MRC Standing Orders Amendment Local Law 2013 will be presented to the next available Ordinary Council meeting scheduled for 7 March 2013.

### **DETAIL**

The MRC Standing Orders Amendment Local Law 2013 is contained in **Appendix No. 4**.

The purpose and effect of the local law reads as follows:

**The purpose** of the amendment is to delete subclause 5.9(3).

**The effect** of the amendment is to remove the power of the presiding person to rule that a member must not speak again on a matter.

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## STATUTORY ENVIRONMENT

The process for amending the text of a Local Law is covered in s3.12 of the Local Government Act 1995, which reads as follows:

*“3.12. Procedure for making local laws*

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
  - (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
  - (3) The local government is to —*
    - (a) give Statewide public notice stating that —*
      - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
      - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
      - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
    - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
    - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
  - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
  - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*
  - (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
  - (6) After the local law has been published in the Gazette the local government is to give local public notice —*
    - (a) stating the title of the local law;*
    - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
    - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.*
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(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —*  
**making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

3.14. *Commencement of local laws*

(1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

(2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15. *Local laws to be publicized*

*A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.*

3.16. *Periodic review of local laws*

(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

(2) *The local government is to give Statewide public notice stating that —*

(a) *the local government proposes to review the local law;*

(b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*

(c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

(2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*

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- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required.”*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **COMMENT**

The Committee has advised the MRC of the disallowance of the Amendment Local Law and requested information as to what steps the MRC is undertaking to re-make the Amendment Local Law. To enact an amendment to a Local Law requires the same process as if a new Local Law was being enacted. Therefore it is recommended that the Council endorses the Mindarie Regional Council Standing Orders Amendment Local Law and confirm its purpose and effect and authorise it be advertised Statewide as required by s.3.12 (3) of the *Local Government Act 1995*.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RESPONSIBLE OFFICER RECOMMENDATION**

That the Council:

- 1. Endorses the Mindarie Regional Council Standing Orders Amendment Local Law 2013 including its “purpose” and “effect” and provide a copy of the local law to the Department of Local Government;**
- 2. Authorises the Local Law detailed in (1) above to be advertised (state-wide public notice) in accordance with section 3.12(3) of the *Local Government Act 1995* and provide a copy of the advertisement to the Minister for Local Government.**

#### **RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.6</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 NOVEMBER 2012 AND 31 DECEMBER 2012</b>
<b>File No:</b>	<b>FIN/5-03</b>
<b>Appendix(s):</b>	<b>Appendix No. 5 Appendix No. 6</b>
<b>Date:</b>	<b>12 February 2013</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe, Director Corporate Services</b>

**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 30 November 2012 and 31 December 2012 are at **Appendix 5 and 6** 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
30 November 2012	General Municipal	Cheques	\$124,778.59
		EFT	\$3,213,447.47
		DP	\$563,150.11
		<b>Total</b>	<b>\$3,901,376.17</b>
31 December 2012	General Municipal	Cheques	\$180,400.95
		EFT	\$2,597,446.87
		DP	\$440,518.70
		<b>Total</b>	<b>\$3,218,366.52</b>

**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 30 November 2012 and 31 December 2012 be noted.**

**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.7</b>	<b>FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 NOVEMBER 2012 AND 31 DECEMBER 2012</b>
<b>File No:</b>	<b>FIN/5-03</b>
<b>Appendix(s):</b>	<b>Appendix No. 7 Appendix No. 8 Appendix No. 9</b>
<b>Date:</b>	<b>12 February 2013</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe, Director Corporate Services</b>

### **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 30 November 2012 and 31 December 2012 and are attached at **Appendix No. 7 and 8** to this Item. The Tonnage Report for the 6 months to 31 December 2012 is attached at **Appendix No. 9**.

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.

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Summary of results for the year to 31 December 2012

	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
	<b>t</b>	<b>t</b>	<b>t</b>
Tonnes – Members	122,260	126,166	(3,906)
Tonnes – Others	20,029	27,359	(7,330)
<b>TOTAL TONNES</b>	<b>142,289</b>	<b>153,525</b>	<b>(11,236)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Revenue - Members	16,155,082	16,738,479	(583,397)
Revenue – Other	4,386,704	4,672,804	(286,100)
<b>TOTAL REVENUE</b>	<b>20,541,786</b>	<b>21,411,283</b>	<b>(869,497)</b>
Expenses	20,524,390	21,014,209	489,819
Loss/(profit) on sale of assets	5,909	(10,888)	(16,797)
<b>NET DEFICIT</b>	<b>(11,487)</b>	<b>407,962</b>	<b>(396,475)</b>

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

That the Financial Statements set out in Appendix No. 7 and 8 for the months ended 30 November 2012 and 31 December 2012, respectively, be received.

**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.8</b>	<b>MID YEAR BUDGET REVIEW - 2012/2013</b>
<b>File No:</b>	<b>FIN/127</b>
<b>Appendix(s):</b>	<b>Appendix 10 Appendix 11</b>
<b>Date:</b>	<b>14 February 2013</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe, Director Corporate Services</b>

#### **SUMMARY**

The purpose of this report is to describe the financial position and performance of the organisation in relation to the Adopted Budget and recommend changes that will reflect the anticipated outcomes for the remainder of the 2012/2013 financial year. This will provide stakeholders with a view of the likely results of the Mindarie Regional Council's (MRC) operations at the conclusion of the financial year.

