



GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS

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Council Meeting

Friday 27 February 2015

Teleconference

Commencing at 8.30am

MINUTES

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**GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS
AND
GOLDFIELDS ESPERANCE COUNTRY ZONE OF WALGA**

**Teleconference Meeting held on Friday 27 February 2015
commencing at 8.30am**

MINUTES

1. DECLARATION OF INTEREST

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

2. ANNOUNCEMENTS

The purpose of the meeting is to consider and provide advice to the WALGA State Council Representative, Mayor Ron Yuryevich AM, RFD.

3. ATTENDANCE AND APOLOGIES

Mayor Ron Yuryevich (Chair)
Cr Suzie Williams
Mr Don Burnett
Cr Tracey Rathbone
Mr Paul Webb
Cr Jacquie Best
Mr Richard Brookes
Cr Beverley Stewart
Mr Matthew Scott
Cr Beatrice Fuamatu
Mr Steve Deckert
Mr Jim Epis
Mr Peter Crawford
Cr Graham Harris
Mr Pascoe Durtanovich

Mayor, City of Kalgoorlie-Boulder
Councillor, City of Kalgoorlie-Boulder
CEO, City of Kalgoorlie-Boulder
Deputy President, Shire of Coolgardie
CEO, Shire of Coolgardie
Deputy President, Shire of Dundas
CEO, Shire of Dundas
Councillor, Shire of Esperance
CEO, Shire of Esperance
Shire of Laverton
CEO, Shire of Laverton
CEO, Shire of Leonora
CEO, Shire of Menzies
Deputy President, Shire of Wiluna
A/CEO, Shire of Wiluna

Ms Helen Westcott, Joint Executive Officer

3.1 Apologies

Cr Mal Cullen, President Shire of Coolgardie
Cr Patrick Hill, President Shire of Laverton
Cr Peter Craig, President Shire of Leonora
Cr Greg Dwyer, President Shire of Menzies
Cr Jim Quadrio, President Shire of Wiluna

Mr Bruce Wittber, Joint Executive Officer

3.2 WALGA Representatives

Mr Mark Batty, Executive Manager Environment and Waste

4. WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS
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Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council

4.1 State Councillor / Goldfields Esperance Zone President's Report
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Mayor Ron Yuryevich, AM RFD

4.2 WALGA Status Report (Attachment)

From *Executive Officer*

BACKGROUND:

Presenting the Status Report for February 2015 which contains WALGA's responses to the resolutions of previous Meetings

ZONE COMMENT:

This is an opportunity for Member Councils to consider the response from WALGA in respect to the matters that were submitted at the previous Meeting.

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils notes the:

1. State Councillor / Goldfields Esperance Zone President's Report; and
2. WALGA Status Report.

EN BLOC

RESOLUTION: **Moved: Cr Rathbone** **Seconded: Cr Best**

That the Goldfields Voluntary Regional Organisation of Councils notes the:

1. **State Councillor / Goldfields Esperance Zone President's Report; and**
2. **WALGA Status Report.**

CARRIED

4.3 Review of WALGA State Council Agenda - Matters for Decision
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From *Executive Officer*

Background:

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

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

5.1 Metropolitan Local Government Reform (05-034-01-0018 TL)

WALGA Recommendation

That State Council:

1. Endorse the withdrawal of the Association's support for the Metropolitan Local Government Reform process; and
2. Call on the State Government to reverse the Governor's Orders relating to boundary adjustments in metropolitan Perth.

ZONE COMMENT:

It is interesting to note that given the importance of the reform process to the local government sector that the decision to withdraw appears to have been made without the prior endorsement of the State Council.

GVROC support WALGA Recommendation.

5.2 Interim Submission – Planning and Development (Development Assessment Panels) Regulation 2011 (05-047-01-0016 OT)

WALGA Recommendation

That the interim submission to the Parliamentary Committee on Uniform Legislation and Statutes' Inquiry on the Planning and Development Act (Development Assessment Panels) Regulations 2011 be endorsed.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.3 Interim submission – Planning and Development (Local Planning Schemes) Regulations 2014 (Local Planning Schemes Regulations) (05-047-01-0011 VJ)

WALGA Recommendation

That State Council:

1. Endorse the interim submission to the WA Planning Commission on the Planning and Development (Local Planning Schemes) Regulations 2014 (Local Planning Schemes Regulations).
2. Continue to advocate to the Ministers for Planning and Commerce that the 'Instant Start' proposal is not supported, as it effectively expands the private certification role of the Building Permit process into planning legislation without a clear framework for this to occur.
3. Further advocate to the Ministers for Planning and Commerce and the development industry that the 'Application for Compliance' proposal is a better alternative to the proposed 'Instant Start' initiative, as it encompasses Planning, Health and Engineering approvals rather than just the R-Codes Verification process

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.4 WALGA Guide for Local Government Planning Delegations (05-036-03-0044 VJ)

WALGA Recommendation

1. That State Council endorses the *Guide for Planning Delegations – Development Applications* and recommends use of the resource by Local Governments when reviewing and preparing planning delegation arrangements.

