

01-005-03-0016



# Peel Zone

# Minutes

19 August 2021

# Peel Zone

Hosted by the City of Mandurah

3 Peel Street, Mandurah – 9550 3777

Thursday 19 August 2021, commenced at 2:00 pm

## Minutes

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Mandurah

Mayor Rhys Williams – **Deputy Chair**

Cr Caroline Knight

Casey Mihovilovich, A/Chief Executive Officer non-voting delegate

Shire of Murray

President David Bolt

Cr Douglas McLarty

Shire of Waroona

President Michael Walmsley

Cr Naomi Purcell

WALGA Representatives

Chris Hossen, Policy Manager Planning and Building

Kelly McManus, Principal, Policy and Advocacy

Roadwise

Jacqui Sharp, Regional Road Safety Advisor

Guest Speakers

Nil

### APOLOGIES

City of Mandurah

Mr Mark Newman, Chief Executive Officer non-voting delegate

Shire of Serpentine-  
Jarrahdale

President Michelle Rich - **Chair**

Cr Lauren Strange

Mr Paul Martin, Chief Executive Officer non-voting delegate

Shire of Boddington

Cr Earl Schreiber

President Garry Ventris

Ms Julie Burton, Chief Executive Officer non-voting delegate

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.

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

## **ATTACHMENTS WITHIN THE AGENDA**

1. Draft Minutes of previous meeting
2. Zone Status Report
3. President's Report

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### **1. DECLARATION OF INTEREST**

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Elected Members 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.

*Cr Douglas McLarty declared an impartiality interest in Item 6.2, as an employee of Alcoa.*

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### **2. DEPUTATIONS**

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Nil

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### **3. CONFIRMATION OF MINUTES**

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## **RESOLUTION**

**Moved:** President Cr David Bolt  
**Seconded:** President Cr Michael Walmsley

**That the Minutes of the meeting of the Peel Zone held on Thursday 24 June 2021 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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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. 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 3 September 2021](#)

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**

##### **5.1 External Oversight of Local Level Complaints**

That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.

#### **RESOLUTION**

**Moved: Cr Caroline Knight**  
**Seconded: President Cr David Bolt**

**That WALGA advocate for:**

- 1. An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.**
- 2. The inclusion of appeals rights for behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct.**
- 3. The inclusion of appeal rights for Council Members on determinations (finding and/or plan) made by Council to be included as part of the external oversight model.**

**CARRIED**

##### **5.2 Tender Exemption Provisions – General Practitioner Services**

That WALGA:

- 1. Adopt a new Advocacy Position Statement under 'Local Government Legislation - Tender Exemption General Practitioner Services':**

WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to

support Local Governments to secure and retain necessary primary health care services for their communities; and

2. Undertake additional research in support of the Advocacy Position with the following aims:
  - a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and
  - b. Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred.

### **5.3 Phase 2 Planning Reform Submission**

That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed.

## **RESOLUTION**

**Moved:** Cr Douglas McLarty  
**Seconded:** Cr Caroline Knight

**That the Peel Country Zone**

1. **Supports items 5.2 and 5.3 en bloc of the Matters for Decision as listed above in the September 2021 State Council Agenda; and**
2. **Notes all Matters for Noting and Organisational Reports as listed in the September 2021 State Council Agenda.**

**CARRIED**

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## **6. ZONE BUSINESS**

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### **6.1 State Government Support for Pensioner Rebates for Rates**

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*By City of Mandurah*

#### **Executive Summary**

It is requested that WALGA advocate to the State Government to review the current \$750 and \$100 monetary cap for State Government rebates on local government rates and whether the monetary cap should be removed.

The amount has not increased since the implementation on 1 July 2015. It is recognised that the existing monetary cap amount is having a negative financial impact on pensioners. With the average residential rate amount being over \$1,500 in many local governments, the current cap is less than 50% of the annual local government rates payable.

#### **WALGA Policy Implications**

WALGA does have a position on extending the pensioner rebates to Waste charges under 2.1.7: Pensioner Discounts of Waste Charges however a review of the monetary cap applied to pensioners is not a position of WALGA.