It is anticipated that the MRC will move from a forecast surplus of \$643,652 to a forecast deficit of \$1,341,541 (**refer Appendix No. 10**).

The difference of \$1.98 million is primarily as a result of:

- a 20% decrease in non-members' tonnes (\$1.1 million);
- funding the Deloitte report (\$0.08 million);
- funding additional member fees and costs (\$0.04 million);
- funding additional capping expenditure in respect of Stage 2, Phase 1 (\$0.07 million)
- funding the tip face recovery project (\$0.049 million);
- adjusting the amortisation rate in respect of cell development costs and post closure/rehabilitation costs (\$0.9 million – non-cash impact);
- writing off Stage 1b development costs as part of the audit (\$0.22 million – non-cash impact);

totalling \$2.5 million in additional expenditure, offset by a net saving in other operational areas of \$0.52 million.

It is proposed that no adjustment be made to either the members' or non-members' gate fee, but rather that any residual deficit at 30 June 2013 be funded using the Participants' Surplus Reserve.

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## BACKGROUND

Council at its meeting held on 5 July 2012, resolved as follows:

1. *Adopt the Budget for the Mindarie Regional Council for Financial Year 2013 subject to the following changes to that presented in Appendix 4:*
  - *the changes to the Schedule of Fees to correctly reflect the calculation of the GST on the Carbon Price inclusive fee to give a GST and Carbon Price inclusive non-members' gate fee of \$166.54 as follows:*

**MINDARIE REGIONAL COUNCIL**  
NOTES TO AND FORMING PART OF THE BUDGET  
For the Year Ending 30 June 2013

### SCHEDULE OF FEES FOR 2012/2013

		PROPOSED Fee (GST inclusive) from 1 July 2011	GST Payable to ATO	PROPOSED Fee (GST inclusive) from 1 July 2012	Carbon Price	GST Payable to ATO
1	<b>(a) GENERAL ENTRY</b> General waste and household rubbish (domestic) excepting liquid waste, swill or semi liquid waste. <b>Charge per tonne</b>	154.00	14.00	<b>166.54</b>	7.40	15.14
	<b>Minimum charge for entry to site</b>	12.00	1.09	<b>12.00</b>	0.37	1.09
	<b>(b) Swill or Semi Liquid Waste</b>	Not Accepted				
	<b>(c) In the event of weighbridge breakdown due to power failure, maintenance or repairs the following fees shall apply to ( a ) above</b>					
	( I ) All vehicles carrying uncompacted waste - per wheel of truck or trailer (larger than 1.8mx1.2m)	40.00	3.64	<b>42.20</b>	2.00	3.84
	Trailer (1.8mx1.2m or less)	40.00	3.64	<b>42.20</b>	2.00	3.84
	( II ) All vehicles carrying compacted waste - per wheel of truck or trailer	80.00	7.27	<b>84.40</b>	4.00	7.67
<b>(d) Asbestos - whole loads per tonne (incl burial fee)</b>	200.00	18.18	<b>200.00</b>	-	18.18	
<b>(e) Unweighed Load (Drive-Aways)</b>	60.00	5.45	<b>65.00</b>	3.00	5.91	
2	<b>SPECIAL BURIALS (SUPERVISED)</b> At the discretion of the Site Controller in addition to the tonnage rates <b>Charge per 5 cubic metres</b>	200.00	18.18	<b>200.00</b>	-	18.18
3	<b>CONTROLLED WASTE PER TONNE</b>	200.00	18.18	<b>207.40</b>	7.40	18.85
4	<b>SPECIAL COMMERCIAL ITEMS</b> In lieu of the charges in 1, 2 & 3 above the following apply:					
	<b>(a) Motor bodies and old machinery each item</b>	25.00	2.27	<b>26.00</b>	1.00	2.36
	<b>(b) Animal carcasses</b>					
	Small domestic animals	8.00	0.73	<b>8.50</b>	0.50	0.77
	Large animals (Sheep and cattle etc.)	20.00	1.82	<b>21.00</b>	1.00	1.91
	<b>(c) Tyres (Maximum disposal 4 )-per 4 tyre, pro rata for &lt; 4 Per tonne</b>	18.00 300.00	1.64 27.27	<b>18.00 300.00</b>	- -	1.64 27.27
	<b>(d) Safe sharp containers</b>					
7 litre or less each	13.00	1.18	<b>13.65</b>	0.60	1.24	
Over 7 litres per litre	1.50	0.14	<b>1.60</b>	0.10	0.15	
<b>(e) Light weight bulk material less 300 kg per cubic metre - each cubic metre</b>	60.00	5.45	<b>65.00</b>	3.00	5.91	
5	<b>REPLACEMENT OF LOST/DAMAGED DCS CARDS</b>					
<b>(a) Replacement of DCS Cards</b>	50.00	4.55	<b>50.00</b>	-	4.55	
6	<b>INFRINGEMENT AGENCY COSTS</b>					
	<b>(a) Debt Collection Fee</b>		Debt Collection Agency's Costs plus 20% Admin Fee		Debt Collection Agency's Costs plus 20% Admin Fee	
<b>(b) Dishonoured Cheque Fee</b>		nil	<b>20.00</b>	-	nil	
7	A discount may be granted at the discretion of the Chief Executive Office					