2. That the Guide and details of the project findings be forwarded to the Minister for Planning, the WAPC, the Department of Planning and the Department of Local Government and Communities.
3. The Guide be endorsed by the State Government as fulfilling the action in the *Blueprint for Planning Reform Phase 2 Action Plan*, related to development of a model schedule of planning delegations.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.5 Interim submission – Reforms to the Strata Titles Act 1985 (05-047-01-0011 VJ)**WALGA Recommendation**

That State Council endorse the interim submission to Landgate on the discussion paper proposing reforms to the Strata Title Act 1985.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.6 State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport**WALGA Recommendation**

That the interim submission to the WA Planning Commission on State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport be endorsed.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.7 Interim Submission - State Planning Policy 5.2 – Telecommunications Infrastructure (05-036-03-0048 OT)**WALGA Recommendation**

That State Council endorse the interim submission to the WA Planning Commission on State Planning Policy 5.2 – Telecommunications Infrastructure.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.8 Introduction of the Public Health Bill 2014 (05-031-01-0001MP)**WALGA Recommendation**

That WALGA:

1. advise the Minister for Health that Local Government supports the *Public Health Bill 2014*, as introduced to Parliament in November; and
2. to ensure the smooth implementation of the new legislation, seeks the following:
 - a) Development of a clear implementation plan and timelines for the staged implementation of the Act and subsidiary legislation;
 - b) Establishment of a joint advisory group(s) and engagement of Local Government in the development of any supporting regulations;
 - c) Provision of funding to support smaller rural and regional councils with the development of local Public Health Plans; and
 - d) Development of tools and resources to support the introduction of requirements for Public Health Plans.

ZONE COMMENT:

The Public Health Bill 2014 was introduced to Parliament in late 2014. It proposes to replace much of the existing Health Act 1911, and aims to provide the community with modern legislation to:

- promote public health and wellbeing;
- help prevent disease, injury, disability and premature death;
- inform individuals and communities about public health risks;
- encourage individuals and their communities to plan for, create and maintain a healthy environment;
- support programs and campaigns intended to improve public health;
- collect information about the incidence and prevalence of diseases and other public health risks for research purposes; and
- reduce the health inequalities in public health of disadvantaged communities.

The Department of Health WA is planning to run a series of presentations for interested State and Local Government and NGOs in early 2015.

The State Council Report (p105) comments as follows:

In keeping with the draft Public Health Bill 2008, the key matters provided for in the current Bill include:

- *The Crown is bound but there will be no enforcement*
- *Local Governments will be required to provide Public Health Plans*
- *Health Local Laws will be Local Laws made under Local Government Act 1995*
- *Powers of entry require an officer to 'reasonably suspect' an offence*
- *Persons to be appointed as Environmental Health Officers by Local Government must be a person that has qualifications and experience that meet requirements of the Chief Health Officer*
- *Heads of power to enable development of regulations*

Within the State Council comments the following observations were made:

The Public Health Bill 2014 recently tabled in Parliament is consistent with positions previously adopted by State Council. Outstanding questions and considerations for the sector relate to:

- *The development by the State Government of a clear implementation plan for the staged introduction of the new legislation.*
- *Development of regulations and policies.*
- *Financial assistance for regional and rural Local Governments for the development of new Public Health Plans.*
- *Ensuring DoH provides resources and tools to assist the sector in the provision of Public Health Plans.*

It is recommended that the passage of the Bill be supported and that WALGA advocacy focuses on the implementation aspects of the Public Health Bill 2014.

GVROC support WALGA Recommendation.

5.9 Bus Stop Infrastructure Partnership Agreement (05-001-03-0037MM)**WALGA Recommendation**

That State Council endorse the attached Bus Stop Infrastructure Partnership Agreement.

ZONE COMMENT:

GVROC support WALGA Recommendation.

5.10 Interim submission to the ERA Draft Decision on the ATCO Gas Access Arrangement (05-042-02-0001 PS)

WALGA Recommendation

That:

1. The Association's interim submission in response to the ERA's Draft Decision on the Mid-West and South-West Gas Distribution System Access Arrangement be endorsed; and
2. The Association continue advocating to the State Government for the removal of tax recovery charges on Local Government capital contributions to providers of utility infrastructure.

