

Peel Country Zone

Minutes

23 November 2023

Peel Country Zone

Hosted by the Shire of Murray

1915 Pinjarra Road, Pinjarra

Thursday, 23 November 2023.

The WALGA secretariat assumed the Chair and opened the meeting at 2.50pm.

Acknowledgement of Country

We, the delegates of the Peel Country Zone acknowledge the traditional owners of this land that we are meeting on today and pay our respects to Elders past, present and future.

Minutes

MEMBERS

City of Mandurah

2 Voting Delegates from each Member Council

Mayor Rhys Williams (online)

Ms Casey Mihovilovich, Chief Executive Officer non-voting delegate

Shire of Murray

President David Bolt

Mr Dean Unsworth, Chief Executive Officer non-voting delegate

Shire Serpentine Jarrahdale

Cr Tricia Duggin

Shire of Waroona

President Michael Walmsley

Cr Naomi Purcell

Mr Mark Goodlet, Chief Executive Officer non-voting delegate

WALGA Representatives

Ms Kirsty Martin, Manager Commercial Management

Mr Willem Bouwer, Manager Economics

Guest Speakers

Tiffany Allen, CEO Construction Training Fund

APOLOGIES

Shire of Boddington

Cr Eugene Smallberger

Cr Garry Ventris

Ms Julie Burton, Chief Executive Officer non-voting delegate

Shire of Serpentine
Jarrahdale

Cr Shaye Mack (Deputy)

Mr Paul Martin, Chief Executive Officer non-voting delegate

City of Mandurah

Cr Amber Kearns

Shire of Murray

Cr Douglas McLarty

Shire Serpentine Jarrahdale

President Rob Coales

DLGSC Representative

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ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda prior to the Zone meeting to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date to your Council for distribution to Zone Delegates.

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting.

ATTACHMENTS WITHIN THE AGENDA

1. Draft Minutes of previous meeting
2. Zone Status Report
3. President's Report
4. Department of Local Government, Sport, and Cultural Industries – November Update

1. ELECTIONS

1.1 Elections of Chair and Deputy Chair of the Peel Country Zone

Pursuant to the WALGA Constitution, the Secretariat assumed the Chair for conducting the election of office bearers, State Council Representatives and Deputy State Council Representatives.

Guidelines for elections were distributed to Member Councils via email dated 17 October 2023.

The election for the Chair and Deputy Chair was conducted and the term set at two years expiring in November 2025, in line with the terms of State Council representatives and in sync with Local Government Elections.

Zone Chair

The following written nomination was received for the position of Zone Chair.

- Mayor Rhys Williams City of Mandurah

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That Mayor Rhys Williams is elected as Chair of the Peel Zone for the term of 2 years, December 2023 to December 2025.

Deputy Zone Chair

The following written nomination was received for the position of Deputy Zone Chair.

- President Michael Walmsley Shire of Waroona

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That President Michael Walmsley is elected as Deputy Chair of the Peel Country Zone for the term of 2 years, November 2023 to November 2025.

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the Peel Country Zone

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council were elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2023 and concluding on the day before the Ordinary Meeting of State Council in December 2025.

For the Peel Country Zone, there is one (1) representative position on State Council and one (1) deputy representative position.

State Councillor

The following written nomination was received for the position of State Councillor.

- Mayor Rhys Williams City of Mandurah

Nominations were also called from the floor. No further nominations were received.

DECLARATION

That Mayor Rhys Williams is elected as the State Council Representative of the Peel Country Zone to the State Council for the term of 2 years, December 2023 to December 2025.

Deputy State Councillor

No nominations were received for the position of Deputy State Councillor prior to the meeting.

Nominations were called from the floor:

- President Michael Walmsley Shire of Waroona

DECLARATION

That President Michael Walmsley is elected as Deputy State Council Representative of the Peel Country Zone to the State Council for the term of 2 years, December 2023 to December 2025.

2. DECLARATION OF INTEREST

Elected Members must declare to the Chair 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.

3. DEPUTATIONS

3.1 Construction Training Fund

Tiffany Allen, CEO of Construction Training Fund provided information to the Zone on the Construction Training Fund. The presentation was delivered prior to the meeting officially opening due to technical difficulties.

The CEO reported that the Construction Training Fund collects a levy on all WA construction projects over the value of \$20,000 at 0.2% of the project value. These funds are then used to support the construction industry to train new apprentices and trainees and to cover the cost of additional skills training for building and construction workers in residential, civil, commercial or resource sector projects. Another purpose of the Fund is to promote construction as a career of choice and provide entry level pathways to the community such as Try-a-Trade, scholarships and para-professional certificates.