- *the changing of the Members' gate fee to \$137.00 per tonne (excluding GST) to correctly reflect the impact of the Carbon Price*
- *the changes required in respect of the additional carried forward expenditures*
- *the changes required in respect of the increase in the value of the Carbon Price reserve*
- *Approve the Capital Budget Program of \$5,259,300 for 2013 as follows:*

*New capital expenditures*

	\$
• <i>Landfill infrastructure expenditure</i>	34,000
• <i>Office furniture and equipment</i>	7,000
• <i>Computer equipment</i>	88,500
• <i>Plant and equipment</i>	51,000
• <i>Vehicles</i>	<u>204,000</u>
	384,500

*Carried forward capital expenditures*

• <i>Landfill infrastructure expenditure</i>	635,800
• <i>Land Purchase (new Landfill Site)</i>	4,000,000
• <i>Computer equipment</i>	48,000
• <i>Vehicles</i>	<u>191,000</u>
	4,874,800

*Total Capital expenditure* 5,259,300

2. *endorse the on-going strategy of deferred payment of operational surplus, as approved by Council at its August 2005 meeting, for the Financial Year 2005/2006 and future years to meet its on-going capital requirement*
3. *approve the use of an on-going overdraft facility of \$1 million to manage cashflow 'short falls' during Financial Year 2013 and future years*
4. *approve the carry forward of the following operating budget to 2013:*

• <i>Computer Software Acquisition</i>	25,000
• <i>Computer Software Maintenance</i>	27,000
• <i>Landfill/Bushland Management</i>	<u>29,100</u>
	81,100
5. *approve that \$1 million will be transferred from the Operating Surplus to the Reserve for Capital Expenditure.*
6. *approve the transfer of \$484,600 from the Reserve for Capital Expenditure to fund capital expenditure during the year.*
7. *approve the de-designation of the Reserve for RRF Operational Requirements as a cash-backed reserve, with the reserve transferred to the Retained Surplus account and the cash restricted for this reserve transferred to unrestricted cash funds.*

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8. *approve the creation of a new cash-backed Site Rehabilitation Reserve, the purpose of which will be ‘to fund post closure site rehabilitation costs associated with the Tamala Park landfill site’.*
  9. *approve the transfer of the opening balance on the Site Rehabilitation Provision as at 1 July 2012, along with any movement for the year, to the newly created Site Rehabilitation Reserve, and that the cash required to back this reserve will be transferred from unrestricted funds to restricted funds.*
  10. *approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the reserve.*
  11. *approve the change in name of the “Reserve for Members’ Revenue Equalisation” to “Participants’ Surplus Reserve Account” and the purpose of the reserve from “To be used to fund any under recovery in the Members’ tipping fees and any exceptional or extra ordinary expenditure” to “to fund any deficit or part of a deficit as shown in the annual financial report of the MRC”.*
  12. *approve the creation of the Carbon Price Reserve and the purpose of the reserve, which is “To be used to fund the MRC’s liability arising from the Carbon Price Mechanism”.*

Council operations have been conducted in line with the Adopted Budget for 2012/2013. Monthly Financial Statements on the Actual Expenditure and Variations from the Adopted Budget have been submitted to each Council meeting. In addition, monthly management accounts have been provided to Councillors and Member Council Officers on a regular basis.

In line with sound financial management practice, and in order to comply with Local Government Regulations, a detailed review of the MRC’s operations, financial position and financial performance has been carried out as at 30 November 2012.

This reports highlights:

- those items that reflect significant trend variations to budgeted allocations,
- the anticipated revised financial projections to 30 June 2013; and
- and invites Council consideration of any new expenditure identified as a result of the review.

The Income Statement reflecting the Adopted Budget, Actual Expenditure to 30 November 2012 and projected expenditure to 30 June 2013 is enclosed as **Appendix No. 10** of this report.

A Statement of Investing Activities reflecting the Adopted Budget, Actual Expenditure to 30 November 2012 and projected capital expenditure to 30 June 2013 is enclosed as **Appendix No. 11** of this report.

## **DETAIL**

### Revenue

Forecast revenue for members is materially in line with budget expectations.

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Non-member tonnes are however down, and it is expected that only 80% of the originally budget 53,000 tonnes will be received by year end. This will result in a decrease in non-member gate fee revenue of approximately \$1,465,200, offset by a decrease in associated variable costs totally approximately \$381,482, resulting in a net decrease in profit of \$1,083,718.

The MRC is in dialogue with our significant customers in order to protect this waste stream, but the feedback seems to indicate that a number of commercial customers have been able to find cheaper alternatives for their waste. The robustness of the estimated tonnages for non-members was a discussion point for Councillors and Officers at the MRC's budget workshops in May 2012, where the feeling was that an aggressive target should be set, as any shortfall could be funded from reserves.

Revenue from grants and subsidies is \$360,000 below budget as a result of the waste audit project not being approved by the Department of Environment and Conservation. It is unlikely that any funding in this regard will be received before 30 June 2013. This is more than offset by a reduction in the corresponding Waste Minimisation expenditure of \$380,000.