GVROC COMMENT:

GVROC support WALGA Recommendation.

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils endorses all recommendations contained in the WALGA State Council Agenda other than those recommendations separately considered.

EN BLOC

RESOLUTION: **Moved: Cr Rathbone** **Seconded: Cr Best**

That the Goldfields Voluntary Regional Organisation of Councils endorses all recommendations contained in the WALGA State Council Agenda other than those recommendations separately considered.

CARRIED

4.4 Review of WALGA State Council Agenda - Matters for Noting/Information

- 6.1 Reform of the Federation (04-001-02-0001 WFS)
- 6.2 Proposed City of Perth Act (05-034-01-0018 TL)
- 6.3 Independent Review of the Liquor Control Act 1988: State Government Response (05-047-01-0007 MP)
- 6.4 Energy Efficient Street Lighting Discussion Paper (05-028-04-0006 CP)
- 6.5 Local Government and Coastal Land Use Planning Discussion Paper (05-028-03-0015 CP)
- 6.6 Community Development and Justice Standing Committee Report, Aged-friendly WA? A Challenge for Government (05-057-02-0051 CG)
- 6.7 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

4.5 Review of WALGA State Council Agenda - Organisational Reports

- 7.1 Key Activity Reports
 - 7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)
 - 7.1.2 Report on Key Activities, Governance and Strategy (01-006-03-0007 TB)
 - 7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
 - 7.1.4 Report on Key Activities, Planning and Community Development (01-006-03-0014 AH)

4.6 Review of WALGA State Council Agenda - Policy Forum Reports**7.2 Policy Forum Reports**

- 7.2.1 Metropolitan Reform Implementation Policy Forum
- 7.2.2 Country Reform Policy Forum
- 7.2.3 Mining Community Policy Forum
- 7.2.4 Container Deposit Legislation Policy Forum
- 7.2.5 Metropolitan Mayors Policy Forum
- 7.2.6 Waste Avoidance and Resource Recovery Act (2007) Review Policy Forum
- 7.2.7 Freight Policy Forum

4.7 WALGA President's Report (Attachment)

Presenting the WALGA President's Report

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils notes the following reports, either provided separately or as contained in the WALGA State Council Agenda:

- WALGA Status Report;
- Matters for noting/information;
- Organisational reports;
- Policy Forum reports; and
- WALGA President's Report.

EN BLOC

RESOLUTION: **Moved: Cr Rathbone** **Seconded: Cr Best**

That the Goldfields Voluntary Regional Organisation of Councils notes the following reports, either provided separately or as contained in the WALGA State Council Agenda:

- **WALGA Status Report;**
- **Matters for noting/information;**
- **Organisational reports;**
- **Policy Forum reports; and**
- **WALGA President's Report.**

CARRIED

5 AGENCY REPORTS

Nil

6. OTHER BUSINESS

Nil

7. URGENT BUSINESS as permitted by the Chair

7.1 The Management of Western Australia's Freight Rail Network – Report of the Economics and Industry Standing Committee

The Chair advised that he had received a request from the Great Eastern Country Zone (GECZ) regarding the recently released report - Inquiry into the Management of Western Australia's Freight Rail Network - and the Minister for Transport's response which was tabled in Parliament last week.

A copy of the Minister's response to the recommendations within the report and a newspaper article on the matter form attachments to the minutes of the meeting.

The GECZ has asked if GVROC could consider supporting it in the decision it made re the report, having resolved as shown below.

RESOLUTION: *Moved: Cr Strange* *Seconded: Mr Powell*

That the Great Eastern Country Zone write to the Minister for Transport to express its disappointment at the State Government response to the Legislative Assembly Economics and Industry Standing Committee Report No 3: Inquiry into the Management of Western Australia's Freight Rail Network and further WALGA State Council be advised of this concern and requested to undertake discussions with the Minister for Transport to receive a response more aligned with the findings and recommendations of the Inquiry.

CARRIED

The GECZ's overriding concerns are that the Minister seems in his response to most recommendations simply "towed" the Public Transport Authority line and given little or no consideration to the real issues that were outlined in the report.

The motion is intending to get WALGA more actively involved in discussing with the Minister how to address the overall concerns that have been identified in the report and to which the Minister's response is considered short of the mark.

The GECZ has sought support from the metropolitan Zones that met last met last night and the matter will be considered by the Central Country Zone. A request for the Avon Midland Country Zone to consider the issue has also been made.

Mark Batty, WALGA's Executive Manager Environment and Waste, advised that the matter had been considered by both the Central Metropolitan and North Metropolitan Zones when they met last night and the matter would be raised at next week's State Council Meeting.

