

01-005-03-0001

# **North Metropolitan Zone**

## **Minutes**

**31 August 2017**

# North Metropolitan Zone

Hosted by the City of Wanneroo

23 Dundobar Road Wanneroo

Thursday 31 August 2017 commenced at 6:00 pm

## Minutes

### MEMBERS

#### 4 Voting Delegates from each Member Council

City of Joondalup	Cr Philippa Taylor (arrived 6:25pm) Cr Russ Fishwick (SC) Cr Christine Hamilton-Prime Cr John Logan (DSC) Mr Garry Hunt, Chief Executive Officer – non-voting delegate Mr Jamie Parry, Director Governance and Strategy – non-voting delegate
City of Stirling	Mayor Giovanni Italiano JP (SC) <b>CHAIR</b> Mr John Beaton, Acting Manager Governance and Strategy
City of Wanneroo	Mayor Tracey Roberts (SC) Cr Frank Cvitan JP (DSC) Cr Samantha Fenn Noelene Jennings – Director Corporate Strategy and Performance
WALGA Representatives	Mr Mal Shervill, Policy Officer Road Safety Mr Tim Lane, Manager Governance & Association Governance
Guest Speakers	Nil

### APOLOGIES

City of Stirling	Cr David Boothman JP (DSC) <b>CHAIR</b> Cr Samantha Jenkinson Cr David Lagan Mr Stuart Jardine, Chief Executive Officer Ms Bernadine Tucker, Manager Governance & Council Support
City of Wanneroo	Cr Dominic Zappa Mr Daniel Simms, Chief Executive Officer – non-voting delegate Mr Mustafa Yildiz, Manager Governance and Legal – non-voting delegate
DLGSCI Rep	Apology

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## **ANNOUNCEMENTS**

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

## **ATTACHMENTS WITHIN THE AGENDA**

1. Draft 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**

**Moved Mayor Roberts**  
**Seconded Cr Fishwick**

**That the Minutes of the meeting of the North Metropolitan Zone held on 29 June 2017 be confirmed as a true and accurate record of the proceedings.**

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

**Noted**

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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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**Item 5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning**

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The following alternative recommendations were proposed regarding Outcomes of Consultation – Third Party Appeal Rights in Planning at item 5.4 of the State Council Agenda.

**RESOLUTION**

**Moved Cr Fishwick**  
**Seconded Mayor Roberts**

1. That WALGA supports the limited introduction of Third Party Appeals into the Western Australian planning framework, however, considers that there would be some merit in the introduction of Third Party Appeal Rights in circumstances where determinations have been issued by the Development Assessment Panels (DAPS), the State Administrative Tribunal (SAT), and the Western Australian Planning Commission.
2. That WALGA, prior to pursuing the introduction of Third Party Appeal Rights, undertake further consultation and review with relevant stakeholders.

**CARRIED**

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**7. EXECUTIVE REPORTS**

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

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The President's 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 Roberts provided a verbal report on the previous State Council meeting.

**Noted**

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

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Department of Local Government and Communities representative was an apology to the meeting.

**No report provided**

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**8. BUSINESS**

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**8.1 Local Government Act Review**

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*Cr Philippa Taylor joined the meeting at 6:25pm.*

Mr Tim Lane, WALGA Manager Strategy and Association Governance, provided an overview of the Local Government Act Review.

As you are aware WALGA is conducting a consultation process on the Local Government Act review. It would be appreciated if the WALGA Governance & Organisational Services officer can provide a 15 minute overview of the Act review process. The following is for your information:

### **Local Government Act Review**

The Minister for Local Government has announced a review of the Local Government Act and Regulations. The process will be in two (2) stages.

**The Minister's office has advised that there may be some flexibility as to what issues are to be considered in stage 1 or stage 2. Based on this the Association will consult the sector on all potential Act amendment issues this year.**

The Minister has advised of the following issues that he is tabling for consideration:

#### **Phase 1- Modernising Local Government**

2017 consultation, 2018 legislation tabled

- Improving behaviour and relationships
- Making information available online
- Restoring public confidence
- Regional Subsidiaries
- Reducing red tape

#### **Phase 2: 'Services for the community'**

2018 consultation, 2019 legislation tabled

- Increasing Participation in Local Government Elections
- Strengthening public confidence in local government elections
- Increasing community participation
- Enabling Local Government Enterprises
- Improving financial management
- Reducing red tape

### **Sector Principles**

Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

### **Discussion Paper**

WALGA has produced a Discussion paper (attached) that is structured around each section of the Act. This Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

All positions are up for review as part of this process. In addition we welcome any other item to be brought forward

### **Submission of Feedback**

During August and September 2017, WALGA will hold Zone and Regional Group forums on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

**Council endorsed submission on the issues raised in this Discussion Paper, as well as any other relevant matters, can be forwarded to WALGA by Friday 20 October 2017.**

### **Noted**

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## **8.2 Presentation – Incorporation of Waste Management into Emergency Even Planning and Recovery**

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Ms Rebecca Brown, WALGA Manager Waste and Recycling, would like the opportunity to present to the Zone on 30 November.

### **In Brief**

There have been a number of situations in Western Australia where recovery efforts have been hampered by challenges associated with waste management. Ineffective waste management has the potential to significantly delay recovery efforts, present a considerable risk to human health and the environment and increase the costs of recovery.

Through the Office of Emergency Management, WALGA has received funding to work on embedding waste management considerations within the local emergency management planning and response mechanisms. This presentation will outline the project to date and allow discussion regarding specific Local Governments waste management/emergency management considerations.

### **RESOLUTION**

**Moved Cr Cvitan**  
**Seconded Mayor Roberts**

**That the North Metropolitan Zone invite Ms Rebecca Brown to present at the meeting to be held 30 November at the City of Joondalup.**

**CARRIED**

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## **8.3 Notice of Meetings 2018**

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A schedule of the proposed meeting dates for the North Metropolitan Zone 2018 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the North Metropolitan Zone for 2018 require adoption by delegates. As with previous years, the venue for each meeting has been rotated amongst Member

NOTICE OF MEETINGS  
NORTH METROPOLITAN ZONE MEETING  
2018

<b>Zone Meeting Dates Thursday</b>	<b>Time</b>	<b>HOST COUNCIL</b>	<b>State Council Meeting Dates 2018</b>
<b>1 March</b>	Thursday 6.00 pm	City of Stirling	Wednesday 7 March 2018
<b>26 April</b>	Thursday 6.00 pm	City of Wanneroo	Regional Meeting 3-4 May 2018
<b>28 June</b>	Thursday 6.00 pm	City of Joondalup	Wednesday 4 July 2018
<b>30 August</b>	Thursday 6.00 pm	City of Stirling	Regional Meeting 6-7 September 2018
<b>29 November</b>	Thursday 6.00 pm	City of Wanneroo	Wednesday 5 December 2018

### **RESOLUTION**

**Moved Cr Fishwick**  
**Seconded Cr Hamilton-Prime**

**That the 2018 proposed schedule of meetings for the North Metropolitan Zone be adopted.**

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**9. OTHER BUSINESS**

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**9.1 Regional State Council Meeting**

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Mayor Tracey Roberts updated the Zone on the upcoming Regional State Council meeting to be held at the Rendezvous Hotel in Scarborough on 7 and 8 September.