### **Operating Expenditure**

A number of items have been approved by Council during the course of the year so far for funding in the half yearly budget review. These expenses included:

- \$80,000 in respect of the Deloitte Report on Stirling that was commissioned in September 2012;
- An increase in the fees paid to Councillors totalling \$42,500; and
- Additional expenditure in respect of the Stage 2 Phase 1 Capping project totalling \$69,531.

In addition to these expenses, it is anticipated that an additional net \$49,900 will be required to fund the Tip Face Resource Recovery Project (details of project is the subject of a separate report in this agenda) until the end of the financial year. .

On the back of the financial modelling that was done after the budget was approved as part of the year end audit process, \$222,000 of cell development expenses in relation to Stage 1b were written off, and the consumption rate used in respect of cell development amortisation allocations was also amended, resulting in an increased expenditure of \$906,600. Both of these adjustments are non-cash items, which although they affect the net surplus position, do not have any cash funding implications.

Significant operational savings are expected to be achieved in the areas of staff costs (\$123,000), Consultants and Contract Labour (\$239,200) and building maintenance (\$35,100). These savings are partially offset increased landfill (\$55,200) and plant (\$186,340) costs which include the costs associated with the Tipface Resource Recovery Project, but also additional costs in respect of machine maintenance incurred and expected to be incurred during the year. An additional \$65,000 in respect of the Tamala Park lease expenses is also expected to be incurred as a result of a true-up performed as part of the half year budget process.

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## Capital Expenditure

Capital expenditure for the year is tracking in line with budget. The following additional amounts have been added to the capital expenditure forecast for the year:

- An increase of \$2,173 in respect of the Education Vehicle as prices had changed in the period between budget setting and purchase of the vehicle;
- An additional \$19,600 for another tarpomatic spool, in order to further reduce the use of daily cover on the landfill;

\$123,852 of non-critical computer equipment expenditure has been put on hold pending the outcome of an IT Infrastructure review being undertaken by Multipro. This will be included as a consideration in formalising the 2013/2014 Annual Budget. In addition a further \$5,800 of Infrastructure and Equipment capital expenditure have been deferred.

\$4,000,000 in respect of a new landfill site location will be carried forward to 2013/2014.

## CONSULTATION

Consultation occurred with Member Councils (in relation to tonnages).

## STATUTORY ENVIRONMENT

The Mid-Year Budget Review is carried out in accordance with the provision of the Local Government Act and Regulations.

## POLICY IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Not applicable.

## FINANCIAL IMPLICATIONS

It is proposed that the deficit at 30 June 2013 (forecast to be \$1,341,541) be funded from the Participants' Surplus Reserve Account. Council approved that the purpose of this reserve was that it should be used *"to fund any deficit or part of a deficit as shown in the annual financial report of the MRC"*.

## VOTING REQUIREMENT

Absolute Majority

Prior to the Responsible Officers Recommendation being moved and seconded the Director of Corporate Services advised members that the forecast deficit in part 1 of the recommendation of \$1,985,193 includes the budgeted surplus of \$650,000 and as such the forecasted estimated deficit should be \$1,341,541.

## RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **Approve by Absolute Majority the forecast deficit position estimated to be \$1,341,541 at 30 June 2013, which includes the following:**
    - **A net decrease in non-members' revenue of approximately \$1,083,718;**
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- A decrease in grants and subsidies of \$360,000, offset by a corresponding saving of \$380,000 in respect of waste minimisation projects;
  - Expenditure of \$80,000 in respect of the Deloitte report;
  - An increase in Member Fees of \$42,500;
  - Additional expenditure in respect of Stage 2 Phase 1 capping works of \$69,531;
  - Additional expenditure of approximately \$49,900 in respect of the Tip Face Resource Recovery Project;
  - The write off of approximately \$222,000 in respect of Stage 1b cell development costs;
  - The amended cell development amortisation costs of approximately \$906,600; and
  - Additional operational cost savings of approximately \$520,000.  
(Absolute Majority Required)
2. Approve by Absolute Majority the increase capital expenditures of \$21,773, which includes:
- An increase of \$2,173 in respect of the Education Vehicle;
  - An additional \$19,600 for another tarpomatic spool;
  - The deferral of the \$4,000,000 land purchase to 2013/2014; and
  - The deferral of \$129,652 of other capital expenditure.  
(Absolute Majority Required)
3. Approve by Absolute Majority that the MRC continue to run a deficit budget until 30 June 2013, at which stage the deficit at year end (forecast to be \$1,341,541) as detailed in the Annual Financial Report will be funded using the Participants' Surplus Reserve.  
(Absolute Majority Required)

*Cr Stewart left the Chambers at 6.55pm and returned at 7.00pm*

**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.9</b>	<b>ADOPTION OF 2012 ANNUAL COMPLIANCE RETURN</b>
<b>File No:</b>	<b>COR/12-03</b>
<b>Appendix(s):</b>	<b>Appendix 12</b>
<b>Date:</b>	<b>21 February 2013</b>
<b>Responsible Officer:</b>	<b>Gunther Hoppe</b>

### **SUMMARY**

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January – 31 December 2012).

