

South Metropolitan Zone

Minutes

29 November 2018

South Metropolitan Zone

Hosted by the City of Fremantle
70 Parry Street, The Garden Room, Fremantle
Thursday 29 November 2018 commenced at 5:30 pm

Minutes

MEMBERS

3 Voting Delegates from each Member Council

City of Cockburn	Mr Stuart Downing, Director Finance & Corporate – voting delegate
City of Fremantle	Cr Doug Thompson Cr Jon Strachan Mr Philip St John, Chief Executive Officer – voting delegate
City of Kwinana	Mayor Carol Adams Cr Sandra Lee
City of Melville	Cr Tim Barling Cr Duncan McPhail Cr Karen Wheatland - Deputy
City of Rockingham	Mr Michael Parker, Chief Executive Officer - voting delegate
WALGA Secretariat	Mr Tony Brown, Executive Manager Governance & Organisational Services Ms Elle Brunson, Policy Officer Community
Guest Speaker	Ms Rebecca Brown, WALGA, Manager Waste & Recycling

APOLOGIES

City of Cockburn	Mayor Logan Howlett JP Cr Carol Reeve-Fowkes Cr Lee-Anne Smith Mr Stephen Cain, Chief Executive Officer - non-voting delegate
City of Kwinana	Cr Sheila Mills Ms Joanne Abbiss, Chief Executive Officer non-voting delegate
Town of East Fremantle	Cr Cliff Collinson Cr Michael McPhail Cr Tony Natale Mr Gary Tuffin, Chief Executive Officer – non-voting delegate
City of Fremantle	Cr Sam Wainwright
City of Melville	Cr Nicole Robins Mr Marten Tieleman, Chief Executive Officer non-voting delegate
City of Rockingham	Cr Andrew Burns Cr Deb Hamblin Cr Mark Jones

South West Group	Mr Tom Griffiths, Director
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DLGC Representative	Jodie Holbrook
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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

1. LG Act Review Forum Report
2. Draft Minutes of previous meeting
3. Zone Status Report
4. President's Report
5. Standing Orders

Chair Cr Doug Thompson announced to the Zone that the South Metropolitan Regional Council (SMRC), of which the City of Melville and the City of Fremantle are part of, were awarded the Avoid Recover Protect – Waste Management Award at this year's Infinity Awards for the first Perth Metropolitan three-bin Food Organics Garden Organics (FOGO) trial.

1. DEPUTATIONS

1.1 Container Deposit Scheme Presentation

Rebecca Brown presented to the Zone to provide an overview regarding the development of the Scheme in Western Australia and the key issues for Local Government to consider:

- Logistics;
- Planning; and
- Community engagement.

Noted

2. CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of the meeting of the South Metropolitan Zone held on 27 August 2018 be confirmed as a true and accurate record of the proceedings.

Moved Mayor Adams
Seconded Cr McPhail

CARRIED

3. DECLARATION OF INTEREST

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

Nil

4. BUSINESS ARISING

Nil

4.1 Status Report

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

Noted

5. STATE COUNCIL AGENDA – MATTERS FOR DECISION

<https://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-5-December-2018.pdf.aspx>

The following items were excised for further comments.

All other items were carried en bloc.

Item 5.1 Proposed Removal by Main Roads WA of the “Letter of Approval” Restricted Access Vehicle Operating Condition

Recommendation

That WALGA:

1. Opposes withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative is developed;
2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;
3. Supports the development of standard administrative procedures including fees and letter formats; and
4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage.

Amendment

That WALGA:

1. **Opposes withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative is developed;**
2. **Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;**
3. **Supports the development of standard administrative procedures including fees and letter formats; and**

4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage.
5. Supports the practice of Local Governments negotiating agreements with transport operators where concessional loading is predicted to cause accelerated pavement damage.
6. Supports establishment of a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits can be recovered from those benefiting, and redirected into the cost of road maintenance.

Moved Mayor Adams
Seconded Cr Lee

CARRIED

Item 5.4 Interim Submission: Cost Recovery for Clearing Permits and Water Licences and Permits – DWER Discussion Paper

Recommendation

That the WALGA interim submission which opposes increased cost recovery for clearing permits and water licences and permits by the Department of Water and Environmental Regulation be endorsed.

Amendment

That the WALGA interim submission which opposes increased cost recovery for clearing permits and water licences and permits for Local Government by the Department of Water and Environmental Regulation be endorsed.

Moved Mayor Adams
Seconded Cr Lee

CARRIED

Item 5.5 Waste Levy Policy Statement

Recommendation

That the Waste Levy Policy Statement 2018 be endorsed.