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

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The next ordinary meeting of the North Metropolitan Zone will be held at 6:00pm on Thursday 30 November at the City of Joondalup, 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 6.35pm





# **SUMMARY MINUTES**

## **STATE COUNCIL MEETING**

# 8 September 2017

## NOTICE OF MEETING

Meeting No. 4 of 2017 of the Western Australian Local Government Association State Council to be held at Rendezvous Hotel, Preston A Room, 148 The Esplanade, Scarborough on Friday 8 September 2017 beginning at 11.10am.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Chair	President of WALGA Deputy President of WALGA North Metropolitan Zone	Cr Lynne Craigie Mayor Tracey Roberts JP
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 North Metropolitan Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone  South Metropolitan Zone  South West Country Zone	Cr Darren Slyn Cr Brendan Whitely (Deputy) Cr Janet Davidson OAM JP Mayor Heather Henderson Cr Sue Bilich Cr Darryl Trease JP President Cr Malcolm Cullen President Cr Cheryl Cowell President Cr Stephen Strange President Cr Ken Clements President Cr Elsie Archer OAM Cr Les Price Cr Russ Fishwick JP Cr Frank Cvitan (Deputy) President Cr Karen Chappel Cr Wally Barrett OAM Mayor Henry Zelones OAM JP Cr Fiona Reid Mayor Carol Adams Cr Doug Thompson Mayor Logan Howlett President Cr Wayne Sanford
Ex-Officio	Local Government Professional	Mr Jonathan Throssell
Secretariat	Chief Executive Officer Deputy Chief Executive Officer EM Environment & Waste EM Governance & Organisational Services Acting EM Finance & Marketing Acting EM People & Place Acting EM Environment & Waste EM Infrastructure EM Business Solutions EO Governance	Ms Ricky Burges Mr Wayne Scheggia Mr Mark Batty Mr Tony Brown Mr Rick Murray Ms Melissa Pexton Ms Nicole Matthews Mr Ian Duncan Mr John Filippone Ms Ann Ibrahim

#### 1.2 Apologies

North Metropolitan Zone Central Country Zone Pilbara Country Zone Pilbara Country Zone Executive Manager, Finance & Marketing Executive Manager People & Place Executive Manager Environment & Waste Manager Strategy & Association Governance Manager Governance	Mayor Giovanni Italiano President Cr Philip Blight Mayor Peter Long President Cr Kerry White (Deputy) Mr Zac Donovan Ms Joanne Burges Mr Mark Batty Mr Tim Lane Mr James McGovern
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## **OBSERVERS**

Cr Catherine Ehrhardt, Deputy East Metropolitan Zone  
Mr Mustafa Yildiz, Executive Manager, Governance and Legal - City of Wanneroo

## **MEETING ASSESSMENT**

President Cr Ken Clements was requested to provide feedback as to the effectiveness of the meeting.

## **ANNOUNCEMENTS**

The President, Cr Lynne Craigie thanked the City of Wanneroo and the North Metropolitan Zone for hosting the September 2017 Regional State Council Meeting.

## **2. MINUTES OF THE PREVIOUS MEETINGS**

### **2.1 Minutes of July State Council Meeting**

**Moved: Mayor Carol Adams**  
**Seconded: Mayor Heather Henderson**

**That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 5 July 2017 be confirmed as a true and correct record of proceedings.**

**RESOLUTION 87.9/2017**

**CARRIED**

### **2.1.1 Business Arising from the Minutes of July 2017.**

Nil

## **3. DECLARATION OF INTEREST**

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

I note that there are several State Councillors and deputies that may be directly or indirectly associated with the recommendations of the Selection Committee. I ask that if you are affected by these recommendations, that you excuse yourself from the meeting and do not participate in deliberations.

## **Mayor Henry Zelones item 5.14 – Selection Committee Minutes**

## **PAPERS**

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

- President's Report (previously emailed to your Zone meeting)
- Item 5.12 - State Council Regional Meetings (01-004-02-0001 TB)
- Item 5.13 - Executive Committee Minutes (01-006-03-0006 TB)
- Item 5.14 - Selection Committee Minutes (01-006-03-0011 MD)
- CEO's report to State Council

#### **4. EMERGING ISSUES**

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<b>4.1 Department of Local Government, Sport and Cultural Industries, Representation at Zone meetings</b>
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**Moved: Cr Brendan Whitely**

**Seconded: Cr Wally Barrett**

**That the emerging issue on Department of Local Government, Sport and Cultural Industries, representation at Zone meetings be considered by the meeting.**

**RESOLUTION 88.9/2017**

**CARRIED**

The Central Country Zone has raised the issue in respect to the lack of regular attendance by the Department of Local Government, Sport and Cultural Industries at Zone Meetings.

The Zone has requested the matter be listed as an emerging issue item.

**SECRETARIAT COMMENT**

WALGA is aware of the concerns in respect to Department of Local Government Sport and Cultural Industries support to the sector and has raised the matter with the new Director General, who has given a commitment to better engage with the Local Government sector.

As the matter has been raised with the Director General, no further action be taken.

## 5. MATTERS FOR DECISION

### 5.1 2017 Annual General Meeting Minutes (01-003-02-0003 TB)

*By Tony Brown, Executive Manager Governance and Organisational Services*

#### WALGA RECOMMENDATION

**That Annual General Meeting Items 4.1B and 4.2B be noted and referred to the relevant WALGA policy unit for consideration.**

Avon Midland Country Zone	WALGA Recommendation Supported
Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

#### East Metropolitan Zone

That:

1. East Metropolitan Zone General Meeting Items 4.1B and 4.2B be noted and referred to the relevant WALGA policy unit for consideration.
2. That the East Metro Zone supports the disclosure requirements under AASB 124 Related Party Disclosures.

#### SECRETARIAT COMMENT

The Zones support is noted and will be considered by the Governance and Organisational Services Policy Team.

**Moved: President Cr Karen Chappel**

**Seconded: Cr Janet Davidson**

**That Annual General Meeting Items 4.1B and 4.2B be noted and referred to the relevant WALGA policy unit for consideration.**

**RESOLUTION 89.9/2017**

**CARRIED**

## 5.2 2018-19 State Budget Submission (05-001-03-0006 DM)

*By Dana Mason, (Policy Manager - Economics)*

### WALGA RECOMMENDATION

That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed.

Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	No meeting held
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported

### Avon Midland Country Zone

That the WA Local Government Association be requested to advocate for retention of the third instalment of \$32,000 due 2017/2018 under the Community Pools Revitalisation Program to enable projects already in train to be completed.

### Great Eastern Country Zone

Support the State Budget Submission with a request for the reinstatement of the swimming pool subsidy.

### Goldfields Esperance Country Zone

GVROC supports the WALGA recommendation subject to further comment being included relating to Royalties for Regions and in particular the Goldfields Esperance Revitalisation Fund and funding for CLGF for Training of Elected Members.

### SECRETARIAT COMMENT

Funding for Country Local Government Fund, training of Elected Members is already included in the Budget Submission.

**Moved: Cr Wally Barrett**

**Seconded: Cr Les Price**

**That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:**

- a) include the Goldfields Esperance Revitalisation Funding commitments. That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:**
- b) retention of the third instalment of \$32,000 due 2017/2018 under the Community Pools Revitalisation Program to enable projects already in train to be completed.**

**LOST**

**Moved: President Cr Wayne Sandford**

**Seconded: President Cr Karen Chappel**

**That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed subject to the inclusion of the following:**

- a) retention of the third instalment of \$32,000 due 2017/2018 under the Community Pools Revitalisation Program to enable projects already in train to be completed.**

**RESOLUTION 90.9/2017**

**CARRIED**

### 5.3 Review of the Emergency Services Levy (05-24-02-0001 MP)

*Melissa Pexton, Manager Emergency Management*

#### WALGA RECOMMENDATION

**That the interim submission to the Economic Regulation Authority (ERA) on the Review of the Emergency Services Levy (ESL) Draft Report 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>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

#### South East Metropolitan Zone

That the South East Metropolitan Zone supports Item 5.3 within the September 2017 State Council Agenda, with the following amendment:

That the interim submission to the Economic Regulation Authority (ERA) on the Review of the Emergency Services Levy (ESL) Draft Report be endorsed, subject to:

Recommendations 1 and 15 should not be supported. Instead, the WALGA submission should suggest that the ESL be remitted directly to the State Government to ensure transparency and to ensure that the taxing authority is also the collecting authority.

#### SECRETARIAT COMMENT

Both the first and final WALGA submissions state that it is Local Governments preference to not collect the ESL on behalf of the State Government.

In doing so, emphasis is given to Local Government concerns that many in the community perceive it as a Local Government tax and there are considerable administrative costs in collecting the ESL. The ERA's conclusion that it should remain with Local Government is based on their assessment that this is the most economically efficient means of collection and that Local Governments would be fully compensated for these costs, including the costs associated with collection of unpaid debts. All other zones have accepted this proposition.