RESOLUTION: *Moved: Cr Stewart* *Seconded: Cr Harris*

That the Goldfields Voluntary Regional Organisation of Councils write to the Minister for Transport to express its disappointment at the State Government response to the Legislative Assembly Economics and Industry Standing Committee Report No 3: Inquiry into the Management of Western Australia's Freight Rail Network and further WALGA State Council be advised of this concern and requested to undertake discussions with the Minister for Transport to receive a response more aligned with the findings and recommendations of the Inquiry.

CARRIED

7.2 Metropolitan Improvement Tax

The Chair sought comment from Member Councils on an article on this morning's ABC News regarding the Government's intention to extend the metropolitan improvement tax beyond the metropolitan region to rural and regional areas of Western Australia.

The Metropolitan Region Improvement Tax (MRIT) is an annual tax on land in the metropolitan region that is also liable for land tax.

MRIT collections are hypothecated to a trust fund for expenditure by the WA Planning Commission on road reserves, parks and recreation areas. It is collected under the *Metropolitan Region Improvement Tax Act 1959* which is administered by the Commissioner of State Revenue.

Unpaid MRIT remains a first charge on the land.

The Chair commented that he believed that the issue was another example of cost shifting and should be resisted, believing that GVROC should request assistance from WALGA to raise the matter with the relevant Ministers.

RESOLUTION: **Moved: Mr Crawford** **Seconded: Cr Harris**

That the matter of the State Government's intention to extend the metropolitan improvement tax beyond the metropolitan region to rural and regional areas of Western Australia be referred to WALGA with a request for WALGA to raise the matter with relevant Ministers.

CARRIED

7.3 Election of Deputy Chair for the Goldfields Voluntary Regional Organisation of Councils (GVROC)

The Chair advised that with the resignation of Rob Wedge from the Shire of Laverton an election would have to be held to elect a new Deputy Chair to GVROC.

The election will take place at the next in-person meeting of the GVROC to be held in Kalgoorlie on Friday 27 March 2015.

7.4 GRV Rating of Mining Interests

At the request of the Shire of Laverton, GVROC Council considered the State Government's policy on the application of Gross Rental Valuation to mining, petroleum and resource interests (the GRV mining policy) when it met on Friday 7 November 2014. At that time it resolved as follows:

RESOLUTION: *Moved: Mr Epis* *Seconded: Cr Williams*

That the matter be referred to the Technical Officers Working Group for consideration and recommendation to the GVROC Council and in the interim the Shire of Laverton seek legal advice on the matter to be funded by the GVROC.

CARRIED

The Shire of Laverton advised that it had received a costing from its lawyers Kott Gunning on this matter and was seeking approval from GVROC to proceed with obtaining the legal opinion which would cost in the order of \$6,000-8,000.

It was agreed that the Shire of Laverton should proceed to obtain the legal opinion.

The Chair also noted that the WALGA Mining Policy Forum would be meeting next week at which time the matter of GRV rating of mining interests would be further discussed.

7.5 Increases in Annual Rental on Mining Leases

The Shire of Leonora raised the matter of annual rental increases on Exploration Licences.

The Shire explained that the matter was one that extended back a number of years but the full extent of its implications was possibly not realised at that time.

The Shire requested that the Chair raise the matter at the WALGA Mining Policy Forum when it next meets.

The Chair agreed to do this, requesting that the Shire of Leonora provide him with more information on the matter and their concerns.

7.6 Cuts to Regional Road Group Funding

The Shire of Esperance raised the matter of cuts to road funding.

Peter Crawford, CEO Shire of Menzies, advised that the regional roads group had received advice on the matter.

It was agreed that the matter be further discussed at the next meeting of the Technical Officers Working Group Meeting to be held in Kalgoorlie on Friday 6 March 2015.

8. DATE, TIME AND PLACE OF NEXT MEETINGS

- Friday 6 March 2015 – in-person meeting of the GVROC Technical Officers Working Group in Kalgoorlie
- Friday 27 March 2015 - an in-person meeting of the GVROC Council in Kalgoorlie unless otherwise determined)
- Friday 1 May 2014 – a teleconference to consider the WALGA State Council agenda for the State Council meeting to be held 7-8 May 2015

9. CLOSURE

Cr Harris advised that this was Pascoe Durtanovich's last day with the Shire of Wiluna and the he would like to record the Shire appreciation for all his help during his time with the Shire.

There being no further business the Chair declared the meeting closed at 8.59am.

DECLARATION

These minutes were confirmed by the Goldfields Voluntary Regional Organisation of Councils at the meeting held 27 March 2015

Signed _____
Person presiding at the meeting at which these minutes were confirmed