## **BACKGROUND**

Since 1 July 2015, the State Government implemented a monetary rate cap of:

- \$750 for a Pensioner Concession card holder or a State Concession card holder;
- \$750 for holders of both a WA Seniors Card and Commonwealth Seniors Health card; and
- \$100 for a holder of a WA Seniors card only.

The monetary cap outlined above has not been increased since its inception.

Prior to 1 July 2015, the pensioner rebate had no monetary cap and pensioners were entitled to a rebate of 50% of the total local government rates paid and 25% for a WA Senior Card holder only.

It is recommended that a review is undertaken in relation to whether a cap should be removed and the rebate is 50% of total annual local government rates.

## **COMMENT**

The City of Mandurah has 10,144 pensioner held properties entitled to a rebate. Of that 10,144, if the 50% rebate on Local Government rates remained with an increased cap over \$750, 32.5% would benefit due to their total annual rates exceeding \$1,500. If the cap was removed and the rebate applies to 50% of the local government rates, the average increase to the rebate for the ratepayer on these properties amounts to \$165.

The City also has 2,104 ratepayers on a WA Seniors card only. The cap of \$100 for these ratepayers is low and inconsistent with the methodology applied to the pensioners, given that previously a 25% rate is in place. If a full pensioner at 50% is considered to be \$750, then using similar methodology, a WA Senior card holder should be entitled to a rebate of \$375.

## **SECRETARIAT COMMENT**

The City of Mandurah's proposal aligns with WALGA's advocacy position that the State Government provide an annual CPI Perth Index increase to the rebate.

## **RESOLUTION**

**Moved:** Cr Caroline Knight  
**Seconded:** Cr Douglas McLarty

**That WALGA form a position to advocate that the State Government:**

- 1. Review whether a monetary cap should be removed from rebates; and**
- 2. If a monetary cap is retained, an increase to all monetary caps to reflect cost of living increases over the last six years.**

**CARRIED**

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## **6.2 Bauxite Mining Expansion and State Agreements**

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*By Shire of Serpentine Jarrahdale*

### **BACKGROUND**

According to the Chamber of Minerals and Energy, the state's mining, oil and gas, energy and related industries contribute more than \$1.1 billion to the Peel economy every year and directly provide more than 6,000 jobs.

One of the most prominent resource operations in the Peel region is the Huntly Bauxite Mine and Pinjarra Alumina Refinery operated by Alcoa. Alcoa has operated since 1963 under various State Agreements (Alumina Refinery Agreement Act 1961 and the Alumina Refinery (Pinjarra) Agreement Act 1969). These State Agreements are acts of Parliament that intersect but occasionally pre date with environmental legislation.

In June 2020, Alcoa prepared documents to State regulators seeking approval to increase production at the refinery and secondly continue the supply of bauxite for export of:

- an increase in alumina production at the Pinjarra Alumina Refinery by 5% from 5.0 million tonnes per annum (Mtpa) to 5.25 Mtpa, and an
- increase in the rate of mining within ML1SA to supply up to 2.5 Mtpa of bauxite for export.

According to Alcoa's documentation published on the Environmental Protection Agency (EPA) website the proposal will require clearing of no more than 6,700 hectares (ha) of native vegetation within a 42,415 ha development envelope associated with mining, and an additional 10 ha of native vegetation associated with the refinery. 6,700ha equates to 67 km<sup>2</sup>.

In 2016, the Minister for State Development approved Alcoa to export up to 2.5mtpa of raw bauxite up to December 2021. The export of raw bauxite allows for offshore processing and reduces the requirements on local refineries. According to Alcoa this represents about 7 per cent of the total bauxite Alcoa mines in WA annually at the Huntly and Willowdale mines.

### **COMMENT**

The next stage of Alcoa's proposal is the preparation of the publication of an Environmental Impact Assessment (EIA). This EIA document is released for public comment of no less than eight weeks. Officer discussions with the EPA indicate that the EIA for the project could occur as early as December 2021. Officers from the EPA have indicated that typically proponents engage extensively with Local Governments prior to submitting their draft EIA to the EPA.