**Moved: Mayor Henry Zelones**

**Seconded: Cr Doug Thompson**

**That the interim submission to the Economic Regulation Authority (ERA) on the Review of the Emergency Services Levy (ESL) Draft Report be endorsed.**

**RESOLUTION 91.9/2017**

**CARRIED**



#### 5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning (06-06-01-0001 GC)

*Graham Congdon, Project Officer Planning, Planning and Development*

#### **WALGA RECOMMENDATION**

**That:**

1. **WALGA maintain its current policy position on Third Party Appeal rights; that the Local Government sector does not support the introduction of Third Party Appeal rights.**
2. **State Council notes that while there is increased support for the introduction of some form of Third Party Appeal rights, there is no consistent agreement on the form and scope any such rights should take.**
3. **WALGA undertakes further consultation with members on Third Party Appeal Rights, to discuss the various concerns and suggestions raised in response to the discussion paper, to determine if a consensus on a new policy position could be reached.**
4. **WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.**

<b>Avon Midland Country Zone</b>	WALGA Recommendation Supported
<b>Central Country Zone</b>	WALGA Recommendation Supported
<b>Gascoyne Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<b>Northern Country Zone</b>	WALGA Recommendation Supported
<b>Pilbara Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

#### **Central Metropolitan Zone**

That the Central Metropolitan Zone supports WALGA developing a Third Party Appeal Rights proposal for progression through the Zones.

#### **East Metropolitan Zone**

**That:**

1. WALGA maintains its current policy position on Third Party Appeal rights; that the Local Government sector does not support the introduction of Third Party Appeal rights.
2. State Council notes that while there is increased support for the introduction of some form of Third Party Appeal rights, there is no consistent agreement on the form and scope any rights should take.
3. WALGA undertakes further consultation with members on third Party Appeal Rights, to discuss the various concerns and suggestions raised in response to the discussion paper, to determine if a consensus on a new policy position could be reached.
4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of States and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal Process.

5. Particular note be made of use of discretion at the State Administrative Tribunal and the possible removal of discretion from local town planning processes.

### **Peel Zone**

WALGA recommendation 2, 3 and 4 are supported; the Peel Zone requests the deletion of part 1 of the recommendation, as follows:

That WALGA maintain its current policy position on Third Party appeal Rights; that the Local Government sector does not support the introduction of the Third Party Appeal rights.

### **North Metropolitan Zone**

That:

1. WALGA supports the limited introduction of Third Party Appeals into the Western Australian planning framework, however considers that there would be some merit in the introduction of Third Party Appeal Rights in circumstances where determinations have been issued by the Development Assessment Panels (DAPS), the State Administrative Tribunal (SAT), and the Western Australian Planning Commission.
2. WALGA, prior to pursuing the introduction of Third Party Appeal Rights, undertake further consultation and review with relevant stakeholders.

### **South East Metropolitan Zone**

That:

1. The original State Council recommendation not be endorsed.
2. The majority of the Local Government sector, particularly Elected Members, support the introduction of Third Party Appeal Rights in some form.
3. WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, to discuss the various concerns and suggestions raised in response to the Discussion Paper, the form and scope any such appeal right should take and determine a preferred model.
4. The findings be distributed for comment and the Item then be reconsidered by State Council.
5. WALGA continue to advocate that an independent review of decision making within WA Planning system is required, including the roles and responsibilities of State and Local Government and other decision-making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.

### **South Metropolitan Zone**

That:

1. State Council notes that while there is increased support for the introduction of some form of Third Party Appeal rights, there is no consistent agreement on the form and scope any such rights should take.
2. WALGA undertakes further consultation with members on Third Party Appeal Rights, to discuss the various concerns and suggestions raised in response to the discussion paper, to determine if a consensus on a new policy position could be reached.
3. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.

## SECRETARIAT COMMENT

With regards to the comments raised at the South East Metro Zone meeting regarding item 5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning, please note that the summary of submissions provided on page 20 incorrectly stated that 14 Council Resolutions were received ‘In Favour’, while four (4) Council Resolutions were received ‘Against’, the introduction of some form of Third Party Appeal Rights.

The summary should read as follows:

### **38 Submissions in total**

- 20 submissions in favour of some form of Third Party Appeal Rights in Planning
- 3 submissions in favour of a further review for Third Party Appeal Rights
- 15 submissions against Third Party Appeal Rights

### **3 Submissions in favour of further review (8%)**

- 1 submission from individual Local Government Planning Officer
- 1 submission advising Council’s support for further investigation into the application of Third Party Appeal Rights (formal letter)
- 1 submission as Council Resolution supporting further consideration of Third Party Appeal Rights upon a discussion paper being released by the Department of Planning/WAPC citing options and examples.

### **20 Submissions for Third Party Appeal Rights (53%)**

- 1 submission from a Local Government planning officer
- 2 submissions from private planners who work with/for Local Governments
- 3 submissions from Councillors providing their personal views
- 14 submissions as Council resolutions

### **15 Submissions against Third Party Appeal Rights (39%)**

- 1 submission from private planner who works with/for Local Government
- 2 submissions on behalf of the ‘City/Town/Shire’
- 2 submissions from individual Local Government planning officers
- 3 submissions advising a Council position (formal letter or email)
- 4 submissions on behalf of the administration and/or officers
- 3 submissions as Council resolutions

The reason for the error is that the Council resolution (Submission No.35) stated that the Council ‘*is prepared to support further consideration of third party appeals in Western Australia for development applications, structure plans and planning scheme amendments upon a discussion paper being released by the Department of Planning / Western Australian Planning Commission citing options and examples of third party appeals*’.

There was debate as to whether to consider this submission as being in favour or opposed to the introduction of third party appeals, as it is supporting further review subject to actions of the State Government. This resulted in the Table of Submissions in Appendix 1 indicating that the submission supported Third Party Appeals, while the summary counted it as being against. In order to provide greater clarity as to the exact nature of the submissions, the above summary has therefore been updated to clearly indicate which submissions were actually in favour of further review.

Additionally, Appendix 1: Table of Submissions on Third Party Appeal Rights in Planning should be amended, by changing the information within submission 35, column four (**In favour of Third Party Appeal Rights in Planning? Yes/No**) from ‘Yes’ to ‘Supports further review’.

As to the inclusion of submissions from private planning consultants, these consultants are individually contracted to several regional Local Governments to provide town planning services. For example, Submission No. 3 is from a the private planner who is contracted to three Wheatbelt Local Governments and the private planner who provided Submission No.16 contracts to a number

of regional Local Governments in the Gascoyne and Wheatbelt regions. Despite these planners representing multiple Local Governments, each submission was counted as one submission.

The Composite Recommendation has been based on the Zone feedback.

**Moved: Cr Friona Reid**

**Seconded: Mayor Heather Henderson**

**That:**

- 1. State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.**
- 2. WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.**
- 3. The findings to be distributed for comment and the Item then be reconsidered by State Council.**
- 4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.**

**RESOLUTION 92.9/2017**

**CARRIED**

## 5.5 Interim Submission – Development Control Policy 2.2 – Residential Subdivision (05-036-03-0060 VJ)

*Vanessa Jackson, Policy Manager Planning and Improvement*

### WALGA RECOMMENDATION

That the interim submission to the WA Planning Commission on Development Control Policy 2.2 – Residential Subdivision 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	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Cr Wally Barrett  
Seconded: Mayor Tracey Roberts

That the interim submission to the WA Planning Commission on Development Control Policy 2.2 – Residential Subdivision be endorsed.

**RESOLUTION 93.9/2017**

**CARRIED**

## 5.6 National Disability Insurance Scheme (NDIS) Costs position paper submission (05-021-01-0002/1)

*Nina Hewson, Senior Community Policy Advisor*

### WALGA RECOMMENDATION

**That the interim submission to the Productivity Commission's National Disability Insurance Scheme (NDIS) position 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>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South West Country Zone</b>	WALGA Recommendation Supported

### ADDITIONAL INFORMATION

On 31 January 2017, the Commonwealth and Western Australian Governments signed a Bilateral Agreement for a nationally consistent, locally delivered National Disability Insurance Scheme (NDIS) in Western Australia.