Alternate motion

A review of the Waste Levy Policy Statement not be finalised until such times as the Waste Strategy 2030 is finalised.

Moved Mayor Adams
Seconded Cr Lee

CARRIED

Item 5.7 WALGA Paper – Off Road Vehicles and Local Government

Recommendation

That WALGA advocates for the State Government to:

1. Conduct a review of current legislation to align registration and licensing of Off Road Vehicles (ORVs) with other vehicle types and users.
2. Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.
3. Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the Control of Vehicles (Off-road Areas) Act 1978 and other relevant legislation, user and permitted area operational safety, signage standards, insurance and liability mitigation strategies.
4. Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.
5. Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.
6. Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.
7. Ensure that the WA Police Force allocates resources to address unlawful ORV use in consultation with Local Government law enforcement.

Amendment

That WALGA advocates for the State Government to:

1. Conduct a review of current legislation to align registration and licensing of Off Road Vehicles (ORVs) with other vehicle types and users.
2. Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State for which State Government control and management of site is committed, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.
3. Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the Control of Vehicles (Off-road Areas) Act 1978 and other relevant legislation, user and permitted area operational safety, signage standards, insurance and liability mitigation strategies.
4. Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.
5. Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.
6. Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the

proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.

7. Ensure that the WA Police Force allocates resources to address unlawful ORV use in consultation with Local Government law enforcement.

Moved Mayor Adams
Seconded Cr Lee

CARRIED

6. BUSINESS

6.1 Notice of Meetings 2019

By Chantelle O'Brien, Zone Executive Officer

A Schedule of the proposed meeting dates for the South Metropolitan Zone 2019 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

Change to March State Council Meeting – Local Government Act Review Process

To enable State Council to consider Local Government submissions to the Local Government Act Review process, the March State Council meeting has been moved to be held on Tuesday 26 March 2019. Consequently, Zone meetings will need to be held during the week prior.

It is proposed that the South Metropolitan Zone meeting be held on Monday 18 March 2019 to be held at the City of Kwinana.

The proposed meeting dates for the South Metropolitan Zone for 2019 require adoption by delegates. As with previous years, the venue for each meeting has been rotated amongst Members.

NOTICE OF MEETINGS SOUTH METROPOLITAN ZONE 2019

Zone Meeting Dates Monday	Time	HOST COUNCIL	State Council Meeting Dates 2019
18 March	Monday 5.30 pm	City of Kwinana	Tuesday 26 March 2019
29 April	Monday 5.30 pm	City of Melville	Wednesday 8 May 2019
24 June	Monday 5.30 pm	City of Rockingham	Wednesday 3 July 2019
26 August	Monday 5.30 pm	City of Cockburn	Regional Meeting 5-6 September 2019
25 November	Monday 5.30 pm	City of East Fremantle	Wednesday 4 December 2019

RESOLUTION

That the 2019 proposed schedule of meetings for the South Metropolitan Zone be adopted.

Moved Mayor Adams
Seconded Cr Lee

CARRIED

6.2 Local Government Act Review Forum – Report Attached

A report had been provided by the facilitator from the Local Government Act Review Forum held in Cockburn on 29 October 2018. The report was attached to the Agenda for your information.

The WALGA process from here is as follows;

- 16 November 2018 – WALGA distributed an InfoPage requesting Local Governments (Council decision required) to provide a submission on the Act review process. A submission to WALGA is requested by 1 February 2019. This will enable Councils to consider an item at their December meetings.
- November Zone Meetings/December 2018 State Council Meeting – Item for noting will be prepared that will cover information on the LG Act review process and a summary of the forums held in October/November and general themes coming through.
- Late January/Early February 2019 – State-wide Forum on the future of Local Government – The forum will include a review of the information coming through from the Local Government Act forums and submissions, in addition there will be guest speakers presenting on the future of Local Government.
- March Zone Meetings/March 2019 State Council Meeting – Item for Decision on sector positions feedback following feedback from Local Government submissions.

RESOLUTION

That the Report from the Local Government Act Review Forum and process from here be noted.

Moved Cr Strachan
Seconded Cr Barling

CARRIED

6.3 WALGA CEO Appreciation

By Cr Doug Thompson

After rewarding stints in leadership at both the Perth Zoo and the Department of Culture and the Arts, Ricky came to WAMA in 2000 as CEO, primarily to underpin the move to a single Association. In 2001 WAMA became WALGA.