### **BACKGROUND**

A Compliance Audit Return (the Return) is required to be completed by regional councils annually. The period of each return is 1 January to 31 December. The Administration has completed the Return. One area of non-compliance was recorded in the Return as follows:

“The CEO’s Primary Return was completed and returned within three months of his start date but was misplaced. A new Primary Return was signed four months after start date.”

The Audit was placed on the agenda of the Audit Committee’s meeting on 21 February 2013.

### **DETAIL**

The Audit Committee at its meeting on 21 February 2012 considered the Return and resolved the following:

*“That the Audit Committee endorse the Compliance Audit Return as presented, for the year 1 January 2012 to 31 December 2012.”*

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Regional Councils are required to carry out a Return in accordance with the Local Government (Audit) Regulations 1996. The requirements set for the Return are contained in s.14 and 15 of the Regulations, which read as follows:

- “14. Compliance audits by local governments
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
  - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
  - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
  - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
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- (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.
15. Compliance audit return, certified copy of etc. to be given to Executive Director
- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
    - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
    - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
  - (2) In this regulation —  
**certified** in relation to a compliance audit return means signed by —
    - (a) the mayor or president; and
    - (b) the CEO.”

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**COMMENT**

Nil

**RESPONSIBLE OFFICER RECOMMENDATION**

1. That Council adopts the 2012 Annual Compliance Audit Return as endorsed by the Audit Committee at its meeting held on 21 February 2013.
2. The adopted return detailed in (1) above be signed by the Chairperson and the Chief Executive Officer (certified) and submitted to the Executive Director prior to 31 March 2013.

**RESOLVED**

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

*CARRIED UNANIMOUSLY*

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<b>9.10</b>	<b>METROPOLITAN LOCAL GOVERNMENT REVIEW PANEL'S FINAL REPORT</b>
<b>File No:</b>	<b>GVR/18</b>
<b>Attachment:</b>	<b>1. Draft MWAC Submission on the Metropolitan Local Government Review Panel's Final Report</b>
<b>Date:</b>	<b>1 March 2013</b>
<b>Responsible Officer:</b>	<b>CEO</b>

### **SUMMARY**

Purpose of this report is to consider whether a response to the Metropolitan Local Government Review Panel's final report is required. The response period closes 5 April 2013.

### **BACKGROUND**

On 24 June 2011 the Local Government Minister, John Castrilli (the Minister) announced the appointment of an independent Panel to examine the social, economic and environmental challenges facing Perth as they relate to Metropolitan Local Government. The Panel's responsibility was to recommend appropriate boundaries and governance models for local government in the Perth metropolitan area. The Panel released its draft review findings in April 2012 (the Draft Report), which were open for public comment until 25 May 2012.

At its meeting on 5 July 2012 the Mindarie Regional Council (MRC) resolved to respond to the Draft Report as follows:

*"That the Mindarie Regional Council:*

- a. acknowledges that waste collection from residential premises is best managed by local government;*
- b. believes that the State Government should play a more proactive role in policy development, financing and ensuring that legislation addresses the requirements of waste management in the Perth Metropolitan Area with particular focus on the development and operation of Alternative Waste Treatment Facilities."*

### **DETAIL**

The Metropolitan Local Government Review Panel's final report (the Report) was released on 25 October 2012. The Minister advised that the State Government would not take a definite position on the Report's 30 final recommendations until after local governments, committee members and stakeholders had been able to provide their views on the report. The public comment period closes on 5 April 2013.

The Report contains 30 recommendations of which 2 have direct implications for regional councils. The following extracts from the Report detail the recommendations that relate to regional councils:-

- "6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.*
-

11. *The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.”*

The Municipal Waste Advisory Council (MWAC) has developed a comprehensive response to the review (*refer attached*).

The response presented by MWAC includes two recommendations as follows:

*“Recommendation 1: There is a need for greater leadership and support by the State Government in developing and funding the infrastructure required for managing waste. The State Government needs to establish its waste management credibility by immediately restoring full hypothecation of the Landfill Levy for waste and committing to the Sustainable Waste Hierarchy.*

*Recommendation 2: The number of Regional Councils should be based on shared objectives, and binding commitments with compulsory membership for the purposes of waste management treatment and disposal. These Regional Councils should be identified using an evidence based approach considering geographic location, tonnages of material and transport routes.”*

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **COMMENT**

There does not appear to have been any new material relating to regional councils introduced between the draft and final reports that would change the position of the Council as resolved at its meeting on 5 July 2012. As such it is recommended not to provide any further comments on the final draft of the Metropolitan Local Government Review.