Funding arrangements under the National Disability Insurance Scheme (NDIS) are outlined in the current 'Bilateral Agreement between the Commonwealth and Western Australia, Transition to a National Disability Insurance Scheme in Western Australia'. A full pdf copy of the Agreement is available at <http://www.disability.wa.gov.au/wa-ndis/wa-ndis/>.

The Agreement was signed by the previous State Government. The current State Government is in negotiation with the Commonwealth and is yet to make a final decision on whether to continue under the current State delivery model or change to delivery under the Commonwealth model. A change to the Commonwealth model would require a new bilateral agreement between the State and Commonwealth Governments.

**Moved: Mayor Heather Henderson**  
**Seconded: Cr Janet Davidson**

**That the interim submission to the Productivity Commission's National Disability Insurance Scheme (NDIS) position paper be endorsed.**

**RESOLUTION 94.9/2017**

**CARRIED**

**5.7 Productivity Commission Inquiry – Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services (05-031-01-0001 JH)**

*Nina Hewson, Senior Community Policy Advisor*

**WALGA RECOMMENDATION**

**That the interim submission to the Productivity Commission Inquiry on Introducing Competition and Informed User Choice into Human Services – Reforms to Human Services, 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>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<b>South East Metropolitan Zone</b>	WALGA Recommendation Supported
<b>South Metropolitan Zone</b>	WALGA Recommendation Supported

**South West Country Zone**

*That the WALGA submission be supported and that WALGA give consideration to including comment in their submission relating to the declining rate revenue caused by the practice of the Housing Authority “contracting out” management of its properties to rate exempt charitable Community Housing organisations.*

**Moved: President Cr Wayne Sanford**  
**Seconded: Cr Darren Slys**

**That the interim submission to the Productivity Commission Inquiry on Introducing Competition and Informed User Choice into Human Services – Reforms to Human Services, be endorsed with the addition of comment relating to the declining rate revenue caused by the practice of the Housing Authority “contracting out” management of its properties to rate exempt charitable Community Housing organisations.**

**RESOLUTION 95.9/2017**

**CARRIED**



## 5.8 Interim Submission to the Australian Government Committee on the Impacts of Climate Change (05-028-03-0018 LS)

*By Laura Simes, Environment Policy Advisor*

### WALGA RECOMMENDATION

That the interim submission in response to the Inquiry into the impacts of climate change 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	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Cr Doug Thompson  
Seconded: Mayor Logan Howlett

That the interim submission in response to the Inquiry into the impacts of climate change be endorsed.

**RESOLUTION 96.9/2017**

**CARRIED**



**5.9 Interim Submission - Possible Amendments to Telecommunications Powers and Immunities (05-036-03-0048MB)**

*By Mark Bondiotti, Policy Manager Transport and Roads*

**WALGA RECOMMENDATION**

**That the interim submission to the Department of Communications and the Arts on the 'Possible Amendments to Telecommunications Powers and Immunities' 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>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<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 Fiona Reid**  
**Seconded: Mayor Henry Zelones**

**That the interim submission to the Department of Communications and the Arts on the 'Possible Amendments to Telecommunications Powers and Immunities' be endorsed.**

**RESOLUTION 97.9/2017**

**CARRIED**

**5.10 Submission in Response to the Inquiry into Airfare Pricing in Regional Western Australia (05-003-02-0005 MM)**

*By Marissa MacDonald, Policy Officer - Transport and Roads*

**WALGA RECOMMENDATION**

**That the interim submission in response to the 'Inquiry into Airfare Pricing in Regional Western Australia' 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>	No meeting held
<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>	WALGA Recommendation Supported
<b>Murchison Country Zone</b>	No meeting held
<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>	WALGA Recommendation Supported
<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: President Cr Cheryl Cowell**  
**Seconded: President Cr Malcolm Cullen**

**That the interim submission in response to the 'Inquiry into Airfare Pricing in Regional Western Australia' be endorsed.**

**RESOLUTION 98.9/2017**

**CARRIED**

## 5.11 Interim Submission to the National Freight and Supply Chain Priorities Inquiry (05-006-03-0012 ID)

By Ian Duncan, Executive Manager Infrastructure

### WALGA RECOMMENDATION

That the interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed.

Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

### Avon Midland Country Zone

That the Zone recommends that the “Orange Route” (as part of the Perth-Adelaide National Highway to improve the safety and access for heavy vehicles entering the Perth Metropolitan area from the wheatbelt and as the major access to freight from the eastern States) from Roe Highway to Northam be included as a priority project in the submission being prepared by the WA Local Government Association to the Department of Infrastructure and Regional Development for the National Freight and Supply Chain Priorities report.

### East Metropolitan Zone

That The interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed, with the addition of a recommendation 14:

*Federal and State Government should invest in the completion of the planning and commence construction of the “Orange Route” from Roe Highway to Northam as part of the Perth-Adelaide National Highway to improve the safety and access for Heavy Vehicles entering the Perth Metropolitan area from the Wheatbelt and as the major access to freight from the Eastern States.*

**Moved:** Cr Darren Slyn  
**Seconded:** Cr Darryl Trease

That The interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed, with the addition of recommendation 14:

Request Federal and State Government invest in the completion of the planning and commence construction of the “Orange Route” from Roe Highway to Northam as part of the Perth-Adelaide National Highway to improve the safety and access for Heavy Vehicles entering the Perth Metropolitan area from the Wheatbelt and as the major access to freight from the Eastern States.

**RESOLUTION 99.9/2017**

**CARRIED**

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

### **5.12 2018 State Council Meeting Schedule and Regional Meetings (01-004-02-0001 TB)**

Moved: Cr Fiona Reid  
Seconded: President Cr Malcolm Cullen

That the 2018 State Council Meeting Schedule and Regional Meetings for 2018 be endorsed.

**RESOLUTION 100.9/2017**

**CARRIED**

### **5.13 Executive Committee Minutes (01-006-03-0006 TB)**

Moved: Mayor Logan Howlett  
Seconded: Mayor Carol Adams

That the Minutes of the Executive Committee meeting held 16 August 2017 be endorsed.

**RESOLUTION 101.9/2017**

**CARRIED**

### **5.14 Selection Committee Minutes (01-006-03-0011 MD)**

*Mayor Henry Zelones declared an interest and left the meeting at 12noon.  
Cr Cheryl Cowell left the meeting at 12.02 pm.*

Moved: Mayor Logan Howlett  
Seconded: Cr Wally Barrett

That:

1. The recommendations from the Selection Committee Minutes of 22 August 2017 be endorsed by State Council.
2. The resolutions from the Selection Committee Minutes of 22 August 2017 be noted by State Council.

**RESOLUTION 102.9/2017**

**CARRIED**

*Mayor Henry Zelones returned at 12.07pm.*

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

Moved: Cr Doug Thompson  
Seconded: Mayor Logan Howlett

**RESOLUTION 103.9/2017**

**CARRIED**

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

Document	Document Description	Signatories	State Council prior approval
Respondent's Submission Form	LGANT Part 3 - Respondent's Submission Form - Provision of Workplace Relations & Advocacy Advice	Cr Lynne Craigie Ricky Burges	No

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 National Disability Insurance Scheme (NDIS) and role of Local Government report (05-021-01-0002/1)

#### WALGA RECOMMENDATION

That State Council notes that the Association commissioned ACIL Allen consultants to provide a report and recommendations on Local Governments' roles under the National Disability Insurance Scheme (NDIS).

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	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Cr Doug Thompson  
Seconded: President Cr Karen Chappel

That State Council notes that the Association commissioned ACIL Allen consultants to provide a report and recommendations on Local Governments' roles under the National Disability Insurance Scheme (NDIS).

**RESOLUTION 104.9/2017**

**CARRIED**

## 6.2 First Interim State Public Health Plan (05-031-01-0001 EDR)

### WALGA RECOMMENDATION

That the release of the Department of Health's First Interim State Public Health Plan for Local Government feedback, and the development of two WALGA papers that support Local Government in implementing their obligations under the *Public Health Act 2016* be noted.