The Fund would like to ensure that training our local communities is reinforced as a culture in the industry and that supporting diversity and inclusion is fundamental to a future workforce. Its vision is that the construction industry is a career of choice and is safe, skilled and sustainable.

Noted

3.2 Department of Local Government, Sport and Cultural Industries Representative Update Report.

The Department of Local Government, Sport and Cultural Industries November update was attached with the Agenda.

Noted

4. CONFIRMATION OF MINUTES

RESOLUTION

Moved: President David Bolt
Seconded: Cr Naomi Purcell

That the Minutes of the meeting of the Peel Zone held on 24 August 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

5. BUSINESS ARISING

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

Noted

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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

The full State Council Agenda can be found via link: [State Council Agenda 6 December 2023](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

Matters for Decision

7.1 2023 Annual General Meeting Resolutions

That:

1. the following resolutions from the 2023 WALGA Annual General Meeting be referred to the People and Place Policy Team for further work to be undertaken:

- 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

- 5.2 Land Use Policy

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

5.4 Regional and Remote Housing

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

2. State Council notes that the following resolution is being considered in Agenda item 7.2 of this meeting Agenda:

5.3 Transparency – Management Order Determinations

That WALGA:

1. *Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;*
2. *Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and*
3. *Calls for proactive consultation and advice to Local Government management bodies.*

7.2 Advocacy Position – Crown Land and Management Order Administration – Land Administration Act 1997

That WALGA endorse the below Advocacy Position:

Crown Land and Management Order Administration - Land Administration Act 1997

WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to:

1. *Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:*
 - a. *Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.*
 - b. *Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land.*
 - c. *Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.*
 - d. *Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.*
2. *Publish the policies and procedures that underpin decision making regarding:*
 - a. *Establishing, varying or revoking management orders.*
 - b. *Leasing Crown land or facilities, subject to a management order.*
 - c. *Decision review where a management body or proponent lessee is dissatisfied with a decision or process.*

7.3 Review of Public Open Space Advocacy Positions

That WALGA endorse:

1. the deletion of Advocacy Position 4.3 *Water Management*;

2. the deletion of Advocacy Position 4.4 *Public Open Space*; and
3. new Advocacy Position 6.11 *Public Open Space* as follows:

6.11 Public Open Space

New subdivisions and developments should provide appropriate Public Open Space (POS) or POS contributions to provide environmental benefits and meet the needs of the community.

The State Government should take a leadership role in the strategic planning of POS, in consultation with Local Government, including:

1. *Reviewing the requirement for a minimum 10 per cent of all new residential land to be provided as POS to determine if this metric is still appropriate.*
2. *Developing a 10+ year regional level sporting facilities plan to identify and prioritise gaps in regional sporting facilities and acquire and fund regional open spaces, specifically sporting facilities, in a timely manner to align with population growth.*
3. *Developing contemporary legislative and policy mechanisms to ensure that:*
 - a. *POS design and delivery:*
 - i. *appropriately allocates different POS uses and purposes, balancing environmental, recreational, sporting and community needs.*
 - ii. *does not have its use impeded by drainage and utilities facilities.*
 - iii. *is accessible and appropriately distributed.*
 - iv. *is cost effective to enable sustainable maintenance and replacement by Local Government.*
 - v. *is responsive to urban ecology, regional climatic conditions, and climate change.*
 - vi. *considers water requirements and availability as a priority, includes water sensitive urban design principles, and prioritises water allocations for the irrigation and maintenance of functional active recreational and sport facilities.*
 - b. *POS cash in lieu contributions are equitable, transparent, and simplified by:*
 - i. *streamlining the process to collect and expend cash in lieu contributions by delegating functions to Local Government.*
 - ii. *broadening how cash in lieu funds can be spent to include works beyond the current scope.*
 - iii. *allowing for the collection of cash in lieu contributions at development application stage and for all forms of subdivision, including two lot subdivisions or developments.*
 - iv. *investigating the option of a standard fixed rate contribution fee per lot or dwelling when contributions are intended for public open space upgrades.*
4. *Providing guidance documents and support to assist Local Governments with their strategic POS planning.*

7.4 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members

That WALGA endorse the submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.