#### **RESPONSIBLE OFFICER RECOMMENDATION**

**That the Council does not provide a response to the Final Report on the Metropolitan Local Government Review, outside of its resolved position of 5 July 2012.**

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**RESOLVED**

**Cr Gray moved, Cr Stewart seconded  
That that recommendation be adopted**

*CARRIED UNANIMOUSLY*

*Cr MacTiernan advised members that MWAC is holding a forum on the 28 March 2013 prior to the closure of submission to the Metropolitan Local Government Review Panel.*

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**ATTACHMENT 1**  
**TO ITEM 9.10**  
**ORDINARY COUNCIL MEETING**  
**7 MARCH 2013**  
**DRAFT MWAC SUBMISSION ON THE**  
**METROPOLITAN LOCAL GOVERNMENT REVIEW PANEL'S FINAL REPORT**

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## **Draft MWAC Submission on the Metropolitan Local Government Review Panel's Final Report**

### **1. Introduction**

This Submission has been prepared by the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of the Association with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management), and a number of Local Governments. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission relates specifically to recommendations 6 and 11 of the *Metropolitan Local Government Review Panel's Final Report*, as these have the potential to impact significantly on Local Government waste management activities. It should be noted, that if the State Government implements all of the Panel's recommendations, there will be significant implications for how waste is managed. This Submission should be read in conjunction with the WALGA Submission on the Final Report, as well as both the WALGA and MWAC Submissions on the Metropolitan Local Government Review Panel's Issues Paper, and Draft Findings.

This Submission was endorsed by MWAC on **Wednesday, 20 February 2013**.

### **2. Recommendations**

**Recommendation 1:** There is a need for greater leadership and support by the State Government in developing and funding the infrastructure required for managing waste. The State Government needs to establish its waste management credibility by immediately restoring full hypothecation of the Landfill Levy for waste and committing to the Sustainable Waste Hierarchy.

**Recommendation 2:** The number of Regional Councils should be based on shared objectives, and binding commitments with compulsory membership for the purposes of waste management treatment and disposal. These Regional Councils should be identified using an evidence based approach considering geographic location, tonnages of material and transport routes.

### **3. Waste management implications**

Panel recommendation 6

*"The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government."*

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MWAC is of the view that this recommendation has not identified a conclusive course of action. As such, MWAC has opted to respond by detailing a number of points that need to be considered by the Government as it responds to the Report and makes a decision on future waste management structures. It is hoped that this Submission will assist the Government in understanding the current situation, and the possible repercussions of ill-conceived and reactive interventions.

### **3.1 Options for Change**

MWAC considers that a more flexible approach to Local Government governance in relation to waste management would be beneficial. As the Association highlighted in its Submission to the Panel on the Draft Findings Report - this could be achieved by employing the Regional Subsidiaries or Council Controlled Organisation (CCO) Models (WALGA Submission: Draft Findings, 2012). The CCO model is most appropriate for a significant waste management undertaking due to the flexibility of the model and its focus on commercial activities. The CCO model allows for directors with a commercial mindset and targeted expertise and experience to be appointed to the board of the CCO. Local Government anticipates that the State Government will consult with the sector, in making a decision on which structure will be utilised for waste management in the future.

Should the Government choose to alter the waste management structure in the future and diminish the responsibilities of Local Government; appropriate amendments will need to be made to the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act 2007). Currently, Local Government is the only entity with a defined legislative responsibility for any part of the waste stream - Local Government waste. Any legislative shift in responsibilities for waste would clearly have an impact on businesses, consumers and the Western Australian economy, thus triggering the requirement for a Regulatory Impact Assessment (Regulatory Impact Assessment Guidelines, 2010).

### **3.2 Vision**

A clear statutory plan is needed for waste management in the metropolitan area. Such a plan would allow high level coordination of the infrastructure and policies needed to meet the targets identified in the State Waste Strategy and ensure efficient and effective collection, treatment, recovery and disposal of waste. The current Metropolitan Region Scheme (MRS) offers an example of a good strategic approach. Under the MRS, a high resolution plan is established at a metropolitan scale with finer grain detail developed through more localised plans.

If the Government seeks to change the current structures for managing waste, the motivating factors for change need to be clearly identified. If the Government is seeking to address existing challenges with the waste management structure, these need to be clearly understood or there is the potential that they will be passed onto a new entity tasked with waste management.

MWAC is of the view that there are a number of challenges with the current Regional Council structure that need to be addressed. These challenges include:

- Basis for membership of a Regional Council: the way the membership groupings have evolved means they are no longer based on geographic regions;
  - Instability of Regional Council membership: there are no requirements for Local Governments to be a member of a Regional Council, or to remain as a member on a long term basis;
  - Role of Elected Members: Councillors serving on both a Local Government and Regional Council can face challenges in making decisions for the benefit of an entire region, while still representing the interests of their individual Council;
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- Constraints with securing capital for waste treatment infrastructure: these come in the form of legislation, long term supply agreements, and the borrowing capacity of members; and
  - Governance constraints: Regional Councils are required to operate under the *Local Government Act 1995*. The Act imposes a governance structure on Regional Councils which may not be advantageous for making strategic decisions.

Additionally, the Government needs to undertake an assessment as to the effectiveness of structures that have been established in the past to provide an overarching solution for a particular issue, such as the Swan River Trust (SRT). While the SRT does achieve positive results, it still faces a number of challenges in addressing the issues it was established to resolve. These challenges centre on inadequate funding, and a lack of legislative backing to address the cause of problems with the river system (for example, the input of nutrients, contaminants and sediment from multiple sources). MWAC believes a similar structure for a service such as waste treatment and disposal would struggle to be effective.

### **3.3 Transparency**

The concept of waste is something that is accessible and ‘understood’ by the general public. As such, there is a need for a high level of transparency and accountability in relation to the treatment and disposal options employed by whichever entity manages and treats waste. Identifying drivers for action would assist in establishing a transparent decision making process. A significant driver in making decisions includes the provisions of the WARR Act 2007 in that the Waste Hierarchy is part of the Act and should guide the decision process (s5, WARR Act 2007).