Avon Midland Country Zone	WALGA Recommendation Supported
Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Mayor Logan Howlett  
Seconded: Cr Doug Thompson

That the release of the Department of Health's First Interim State Public Health Plan for Local Government feedback, and the development of two WALGA papers that support Local Government in implementing their obligations under the *Public Health Act 2016* be noted.

**RESOLUTION 105.9/2017**

**CARRIED**

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

#### WALGA RECOMMENDATION

That the resolution of the Municipal Waste Advisory Council at its 28 June 2017 meeting be noted.

Avon Midland Country Zone	WALGA Recommendation Supported
Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	No meeting held
Goldfields Esperance Country Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	WALGA Recommendation Supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	WALGA Recommendation Supported
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Cr Doug Thompson

Seconded: Cr Darren Slys

That the resolution of the Municipal Waste Advisory Council at its 28 June 2017 meeting be noted.

**RESOLUTION 106.9/2017**

**CARRIED**

*President Cr Karen Chappel left at 12.16pm.*

## **7. ORGANISATIONAL REPORTS**

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### **7.1 Key Activity Reports**

#### **7.1.1 Report on Key Activities, Environment and Waste Policy Team (01-006-03-0017 MB)**

Moved: Mayor Logan Howlett  
Seconded: Cr Doug Thompson

That the Key Activities Report from the Environment and Waste Unit to the August 2017 State Council meeting be noted.

**RESOLUTION 107.9/2017**

**CARRIED**

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

Moved: Mayor Heather Henderson  
Seconded: Cr Janet Davidson

That the Key Activities Report from the Governance and Organisational Services Unit to the August 2017 State Council meeting be noted.

**RESOLUTION 108.9/2017**

**CARRIED**

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

Moved: Mayor Howlett  
Seconded: Cr Doug Thompson

That the Key Activities Report from the Infrastructure Unit to the August 2017 State Council meeting be noted.

**RESOLUTION 109.9/2017**

**CARRIED**

#### **7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)**

Moved: Cr Wally Barrett  
Seconded: Mayor Henry Zelones

That the Key Activities Report from the People and Place Unit to August 2017 State Council meeting be noted.

**RESOLUTION 110.9/2017**

**CARRIED**

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

Moved: President Cr Wayne Sanford  
Seconded: Cr Doug Thompson

That the report on the key activities of the Association's Policy Forums to the August 2017 State Council meeting be noted.

**RESOLUTION 111.9/2017**

**CARRIED**



<b>7.3 President's Report</b>
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Moved: Cr Henry Barrett  
Seconded: Mayor Logan Howlett

That the President's Report for August 2017 be received.

RESOLUTION 112.9/2017

CARRIED

<b>7.4 CEO's Report</b>
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Moved: Mayor Howlett  
Seconded: Mayor Adams

That the CEO's Report for September 2017 be received.

RESOLUTION 113.9/2017

CARRIED

<b>7.5 Local Government Professionals (WA)</b>
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Local Government Professionals (WA) President, Mr Jonathan Throssell provided an update to State Council.

## **8. ADDITIONAL ZONE RESOLUTIONS**

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Moved: Cr Doug Thompson  
Seconded: Cr Janet Davidson

That the additional Zone Resolutions from the August 2017 round of Zones meetings as follows be referred to the appropriate policy area for consideration.

### **RESOLUTION 114.9/2017**

**CARRIED**

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#### **EAST METROPOLITAN ZONE (People and Place)**

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##### **Public Open Space**

That the Western Australian Local Government Association advocates for the Western Australian Planning Commission to change its policies, procedures and practices relating to the provision of public open space (POS) as part of the subdivision of land, so that the POS can only be provided as land unless the Local Government supports the POS or part thereof to be provided as a cash-in-lieu contribution.

---

#### **EAST METROPOLITAN ZONE (Economics)**

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That WALGA prepare an analysis and draft a position paper for Local Government relating to smart technology and artificial intelligence, and the broad implications for communities arising thereof for the next State Budget submission in 2019-20.

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#### **PEEL ZONE (People and Place)**

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**Native Title Settlement: Indigenous Land Use Agreements: Local Government Response to the “Whadjuk” and “Swan River People 2” Native Title Claims**

That the WALGA State Council is requested to investigate what the likely impact of the current situation regarding Indigenous Land Use Agreements will be and update the affected member Councils within the claimant area.

---

#### **SOUTH EAST METROPOLITAN ZONE (Governance and Organisational Service)**

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##### **Freedom of Information Act – Resource Implications**

That WALGA prepare a report for State Council consideration addressing the operation of the Freedom of Information Act and specifically the implications of and potential solutions for vexatious or malicious applications and withdrawn applications which have incurred substantial costs to the Local Government.

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## **CENTRAL COUNTRY ZONE (Infrastructure)**

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### **Reduction of Direct Grant Road Funding to Local Government**

That:

1. WALGA be advised that the Central County Zone does not support the \$10m cut from Direct Road Grants;
2. Following the release of the 2017/2018 State Budget the Zone Executive Committee review the details of any road funding cuts in the budget and should the Member Councils be impacted by the cuts the Zone Executive Committee be granted delegated authority to determine a Zone position on any advocacy.
3. The Central County Zone write to the Minister for Transport Hon Rita Saffioti MLA extending an invitation to the Minister to attend a Zone Meeting to discuss transport related issues in the Wheatbelt.

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## **CENTRAL COUNTRY ZONE (Environment and Waste)**

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### **Kukerin Septic Tank Effluent System – Shire of Dumbleyung**

- A. That the Central Country Zone write to Premier the Hon. Mark McGowan MLA and the Minister for Water the Hon. Dave Kelly MLA to:
  1. Express their disappointment at the withdrawal of funding for the STEDs Program, the Water Corporation's severe miscalculation of cost estimates and the disregards for the health and well-being of small rural towns; and
  2. In light of the health issues, call for the reinstatement of the STEDs Program for Kukerin, Boyup Brook, Leonora and Bindoon.
- B. That the Zone request WALGA, in conjunction with local governments affected by the cut to the STEDs Program, to convene a meeting with the Minister for Water.

## **SOUTH WEST COUNTY ZONE**

### **Cat Act 2011 Review (Governance and Organisational Services)**

***THAT WALGA be requested to lobby the State Government to seek amendments to the Cat Act 2011 to make it an offence under the Cat Act 2011 to have an uncontrolled, untethered cat in a public place and to provide the power for local governments to designate certain public places where cats are prohibited.***

### **ESL FUNDING–DFES OPERATIONS (People and Place)**

***That WALGA be requested to lobby the State Government for:***

1. ***A maximum contribution of 70% from the ESL to fund the administrative operations of DFES, with the other 30% coming from state government general revenue; and***
2. ***The Office of Emergency Management to take over the role of advising Treasury how ESL funds should be distributed.***

## **ANNOUNCEMENT**

**President Craigie acknowledged retiring State Councillors Mayor Heather Henderson, Cr Wally Barrett and Cr Elsie Archer.**

### **9. MEETING ASSESSMENT**

**President Cr Ken Clements provided feedback as to the effectiveness of the meeting.**

### **10. DATE OF NEXT MEETING**

That the next meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, ONE70 Railway Parade, West Leederville, on Wednesday 6 December 2017 commencing 4pm.