7.5 Household Hazardous Waste Policy Statement and Advocacy Position

That WALGA:

1. Rescind the 2003 WALGA *Household Hazardous Waste Policy Statement* and Advocacy Position 7.10 *Household Hazardous Waste*; and
2. Endorse a new Household Hazardous Waste Policy Statement and Advocacy Position as follows:

7.10 Household Hazardous Waste

1. *Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised management strategies to protect human health, property and the environment.*
2. *This requires:*
 - a. *Effective Product Stewardship for all HHW; and*
 - b. *The maintenance and expansion of the HHW Program, funded by the State Government and Product Stewardship Schemes, to provide for the management of HHW collected from the community by Local Government.*

7.6 Waste Education Policy Statement and Advocacy Position

That WALGA:

1. Rescind the existing WALGA *Waste Management Education Policy Statement 2008* and Advocacy Position 7.8 Waste Management Education; and
2. Endorse a revised WALGA *Waste Education Policy Statement 2023* and Advocacy Position as follows:
 1. *Waste education is essential part of waste management that empowers the community to engage in waste avoidance, reuse and recovery, and to use services correctly.*
 2. *Effective waste education requires:*
 - a. *Consistent communications by all stakeholders to ensure messages are clear and the community has confidence in the information provided.*
 - b. *A strategic and long-term investment from the State Government, with funding mechanisms in place to support and enable collaboration between Local Governments and Regional Councils.*
 - c. *Recognition of waste education in the definition of ‘waste service’ in the Waste Avoidance and Resource Recovery Act 2007, in order to allow a charge for waste education as part of the waste service charge.*
 - d. *Identification of priority problematic materials within the waste stream and ongoing advocacy for evidence based alternative approaches.*

7.7 Submission E-Waste Landfill Ban Regulations

That WALGA endorse the Submission on the *Waste Avoidance and Resource Recovery (e-waste) Regulations 2023*.

7.8 Submission on Philanthropic Engagement Framework for Emergency Management

That WALGA endorse the submission to the State Emergency Management Committee on the Draft Philanthropic Engagement Framework for Emergency Management.

7.9 Submission to the WA Action Plan for Young People Consultation Paper

That WALGA endorse the submission to the *WA Action Plan for Young People Consultation Paper*.

RESOLUTION

Moved: President Michael Walmsley
Seconded: President David Bolt

That the Peel Country Zone:

1. Supports all Matters for Decision and Policy Team and Committee Reports as listed above in the December 2023 State Council Agenda; and
2. Notes all Matters for Noting and Organisational Reports as listed in the December 2023 State Council Agenda.

CARRIED

7. ZONE BUSINESS

7.1 2024 Meeting Dates

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the Peel Country Zone 2024 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 Peel Country Zone for 2024 require adoption by delegates.

As with previous years, the venue for each meeting has been rotated amongst Members.

Members may also want to consider the dates of the PRLF that have in the past also been on the same day as the Zone meeting.

NOTICE OF MEETINGS
PEEL COUNTRY ZONE MEETING
2024

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2024
22 February	Thursday 2.00 pm	Shire of Serpentine Jarrahdale	Wednesday 6 March 2024
18 April	Thursday 2.00 pm	Shire of Waroona	Regional Metro Wednesday 1 May 2024
20 June	Thursday 2.00 pm	Shire of Boddington	Wednesday 3 July 2024
22 August	Thursday 2.00 pm	City of Mandurah	Regional Meeting 5-6 September 2024
21 November	Thursday 2.00 pm	Shire of Murray	Wednesday 4 December 2024

There was discussion of aligning the Zone Meetings with the Peel Alliance Meetings to ensure there is not a large gap in the middle of the day. WALGA and Peel Alliance are to discuss.

RESOLUTION

Moved: President David Bolt
Seconded: President Michael Walmsley

That the 2024 proposed schedule of meetings for the Peel Country Zone be adopted.

CARRIED

7.2 Request to Present

By Chantelle O'Brien, Zone Executive Officer

Water Sensitive Transition Network

The Water Sensitive Transition Network is working with [Water Sensitive Cities Australia](#) and [New Water Ways](#) to increase awareness across Local Government senior executives and Elected Members of the principles and practices of a water sensitive city.

The presentations will showcase the benefits of water sensitive cities, highlight the water resource issues facing each Local Government and demonstrate how WSC principles and practices are able to address the latest concerns and strategic goals of each Local Government.

Shelley Shepherd, Director of Urbaqua would like to request to provide a deputation on this initiative.