### **3.4 Expertise**

As the complexity of the waste stream has increased, along with knowledge of environmental impacts of waste, the profession of managing waste has significantly evolved. It is a sector that rarely receives recognition for the important role it plays; Local Government has invested heavily in developing the various expertise required in this field. When considering its involvement in waste management, the State Government should assess the level of internal expertise and capacity available to develop infrastructure and deliver services.

Should the Government take on a greater role in waste treatment and disposal, there is a need for the Government to consider the logistics and time involved in doing so. Substantial planning is required to avoid a situation where whichever body is responsible for managing waste, has to develop an environmentally acceptable waste treatment solution on a *metropolitan scale* with only a limited lead time.

### **3.5 Market monopolies**

There is a continued theme throughout the Final Report, of a move towards a metropolitan solution to managing waste. MWAC requests that the Government carefully considers this method of service delivery, as it can (if managed poorly over a prolonged period of time) result in a market monopoly that stifles competition and discourages innovative approaches to recovering resources. In both metropolitan Adelaide and Brisbane, the management of the kerbside recycling stream is currently contracted out to a *single private company*. This makes it difficult for other service providers to establish themselves within the market.

This type of service delivery arrangement can not only reduce the number of service providers, but can also have implications for managing financial and operational risks.

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Using multiple, smaller scale waste treatment facilities as opposed to one ‘super plant’ to treat waste can be an effective strategy to minimise these risks. For example, when an emergency situation arises, the volumes of waste that are generated can surpass the capacity of pre-existing service providers or plants. There are added benefits of employing localised solutions, including reduced transport distance for waste and consequently less carbon emissions and damage to roads.

In pursuing economies of scale, the Government needs to employ an approach that encompasses and encourages competition.

### **3.6 Finances**

MWAC is concerned with the potential for increases in the cost of living should the State Government become involved in waste treatment and disposal. MWAC understands that although some Government services are subsidised (2013 Economic and Fiscal Outlook, pg 308); others are required to bring an annual financial return to the Government. Council services are provided on the basis of benefits to the local community rather than profit. The *Local Government Act 1995* stipulates that charges for services can only be based on the cost of providing a service. This places considerable constraints on raising funds to finance regional infrastructure. Additionally, individual Local Governments that underwrite loans for regional infrastructure, face a situation where their capacity to borrow money in the future is affected. The State Government could assist in reducing these constraints, by underwriting loans or lending finance with low interest.

In relation to the current funding situation for waste management, it should be noted that Local Government is highly concerned by the State’s handling of the Waste Avoidance and Resource Recovery Levy. As commented in the previous MWAC Submission to the Panel, *“the restoration of full hypothecation of the landfill levy will go some way to establishing the State Government’s legitimacy as a leader in regards to waste management.”*

The recent history of the WARR Levy was incorrectly documented by the Panel in the Final Report. In 2009, the Government increased the levy from \$7 to \$28/tonne for putrescible waste. This was done without consultation with the sector. Additionally, the majority of collected funds (75%) were diverted to finance the operations of the wider Department of Environment and Conservation (DEC). Since then, funding available for waste initiatives in the wider sector has generally reduced, with the 25% allocated to waste management increasingly covering the staffing costs of the Waste Authority, Waste Management and Industry Regulation Branches of the DEC.

### **3.7 Implications for the non-metropolitan area**

MWAC is concerned that recommendation 6 could result in a structure that effectively creates a further divide in the level of services and treatment options between the metropolitan and non-metropolitan areas. A new entity with responsibility for managing waste from the majority of the State’s population would have greater lobbying power than those in remote areas.

Non-metropolitan Local Governments have expressed concerns that the approach (yet to be determined) by the State Government towards managing waste in the metropolitan area, could be applied to the non-metropolitan area at a later date. It is considered that this application has not been effective for other services such as water and power, as the administration of these services is based predominately in Perth. There is an expectation that the non-metropolitan area has access to the same level of support and benefits as the metropolitan area.

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**Recommendation 1:** *There is a need for greater leadership and support by the State Government in developing and funding the infrastructure required for managing waste. The State Government needs to establish its waste management credibility by immediately restoring full hypothecation of the Landfill Levy for waste and committing to the Sustainable Waste Hierarchy.*

#### **4. Regional Council implications**

Panel recommendation 11

*“The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.”*

The Panel has not presented sufficient justification for this recommendation. Furthermore, it appears contrary to the intention of the review, to dissolve a structure that has facilitated cooperation between Councils. It should be noted that the Regional Council model can be successfully used to deliver other services in areas where it is difficult to obtain staff such as Environmental Health Officers and Building Surveyors. As noted in section 3.2 of this Submission and previous Submissions to the Panel, there are issues with the current Regional Council structure, however these can be resolved. MWAC requests that the Government clearly states the approach it will take in developing any new model for waste treatment and disposal; failing to do so, will result in continued uncertainty and a further fracturing of the relationship between the State and Local Government.