### **11. CLOSURE at 12.30pm**



# MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 14 SEPTEMBER 2017

CITY OF VINCENT

---

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park*



Town of  
Cambridge



City of  
Joondalup



CITY of PERTH



City of Stirling  
City of Choice



TOWN OF  
VICTORIA PARK



CITY OF VINCENT



City of  
Wanneroo

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<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>
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The Chair declared the meeting open at 5.30 pm

<b>2</b>	<b>ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE</b>
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**Councillor Attendance**

Cr R Fishwick JP (Chairman)	City of Joondalup
Cr D Boothman JP (Deputy Chairman)	City of Stirling
Cr J Adamos ( <i>left 5.57pm</i> )	City of Perth
Cr E Cole	City of Vincent
Cr R Driver	City of Wanneroo
Cr A Guilfoyle ( <i>arrived at 5.35 pm</i> )	City of Stirling
Cr C MacRae	Town of Cambridge
Cr V Maxwell	Town of Victoria Park
Cr D Newton JP	City of Wanneroo
Cr S Proud JP	City of Stirling

**Apologies**

Cr S Jenkinson	City of Stirling
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**Leave of Absence**

Cr M Norman	City of Joondalup
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**Absent**

**MRC Officers**

Mr B Callander (Chief Executive Officer)  
Mr G Hoppe (Director Corporate Services)  
Ms D Toward (Executive Support)

**MRC Observers**

Nil

**Member Council Observers**

Ms R March (City of Perth)  
Mr H Singh (City of Wanneroo)  
Mr M Littleton (City of Stirling)  
Mr N Ahern (City of Perth)  
Mr S Cairns (City of Wanneroo)  
Mr A Murphy (City of Stirling)  
Mr M Hamling (City of Joondalup)  
Mr J Wong (Town of Victoria Park)  
Mr B Killigrew (Town of Victoria Park)  
Mr L Kosova (City of Vincent)

**Visitors**

Mr J Phillips from JCP Consulting

**Members of the Public**

Nil

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**Press**  
Nil

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**3 DECLARATION OF INTERESTS**

<b>Interest Type</b>	Financial Interest
<b>Name and Position of Person</b>	CEO, Brian Callander
<b>Report Item No. and Topic</b>	14.2 CEO performance review committee – consideration of committee recommendation
<b>Nature of Interest</b>	Council will make a determination on CEO, performance and remuneration

**4 PUBLIC QUESTION TIME**

Nil

**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

The Chairman acknowledged and thanked Cr MacRae for her contribution as a Mindarie Regional Council Councillor and wished her well for the future.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Mike Norman requests leave of absence from 4 September to 22 September 2017. The purpose of the leave request is to visit China as part of the City of Joondalup's delegation to Jinan.

**RESOLVED**

**Cr Cole moved, Cr Newton seconded**

**That the leave of absence be approved for Cr Norman from 4 September to 22 September 2017 inclusive.**

*(CARRIED UNANIMOUSLY 9/0)*

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<b>7 PETITIONS / DEPUTATIONS / PRESENTATIONS</b>
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None

<b>8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
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**8.1 ORDINARY COUNCIL MEETING – 6 July 2017**

The Minutes of the Ordinary Council Meeting held on 6 July 2017 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 July 2017 be confirmed as a true record of the proceedings.**

**RESOLVED**

**Cr Boothman moved, Cr Proud seconded**

*(CARRIED UNANIMOUSLY 9/0)*

<b>9 CHIEF EXECUTIVE OFFICER REPORTS</b>
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 MAY 2017 and 30 JUNE 2017
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<b>File No:</b>	<b>FIN/5-07</b>
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<b>Appendix(s):</b>	<b>Appendix No. 1 Appendix No. 2 Appendix No. 3 Appendix No. 4</b>
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<b>Date:</b>	<b>30 AUGUST 2017</b>
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<b>Responsible Officer:</b>	<b>Director Corporate Services</b>
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**SUMMARY**

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

**BACKGROUND**

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

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
  - Operating Statement by Nature – RRF Only
-

- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

## DETAIL

The Financial Statements attached are for the months ended 31 May 2017 and 30 June 2017 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2017 is attached at **Appendix No. 3**.

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

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

The results presented are for the full financial year and are still subject to external audit. As a result, the results presented may be adjusted by any audit adjustments required by the auditors.

### Summary of results for the year ended 30 June 2017

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	285,003	300,580	(15,577)
Tonnes – Others	15,193	16,400	(1,206)
<b>TOTAL TONNES</b>	<b>300,197</b>	<b>316,980</b>	<b>(16,783)</b>
	\$	\$	\$
Revenue – Members	46,744,475	49,305,771	(2,561,296)
Revenue – Other	5,844,230	8,215,330	(2,371,100)
<b>TOTAL REVENUE</b>	<b>52,588,705</b>	<b>57,521,101</b>	<b>(4,932,396)</b>
Expenses	52,248,110	58,806,648	6,558,538
Profit on sale of assets	62,277	54,207	8,070
Loss on sale of assets	24,489	70,725	46,236
Asset revaluations	380,045	-	(380,045)
<b>NET SURPLUS</b>	<b>(1,661)</b>	<b>(1,302,065)</b>	<b>1,300,404</b>

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### Commentary

Member tonnes for the year 2017 are tracking 5% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 1,206 tonnes behind budget.

The reduction in member tonnes from what was budgeted translates into a reduced surplus for the 12 months, which has been more than offset by savings in operational expenditures – landfill costs and levy costs avoided, as well as reduced spending on consultants and projects.

This reduction in waste to landfill is consistent with the MRC's vision of 'Winning Back Waste' but will over time see the cost per tonne to landfill for the remaining waste increasing proportionally.

Overall, the MRC has a breakeven result for the year to date.

### **VOTING REQUIREMENT**

Simple Majority

### **RESPONSIBLE OFFICER RECOMMENDATION**

**That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 May 2017 and 30 June 2017, respectively, be received.**

### **RESOLVED**

**Cr Maxwell moved, Cr Adamos seconded  
That the recommendation be adopted.**

*(CARRIED UNANIMOUSLY 9/0)*

<b>9.2 LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2017 AND 30 JUNE 2017</b>	
<b>File No:</b>	<b>FIN/5-06</b>
<b>Appendix(s):</b>	<b>Appendix No. 4 Appendix No. 5</b>
<b>Date:</b>	<b>30 August 2017</b>
<b>Responsible Officer:</b>	<b>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.

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### COMMENT

The lists of payments for the months ended 31 May 2017 and 30 June 2017 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 1 September 2016, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

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

Months Ended	Account	Vouchers	Amount
31 May 2017	General Municipal	Cheques	\$12,315.12
		EFT	\$2,879,451.38
		DP	\$76,210.05
		Inter account transfers	<u>\$1,200,000.00</u>
		<b>Total</b>	<b>\$4,167,976.55</b>
30 June 2017	General Municipal	Cheques	\$22,794.25
		EFT	\$3,590,623.70
		DP	\$209,198.45
		Inter account transfers	<u>\$2,700,000.00</u>
		<b>Total</b>	<b>\$6,517,616.40</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 31 May 2017 and 30 June 2017, be noted.**

### RESOLVED

**Cr Boothman moved, Cr Newton seconded**

**That the recommendation be adopted.**

*(CARRIED UNANIMOUSLY 9/0)*

<b>9.3 REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO COUNCIL COMMITTEES AND THE CHIEF EXECUTIVE OFFICER</b>	
<b>File No:</b>	<b>GOV/27</b>
<b>Appendix(s):</b>	<b>Appendix 6 – Council Policy Manual</b>
<b>Attachment(s):</b>	<b>Attachment 1 – Register of Delegations</b>
<b>Date:</b>	<b>11 September 2017</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies, Delegations to Committees of the Council and the CEO.

### **BACKGROUND**

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

### **DETAIL**

In accordance with the Act the Council's policies and delegations to the CEO have been reviewed. The result of the review was that the current policies and delegations to the CEO are adequate for purpose. This report is presented to Council annually to ensure that policies of the Council and delegations from the Council to the CEO and committees are relevant and in compliance with the Act.

A requirement of the Act is that Council reviews annually any delegation it has issued to its Committees. In previous years this report has only addressed Council policies and delegations from the Council to the CEO as the administration not aware that the Council had issued any delegation to its Committees.

On review of a question included in the Minister for Local Government's Annual Compliance Audit Return asking "*Has Council reviewed delegations to its committees in the 2015/2016 Financial Year*" it became apparent that the Council back on 27 October 2005 delegated to its Audit Committee the authority to meet with the Council's Auditors. Section 5.18 of the Act requires that a local government keep a register of delegations provided to its Committees and that any such delegation is required to be reviewed annually.