She has been lucky to have had some extraordinary Presidents to work with - initially Cr Jamie Edwards (who was President of WAMA), then Cr Ian Mickel, (Shire of Esperance) who spearheaded the journey to the single association; Cr Clive Robartson (City of Melville), Cr Bill Mitchell, (Shire of Murchison), Mayor Troy Pickard (City of Joondalup) and today Cr Lynne Craigie (Shire of East Pilbara). These

extraordinary people were both her coaches and guides through the mysterious world of Local Government.

Ricky has worked with many outstanding Local Government Elected Members and CEOs; Public Sector Directors General and their Managers and has had terrific relationships with Ministers and their officers in State Government.

Similarly, she has been extraordinarily fortunate to work with a talented staff and management group at WALGA and with Jonathan Seth, CEO of Local Government Insurance Services.

There have been many achievements over the years, prominent among which is;

- Improving WALGA/LGIS Mutual Insurance for members;
- creating the single association WALGA from the CSCA, CUCA and LGA;
- supporting the Systemic Sustainability Study;
- building ONE70, the home of WALGA.

Her legacy is in the way that she has shown that you can practise kindness while at the same time, demonstrate effective leadership.

RESOLUTION

That:

The South Metropolitan recognises Ricky Burges' long and loyal service to the interests of Local Government in Western Australia and requests State Council to record the Zone's appreciation.

That the Zone formally conveys its gratitude to Ricky Burges in her role as CEO for her dedication to the Western Australian Local Government Association and to the interests of Local Government and wishes her all the best for the future.

Moved Mr Downing
Seconded Cr Barling

CARRIED

7. OTHER BUSINESS

Nil

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

Mr Tony Brown presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor presented on the previous State Council meeting.

Noted

8.3 Department of Local Government and Communities Representative Update Report.

The Department of Local Government and Communities representative was a late apology for the meeting and will update the Zone on DLGC issues via a report which will be attached to the Zone Minutes.

10. SOUTH WEST GROUP REPORT

Mr Tom Griffiths was not present to update the Zone.

11. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

The next meeting of the South Metropolitan Zone will be held Monday 18 March 2019 at the City of Kwinana commencing at 5.30 pm.

RESOLVED

12. CLOSURE

There being no further business the Chair declared the meeting closed at 6:40pm.

WALGA Zone Update

November – December 2018 Edition

Hello, and welcome to the last edition of the Department of Local Government, Sport and Cultural Industries (DLGSC) Update for 2018.

It was a great opportunity to be part of the Local Government Professionals WA annual conference held earlier this month. The Department hosted a session on the on the review of the *Local Government Act 1995* and staff enjoyed being part of the DLGSC booth at the Trade Exhibition, discussing our programs and services with representatives from the local government sector. It was a terrific event and we look forward to being involved next year.

A significant milestone local government came to fruition this month with the passing of the *Suspension and Dismissal Bill*. The Bill amends the *Local Government Act 1995* to enable the Minister to suspend and/or order an individual council member to undertake remedial action.

The consultation continues across the State to inform the development of the new *Local Government Act*. We have partnered with WALGA to host a series of workshops and talked extensively with the community of WA. A Forum is being planned for early next year with WALGA and LG professional and will provide an update on the consultation and feedback on the *Local Government Act 1995* review and consider the future of the sector. The Department has received almost 500 submissions to date. It's a fantastic effort and I'm certain we will receive many more by 31 March 2019.

To assist, the department has prepared a series of discussion papers which I encourage you to read and [have your say on the matters that impact you](#). Your input is crucial to informing a new legislative framework and improving the ways that you conduct business.

With summer nearly upon us, it's a timely reminder of the resources available. A performing arts guide which aims to increase the use of local government arts centres, boost attendance and reduce reliance on rates funding was recently launched.

[Performing Spaces - Local government guide to growing community wellbeing through the performing arts](#) is an initiative of Circuitwest, funded by the Department of Local Government, Sport and Cultural Industries and Department of Primary industries and Regional Development through the Creative Regions program. governments are encouraged to use the guide to maximise the potential of existing arts centres and plan arts and culture needs of your communities.

The Aboriginal History unit have been hard at work on No Less Worthy. The publication that acknowledges the significant contribution of WA Aboriginal servicemen to the World War One effort, [No Less Worthy will be available for download from our website](#).

Wishing you a safe festive season. Until next time.

Duncan Ord, OAM

Director General

Department of Local Government, Sport and Cultural Industries

Review of the Local Government Act 1995

In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the first significant reform of local government conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. Our vision is for local governments to be agile, smart and inclusive.