##### **4.1 Current role of Regional Councils**

The Panel has observed that each Regional Council *“is tending to implement a solution for its own region, without considering an overall metropolitan solution”* (Final Report, pg 46). In responding to this observation, it is important to note that this can be directly attributed to a defined legislative responsibility for a geographical area. It is not the responsibility of a Regional Council (under the current structure) to provide services on a wider scale. However, it should be noted that Regional Councils *do* contribute at a much wider scale. The innovative waste management outcomes that have been achieved by Regional Councils (such as having the most AWT capacity of any other jurisdiction), in spite of the numerous challenges associated with the current structure should be commended. Increased involvement by the State Government is welcomed, particularly in terms of leadership in planning and providing support and funding for future waste management needs (refer to section 3.6).

##### **4.2 Future challenges**

The Panel has not presented any solutions (other than total dissolution) for the challenges facing Regional Councils. There is a very real possibility that using the Panel's approach of dissolution will result in a situation where the challenges experienced in the current structure are simply passed onto a new entity tasked with waste management. This previously occurred with the creation of Development Assessment Panels (DAP's). In broad terms, DAP's were established to make planning determinations on State significant development applications, but was only granted the same planning powers as a Local Government. This means that all decisions are still subject to an appeals process (State Administrative Tribunal), and a DAP faces the same challenges as Local Government in considering an application and resolving any conflicts in reaching a decision.

MWAC believes that Regional Councils should be established based on shared objectives and binding commitments along with compulsory membership for the purposes of waste

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treatment and disposal. The number of Regional Councils should be identified by utilising an evidence based approach, considering the geographical location, tonnages of waste and transport routes. Additionally, due regard should be made of the comments in this Submission on the various options available to establish entities tasked with managing waste (section 3.1).

Should the Government accept the Panel's recommendation to dissolve Regional Councils, MWAC supports the Panel's suggestion for the overall reform process, for the establishment of an independent commission to oversee the transition to a new entity (Final Report, pg 11). The Government will need to strike a balance between utilising the current expertise in the sector as well as potential competing interests if it chooses to develop an alternative waste management structure in the future.

#### **4.3 Potential for misinformed decisions**

MWAC requests that the Government does not take the Panel's documented observations 'as read,' but carries out its own objective analysis of statements such as the following on page 46 of the Final Report:

*“Currently, it seems that Perth will have five or six resource recovery facilities, reflecting the fact that each Regional Council is tending to implement a solution for its own region, without considering an overall metropolitan solution. Brisbane, with a population greater than Perth, will ultimately only have one or two such facilities.”*

This statement does not accurately reflect the current situation in Brisbane where there are very different economic drivers to Perth (for example, landfill is more affordable). Additionally, Brisbane also has a market monopoly in place for managing the recycling stream (refer to section 3.5). For these reasons, these comments by the Panel should not be used as a justification for recommendation 11. MWAC is also concerned that the Panel has remained silent in response to calls for its reasoning to be revealed on the observation that Regional Councils operate with “*flawed accountability*” (MWAC Submission: Draft Findings, 2012).

#### **4.4 Impact of the reform process**

The current metropolitan Local Government reform process is having an impact on Local Government's future planning for waste management. Local Governments, Regional Councils and the private sector are understandably unwilling to commit to projects with this level of uncertainty.

***Recommendation 2:*** *The number of Regional Councils should be based on shared objectives, and binding commitments with compulsory membership for the purposes of waste management treatment and disposal. These Regional Councils should be identified using an evidence based approach considering geographic location, tonnages of material and transport routes.*

### **5. Final Comment**

The reform process to date has caused considerable damage to the relationship between Local and State Government, as well as hindering investment in improving the management of waste. MWAC welcomes the call by the Panel for the State Government to make a decision on reform as soon as possible. In making a decision on a future waste management structure, Local Government anticipates that it will be fully consulted with to avoid unnecessary implications of ill-conceived interventions.

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## 6. References

Department of Treasury and Finance (updated 2010). Regulatory Impact Assessment Guidelines for Western Australia.

Department of Treasury 2012 -13 Budget Economic and Fiscal Outlook Budget Paper no.3, pg 308.

MWAC (2012). Submission on the Metropolitan Local Government Review Panel's Issues Paper.

MWAC (2012). Submission on the Metropolitan Local Government Review Panel's Draft Findings.

WALGA (2012). Submission on the Metropolitan Local Government Review Panel's Issues Paper.

WALGA (2012). Submission on the Metropolitan Local Government Review Panel's Draft Findings.

WALGA (2013). Submission on the Metropolitan Local Government Review Panel's Final Report.

### *Legislation*

*Waste Avoidance and Resource Recovery Act 2007*

*Local Government Act 1995*

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**10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 9**

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 9 be received.**

**RESOLVED**

**Cr Butler moved, Cr Boothman seconded**

**That the recommendation be adopted.**

*CARRIED UNANIMOUSLY*

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 URGENT BUSINESS**

Nil

**13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**15 NEXT MEETING**

*Next meeting to be held on Thursday 2 May 2013 in the Council Chambers at City of Wanneroo commencing at 5.30pm.*

**16 CLOSURE**

*The Chairman closed the meeting at 7.12pm 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 7 March 2013.*

*Signed ..... Chairman*

*Dated this ..... day of ..... 2013*

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