The current Audit Committee has been meeting with the Auditors regularly, which has been beneficial as it has allowed the Auditors to engage with the Committee on the various reports they prepare in accordance with the Act and other statutes. It also ensures that the Committee is fully informed when presenting reports and recommendations to the Council.

To address this anomaly it is proposed to withdraw this delegation as it is no longer compliant with the Act due to the limits of delegation issued to a Committee that comprises of 'Councillors' and 'others' (the Audit Committee membership consists of three Councillors and an external member). Originally, when the delegation was endorsed by

the Council, the Audit Committee was only made up of three Councillors. The Act provides for a broader range of delegations to a committee that has a membership consisting of Councillors only.

Section 5.17 of the ACT only allows the local government to delegate, to this type of committee, *“powers or duties that are necessary or convenient for the proper management of –*

- i. The local government’s property; or*
- ii. An event in which the local government is involved.”*

There is no issue with the Audit Committee continuing to meet with the Auditors as the Committee has no delegated authority to make decisions and any matter of materiality are presented to Council in the form of a recommendation for its consideration. A register will be developed if, in the future, the Council decides to provide a delegation to any of its committees.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

### ***Local Government Act 1995***

The following extracts from the Act relate to Council’s obligations in the areas of policy development and delegations to the CEO.

#### ***“2.7. Role of Council***

##### ***(1) The Council —***

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

##### ***(2) Without limiting subsection (1), the Council is to —***

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.*

#### ***5.42. Delegation of some powers and duties to CEO***

##### ***(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —***

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

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

#### ***5.43. Limits on delegations to CEO***

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed."*

**7.12A. Duties of local government with respect to audits**

- (1) *A local government is to do everything in its power to —*
  - (a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
  - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS**

<b>Strategic Community Plan 2013/14 - 2033/34</b>		
OBJECTIVE 1		Long Term Viability
Sub Objective		Good Corporate Governance
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.		
<b>Corporate Business Plan 2013/14 – 2016/17</b>		
Strategies	Actions	Responsible Officer
<b>1.1.2</b>	Ensure Council Policies are relevant and reviewed by Council	<b>CEO</b>
<b>1.1.3</b>	Review the relevance of the delegations from the Council and report findings to Council	<b>CEO</b>
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

**COMMENT**

The Chief Executive Officer's review of the current policies and delegations determined that they are adequate for their purpose and therefore no changes are recommended at this point in time.

In addition to the review of policies and delegations from the Council to the CEO a review of delegations provided by the Council to its Committees was undertaken. At this point in time only one delegation exists, being a delegation allowing the Audit Committee to meet with the Council's Auditors. Given that the delegation approved by the Council back in 2005 is no longer compliant with the Act it is recommended, as part of this review, that the delegation be withdrawn.

#### **VOTING REQUIREMENT**

Simple/Absolute Majority

#### **RESPONSIBLE OFFICER RECOMMENDATION**

- A. That the Council:**
- 1. retain the existing Council Policies as contained in Appendix 6 of this agenda;**
  - 2. retain the delegations to the Chief Executive Officer as detailed in Attachment 1 of this report; and**
- B. That the Council withdraw the delegation to the Audit Committee allowing it to meet with the Council's Auditor.**

**(Absolute Majority Required)**

#### **RESOLVED**

**Cr Cole moved, Cr Driver seconded**

**That the recommendation be adopted**

*(CARRIED UNANIMOUSLY 9/0)*

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## **Attachment 1 - MINDARIE REGIONAL COUNCIL – Delegations of Authority Register**

### **COUNCIL TO CHIEF EXECUTIVE OFFICER**

<b>1. GOVERNANCE</b>				
No.	Reference	Delegation	Condition(s)	Assignee(s)?
1.1	LGAct 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purposes of performing particular functions	Each authorised person to be issued with a certificate of authorisation	NO
1.2	LGAct 1995 s.5.42	Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable, or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the functions of the position	Not exceeding 3 months in any period of 12 months	NO
<b>2. FINANCE</b>				
2.1		Approve requisitions and purchase orders for the supply of goods and services	Requisitions and purchase orders to be within the budget allocation as reviewed from time to time	YES
2.2	LG(Financial Management Regulations) 1996 Reg.8	Open and close bank accounts, access accounts electronically and transfer funds electronically		YES
2.3	LG(Financial Management Regulations) 1996 Reg.12	Approve and make payment of accounts	1. In accordance with approved procedure set out in Reg.11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg.13	YES
2.4	LG(Financial Management Regulations) 1996 Reg.34(1)(a)	Prepare monthly financial reports	In accordance with Reg.34	YES
2.5	LGAct s.6.14	Invest funds surplus to the immediate needs of the Council	Subject to the internal control procedures set out in Reg.19	YES
2.6	LGAct s.6.12	Waive Fees and Write Off Debts	1. Not exceeding a total of \$10,000 for any one debtor in any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fees or debts have been waived, or concessions granted, they are to be reported in the mid-year budget review	NO
2.7	LGAct s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	For items listed on the budget and subsequently approved for proceeding by Council	YES
2.8	LG(Functions & General) Regs.14(2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser	1. For the RRFA only if it incurs no additional risk or liability to the MRC; 2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following Council meeting	NO
2.9	LGAct s.3.58(5) and LG(Functions & General) Regs.30(3)	Dispose, which includes writing off, of property (assets)	1. The value of the property (assets) is less than \$20,000; 2. Ensure all reasonable effort has been made to secure current market prices for the item or material	NO

Cr Guilfoyle arrived at 5.35pm

<b>9.4 ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE</b>	
<b>File No:</b>	<b>PER/79</b>
<b>Attachments(s):</b>	
<b>Date:</b>	<b>24 August 2017</b>
<b>Responsible Officer:</b>	<b>Sonia Cherico</b>

#### **SUMMARY**

Report seeks approval to appoint a Consultant to assist the CEO Performance Review Committee (the Committee) in reviewing the CEO performance and remuneration as per current contract.

#### **BACKGROUND**

At the Ordinary Council Meeting 19 May 2014 JCP Consulting was appointed to assist the CEO Performance Review Committee in conducting the CEO's annual reviews for a three (3) year term. As JCP's term ended after the 2017 review the MRC sought quotations from suitably qualified consultants to assist the Committee in its review of the CEO

#### **DETAILS**

On 2 August 2017 request for quotation letters were sent out to seven Specialist Human Resource Consultants seeking quotation for services to assist Council's CEO Performance Review Committee conduct the annual review of the CEO's performance and remuneration. At the time of closing the request for quotation on 18 August 2017 six (6) quotes were received. The following table details the consultants that responded to the request and the price that was quoted:

<b>No.</b>	<b>Consultant Name</b>	<b>Price (\$)</b>
1	JCP Consulting	4,000
2	Richard Curry Consulting	6,950
3	Gerard Daniels	15,000
4	Price	3,982
5	AIM	7,500
6	The Futures Group	7,950

The Committee was presented with a detailed summary of the quotations at the CEO appraisal meeting 21 August 2017. The committee agreed to recommend to Council the appointment of John Phillips from JCP Consulting to perform the CEO Performance Review for a further one (!) year with a two year option. The Committee considered that due to Mr Phillip's prior experience, performance and competitive price that he should be offered to continue for a further one year with a two year option to enable a further review of his performance and if acceptable have Mr Phillip's assist the Committee for the rest of the term of the CEO.

On review of the quotations the administration agree with the recommendation of the Committee and support the continuing services of JCP Consulting for the next three years.

**CONSULTATION**

NIL

**STATUTORY ENVIRONMENT**

NIL

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The costs of engaging the consultant recommended by the Committee of \$4,000 is included in the 2017/18 Budget.

**STRATEGIC IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority / Absolute Majority

That the Council appoint JCP Consulting to assist the CEO Performance Review Committee in reviewing the performance and remuneration of the Chief Executive Officer for a further (1) year with a two year option.

**Moved Cr Fishwick, seconded Cr Proud**

**Discussion:**

Concerns were raised as to the length of term the MRC had engaged JCP Consulting and that some of the other consultants nominated in the report should be considered. The view was also expressed that it was difficult to consider the strength of the submission as they were not attached to the agenda.