Friendship Games

Andrew Vlahov from Friendship Games would like the opportunity to provide a deputation before an event that is being coordinated for next year.

The purpose of the initiative is as follows:

Global

Create a globally recognised youth event in Western Australia. To enhance strategic relationships by providing pathways and platforms for inclusion and to build enduring relationships for Western Australia, our First Nations Communities and global partners.

Local

To bring together our youth in communities including Remote and Regional participants with a sport, culture and education platform for the broader community of Western Australia (WA) including Government, Industry and Corporate WA for social and economic benefit.

Sports Diplomacy 2030

To create a globally recognised sports event aligned to the Sports Diplomacy 2030 strategic priorities. Increase awareness of the Australian cultural exchange opportunities, leveraging the positive international connections during the Games, enhancing Australia's reputation as an inclusive and respectful country.

The Friendship Games is a multisport "carnival style" program. A condensed program format is proposed in 2024 with 11 targeted sports and approximately 4500 participants from International, WA Regional and Metropolitan youth aged between 13-16 years of age and inclusive of all abilities.

Andrew would like to provide further information prior to the event, either February or April.

RESOLUTION

Moved: President David Bolt
Seconded: Cr Tricia Duggin

That the Peel Country Zone supports deputations from Shelley Shepherd from Urbaqua and Andrew Vlahov from Friendship Games at the February 2024 Zone meeting.

CARRIED

7.3 Fee for Objections Under the Mining Act

By Shire of Murray

BACKGROUND

Reference: [Consultation Paper; Fee for Objections under the Mining Act 1978 \(dmirs.wa.gov.au\)](https://dmirs.wa.gov.au)

The Shire of Murray wishes for the Peel Zone to consider the issue of a proposal from the State Government to implement fees to be implemented to any persons or agencies wishing to submit an objection under the *Mining Act 1978*.

The Department of Mines, Industry Regulation and Safety (DMIRS) has invited public submissions on the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee for lodgement of objections under the Mining Act 1978.

The proposed amendment to the Mining Regulations 1981 is to introduce a prescribed fee for objections. The indicative fee is \$859 per objection. The amount of the prescribed fee will be finalised following the consultation period. It is expected that the fee will be included in the annual review of fees and charges for the 2024–2025 financial year, and will come into effect on 1 July 2024.

Amendments to the Mining Act 1978 to enable a fee to be prescribed for lodgement of objections were made as part of the Mining Amendment Act (No.2) 2022. That act received royal assent on 1 November 2022 and came into effect on 2 November 2022. The amendments provide that a Mining Act objection must be accompanied by a prescribed fee. The act provides the legislative authority for a fee to be prescribed for objections. In order to prescribe a fee, the Mining Regulations 1981 need to be amended. Any person can object against applications for mining tenure, applications for exemption from expenditure, and applications for restoration of a tenement following forfeiture and to survey. There is currently no fee to bringing an objection before the warden. There is no other fee-free tribunal or court of such a nature in Western Australia.

The argument to increase fees substantially is identified in *the Fee for Objections under the Mining Act 1978 Discussion Paper*. It identifies that objections have increased from just under 1,500 in 2019/20 to approximately 3,300 in 2022/23.

A fee for objections is required to:

- provide ongoing funding for the second warden in Perth;
- support staff;

- ensure there is sufficient resourcing to deal with the number of objections being lodged each month; and
- reduce the number of active matters before the wardens.

The Shire of Murray objects strongly to the reference that the Department wishes to “reduce the number of active matters before the wardens”.

This reasoning is an attack on democracy and the rights of landowners. To have such a significant fee placed upon Western Australia’s rights is a dangerous and a discriminatory approach that the State Government and/or Government Departments are wishing to take. Is it only those that have significant funds able to stand up for their rights and the rights of every Western Australian.

RESOLUTION

Moved: President David Bolt
Seconded: Mayor Rhys Williams

That the Peel Country Zone requests WALGA advocate to the State Government immediately and request the removal of the proposal to implement an \$859 charge per objection under the Mining Act 1978.

CARRIED

8. EXECUTIVE REPORTS

8.1 WALGA President’s Report

The WALGA Representative presented the President’s Report. A copy of the report was distributed with the Agenda.

Noted

8.2 State Councillor’s report to the Zone

A State Councillor Report was not provided at the meeting due to the changeover in representatives.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the Peel Country Zone will be held on 22 February 2024 at the Shire of Serpentine Jarrahdale, commencing at 2:00pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at **3.23pm**.