Local governments and community were invited to have their say on the priority reforms earlier this year and the drafting of a Bill which includes universal training for candidates and council members, council member code of conduct, improvements to CEO recruitment and performance review and a simplified gift framework. [Read the policy positions on the priority reforms.](#)

Minister Templeman expects to introduce a Bill to Parliament in late 2018 giving effect to these reforms.

The next stage will result in a new *Local Government Act* and focuses on delivering for the community based on the themes Agile, Smart and Inclusive. Nine key topic areas are outlined below, and local governments and community members invited to have a say on some or all the reform areas. Click on one of the below topic areas to read more about the proposed reforms and complete the survey.

Surveys are open until **31 March 2019**. For more information please visit www.dlgc.wa.gov.au/lgareview or Email actreview@dlgsc.wa.gov.au

Agile

Agile includes topics that focus specifically on how local governments can best use their resources to adapt to changing conditions. It is important that they can strike a balance between community expectations, the practical limitations of revenue and expenditure and external pressures.

- [Beneficial enterprises](#)
- [Financial management](#)
- [Rates, fees and charges](#)

Smart

Smart includes topics that focus specifically on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable.

- [Administrative efficiencies — local laws](#)
- [Council meetings](#)
- [Interventions](#)

Inclusive

Inclusive focuses specifically on local governments representing and involving their communities in decision-making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and are responsive to community needs.

- [Community engagement — IPR](#)
- [Complaints management](#)
- [Elections](#)

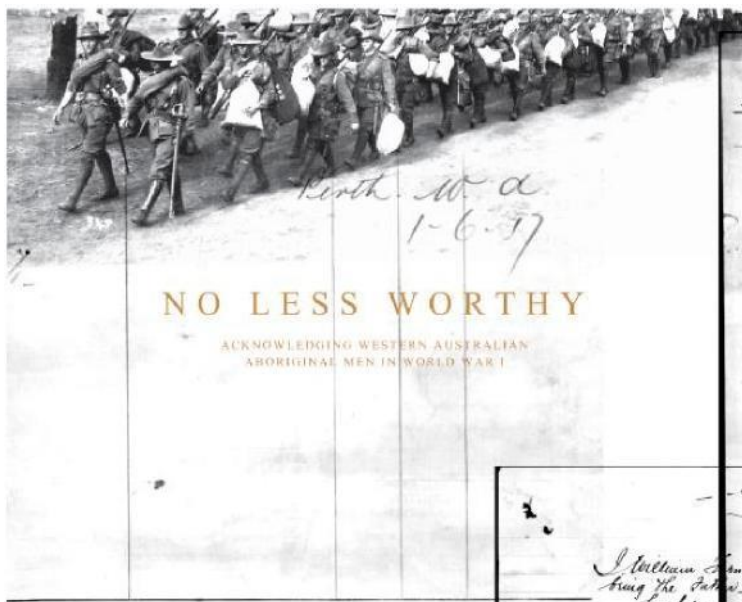
Suspension and Dismissal Bill 2018

The McGowan Government's Local Government Amendment (Suspension and Dismissal) Bill 2018 enables the Minister for Local Government to suspend or dismiss an individual council member, resulting in suspension of their pay. Previously, the Minister could only take action against an entire council, which has impeded the local government's ability to get on with the job of providing good governance to their community due to the actions of an individual.

The new laws will also enable a local government to recover any fees or allowances paid in advance to the member, for the period of suspension, ensuring they are held accountable for their actions.

Under the legislation, the Minister will also be able to provide an order for remedial action, with or without suspension, and suspend an individual councillor during a local government inquiry if it is likely the inquiry would be seriously prejudiced otherwise. More information is available in documents on the Parliament House website www.parliament.wa.gov.au.

No Less Worthy



Extensive genealogical and historical research undertaken by Aboriginal History WA has uncovered the stories of the Western Australian Aboriginal men who volunteered in World War One.

The research has been brought to life in the publication *No Less Worthy*, which will be unveiled on Friday at a commemorative ceremony at the Western Australian Maritime Museum. The release of the book coincides with Remembrance Day on Sunday 11 November, marking the centenary of the signing of the Armistice leading to the end of World War One.

State Local Government Partnership Agreement

The [State Local Government Agreement](#) seeks to strengthen the partnership between the State and local government sector for the benefit of local communities. The Agreement was signed at the 2017 WA Local Government Convention.

The Leadership Group will meet again on the 29^h of November 2018. A meeting communique will be available following the meeting. For more information about the Partnership Agreement [click here](#)