**Cr Cole moved. Seconded, Cr Newton**

**That the report dealing with the appointment of a Consultant to assist with the CEO Performance and remuneration be deferred to the next Ordinary Council Meeting.**

(CARRIED 9/1)

*For: Cr Fishwick, Cr Boothman, Cr Adamos, Cr Cole, Cr Driver, Cr Guilfoyle, Cr Maxwell, Cr Newton, Cr Proud*

*Against: Cr MacRae*

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<b>10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 36</b>
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**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 36 be received.**

**RESOLVED**

**Cr Boothman moved, Cr Proud seconded**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 10/0)

<b>11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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None

<b>12 URGENT BUSINESS</b>
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None

<b>13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>
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None

<b>14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>
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The Chairperson requested that in accordance with clause 7.9 of the *Mindarie Regional Council Standing Orders Local Law 2010* and s5.23(2) of the *Local Government Act 1995*, Council proceed to meet “behind closed doors” to allow the Council to consider Items 14.1 and 14.2 as they were of a confidential nature.

**Cr Fishwick moved, Cr Proud**

(CARRIED UNANIMOUSLY 10 /0 )

*No visitors in attendance. Member Council Officers and MRC staff, who had signed the Confidentiality Agreement as it relates to Item 14.1 below, were invited to stay. Doors were closed at 5.42 pm.*

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This report is **Confidential** in accordance with Section 5.23 (2)(c) of the Local Government Act 1995 as it is a matter that may result in a contract being entered into.

<b>14.1</b>	<b>RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE) AWARD OF TENDER</b>
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<b>File No:</b>	<b>Wst/209-02</b>
<b>Attachments(s):</b>	<b>1. Waste Supply Agreement 2. Participant Agreement for a Waste Supply Agreement 3. Financier Side Deed</b>
<b>Date:</b>	<b>8 September 2017</b>
<b>Responsible Officer:</b>	<b>CHIEF EXECUTIVE OFFICER</b>

Prior to the item being moved the Chairperson instructed the CEO to address the Council on a recent meeting held by the Member Councils on the contract documents. The CEO advised the Council that due to uncertainty with a number of clauses in the current draft contract documents that require clarification from the preferred tenderer, he is requesting that the item be deferred until the next Ordinary Council meeting to be held on 9 November 2017, or a Special Council Meeting, if the issues can be addressed in a more timely manner.

**Cr Boothman moved to have the item deferred  
Seconded, Cr Proud**

**That the report dealing with the Resource Recovery Facility Tender be deferred until the next Ordinary Council meeting to be held on 9 November 2017, or a Special Council meeting, if the issues can be addressed in a more timely manner.**

*(CARRIED UNANIMOUSLY 10/0)*

Cr Adamos left the meeting at 5.57 pm

Chairperson requested the Gallery, CEO and Director of Corporate Services to leave prior to item 14.2 being discussed. MRC executive support officer was invited to stay to take minutes. Doors were closed at 6 pm.

This report is **Confidential** in accordance with Section 5.23 (a) of the Local Government Act 1995 as it is a matter that affects the CEO.

**14.2 CEO PERFORMANCE REVIEW COMMITTEE -  
CONSIDERATION OF COMMITTEES RECOMMENDATIONS**

**File No:** PER/79

**Attachments(s):**  
1. MRC CEO Annual Appraisal  
2. MRC CEO Annual Appraisal 2017 (Reviewers Report)  
3. MRC CEO Appraisal 2017 (Self-Assessment)

**Date:** 24 August 2017

**Responsible Officer:** Sonia Cherico

**Cr Fishwick moved the following motion, Cr Proud seconded**

That Council:

1. ADOPTS the 2017 Performance Review Report for the CEO;
2. ENDORSES the overall rating of “Meets performance indicators and associated objectives at a highly satisfactory level”;
3. ENDORSES the Key Performance Indicators and Objectives for 2017/2018;
4. COMMENCES the 2017/2018 appraisal process by 30 May 2018 and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback;
5. VARIES the annual review process to allow for the names of those elected members opting not to participate in the CEO’s annual review process to be provided to the Review Committee by the appointed facilitator;
6. AFTER giving consideration to the Performance Review Report for the CEO adopted in clause 1 above:
  - 6.1 Acknowledges that the Salaries and Allowances Tribunal has determined that it will not increase the maximum salary levels in the various bands for Chief Executive Officers; and
  - 6.2 Taking cognizance of the economic climate and the Salaries and Allowances Tribunal determination in clause 6.1 above, adopts the Chief Executive Officers total rewards package for the 2017 annual salary review remaining at \$256,711 being the maximum of Band 3 for Regional Council CEO’s.

#### **Amendment 1 to CEO KPI's**

**Cr MacRae moved, Cr Maxwell seconded**

**To include in the CEO's Key Performance Indicators, detailed in 3 above, the need for the CEO to finalise and gain agreement from the Member Councils to implement a new Establishment Agreement.**

**That a new KPI 7 be included requiring the CEO to use his best endeavours to implement an Establishment Agreement amongst the Member Councils.**

*CARRIED UNANIMOUSLY (9/0)*

#### **Amendment 2 to CEO KPI's**

**Cr Cole moved, Cr Guilfoyle seconded**

**To include in the CEO's Key Performance Indicators, detailed in 3 above, that the CEO carry out the successful implementation of the Tender process for the RRF 2017.**

**Prior to the item being voted on Cr Proud sought clarification on the meaning of the word "successful" and after discussion it was agreed that the word "successful" be replaced with "well executed". The mover and the seconder agreed to amend the motion.**

**Cr Cole moved, seconded by Cr Guilfoyle**

**That a new KPI 8 be included requiring the CEO to carry out a well-executed implementation of the Tender process for the RRF 2017.**

*(CARRIED UNANIMOUSLY 9/0)*

#### **SUBSTANTIVE MOTION (INCLUDING AMENDMENTS):**

- 1. ADOPTS the 2017 Performance Review Report for the CEO;**
  - 2. ENDORSES the overall rating of "Meets performance indicators and associated objectives at a highly satisfactory level";**
  - 3. ENDORSES the Key Performance Indicators and Objectives for 2017/2018;**
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**4. COMMENCES the 2017/2018 appraisal process by 30 May 2018 and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback;**

**5. VARIES the annual review process to allow for the names of those elected members opting not to participate in the CEO's annual review process to be provided to the Review Committee by the appointed facilitator;**

**6. AFTER giving consideration to the Performance Review Report for the CEO adopted in clause 1 above:**

**6.1 Acknowledges that the Salaries and Allowances Tribunal has determined that it will not increase the maximum salary levels in the various bands for Chief Executive Officers; and**

**6.2 Taking cognizance of the economic climate and the Salaries and Allowances Tribunal determination in clause 6.1 above, adopts the Chief Executive Officers total rewards package for the 2017 annual salary review remaining at \$256,711 being the maximum of Band 3 for Regional Council CEO's.**

**7. CEO to use his best endeavours to implement an Establishment Agreement amongst the Member Councils.**

**8. CEO to carry out a well-executed implementation of the Tender process for the RRF 2017.**

## **RESOLVED**

*Motion CARRIED (8/1)*

*For: Cr Fishwick, Cr Boothman, Cr Driver, Cr Guilfoyle, Cr MacRae, Cr Maxwell, Cr Newton, Cr Proud*

*Against: Cr Cole*

## **RE-OPEN THE MEETING TO THE PUBLIC**

**Cr Fishwick Moved, Cr Maxwell Seconded**

**That the Council reopens the meeting to members of the public.**

*(CARRIED UNANIMOUSLY 9/0)*

As no members of the public re-entered the meeting the decisions of Council made behind closed doors was taken as read.

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<b>15</b>	<b>NEXT MEETING</b>
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*Next meeting to be held on Thursday 9 November 2017 in the Council Chambers at City of Perth commencing at 5.30pm.*

<b>16</b>	<b>CLOSURE</b>
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*The Chairman closed the meeting at 6.38 pm and thanked the City of Vincent for their hospitality and 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 14 September 2017.*

*Signed ..... Chairman*

*Dated this ..... day of ..... 2017*

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