Alcoa's refinery operations are overseen by the State Government through the Mining and Management Program Liaison Group (MMPLG). The MMPLG which is made up exclusively of State Government agencies makes recommendations the Minister for Environment on the five-year rolling program of approvals and conditions for the operations in the area.

The role of the MMPLG is described by Alcoa as follows:

"The MMPLG was first established in 1978 and consists of representatives of the Department of Jobs, Tourism, Industry and Resources (JTSI), Department of Water and Environment Regulation (DWER), Water Corporation, Department of Biodiversity, Conservation and Attractions (DBCA), and the Department of Mines Industry Regulation and Safety (DMIRS).

Each year, Alcoa submits a five-year MMP to the MMPLG for review, which is approved by the Minister for State Development in whole or with conditions. The MMP sets out Alcoa's mining and rehabilitation schedule and includes priority land uses and management plans agreed through the MMPLG.



The current approved MMP for 2020-2024 authorises mining, for supply of bauxite to the Pinjarra refinery, of an average of just over 16.0 Mtpa (dry tonnes) per year at Huntly mine with associated clearing at an average of approximately 350 ha/year over the five-year period. This includes mining for up to 2.0 Mtpa (dry tonnes) of bauxite for export in 2020 and 2021.”

The MMPLG is an important body that makes recommendations to the Minister on Alcoa’s operations but lacks local government input. A change to the MMPLG membership would require a revised Ministerial Statement issued for the project by the Minister for Environment as the 2006 Statement only includes membership from State Government entities.

Alcoa’s existing and proposed operations represent a significant economic and environmental project for the entire Peel region and span the Local Government areas of Serpentine Jarrahdale, Murray and Boddington.

State Government regulators note the importance of extensive engagement between mining operators and Local Governments. In practice, this engagement can be challenged by the complexity of the legislative framework that significant mining entities such as Alcoa operate within. Local Governments have limited capacity to navigate this complex legislative framework to ensure that they best leverage available opportunities to represent community interests.

Given the complexity of the legislative framework broadly, there is reason to believe that this is a common concern across local governments in the State and is not unique to the Peel or the legislative framework that Alcoa is operating within.

It is recommended that that Peel Zone recommends that the WALGA State Council adopt a policy position calling on the State Government to prepare and publish a toolkit to assist local governments in working with mining operators bound by State Agreements.

Such a toolkit would be useful for local governments state-wide and potentially reduce expenditure on legal advice and environment consultants being sourced by Local Governments that have mining operations in their districts bound by State Agreements. This type of toolkit would also be useful for Local Governments and the community in understanding the opportunities for local community participation and the limits of participation in decision-making thereof.

Individually, Peel Local Governments have also identified concerns with the currency and compliance status of various State Agreement Acts. When queries have been formally raised about State Agreements and company compliance with such, Local Governments have been directed to engage with the proponent rather than the regulator. A review of the currency and compliance status of these State Agreement Acts is required to ensure that aims of the State Agreements are being achieved.

## **RESOLUTION**

**Moved:** President Cr Michael Walmsley  
**Seconded:** President Cr David Bolt

**That the WALGA State Council:**

- 1. ADOPT a policy position advocating that the State Government prepare and publish a toolkit to assist Local Governments in working with mining operators bound by State Agreements.**
- 2. ADVOCATE that the State Government initiates a review of State Agreement Acts to ensure their currency and compliance status.**

**3. ADVOCATE that the Minister for the Environment amend the membership of the Mining and Management Program Liaison Group (MMPLG) to include representation from affected Local Governments.**

**CARRIED**

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**6.3 Regional Telecommunications Review**

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*By Jo Burges, Senior Advisor Intergovernmental Relations and Risk, WALGA*

**BACKGROUND**

A Regional Telecommunications Independent Review Committee (the Committee) is established every three years under Part 9B of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

The Committee for the 2021 Regional Telecommunications Review (the Review) was appointed on 1 June 2021.

The 2021 Committee is comprised of the Hon Luke Hartsuyker (Chair); Ms Kristy Sparrow; Professor Hugh Bradlow; Mr Michael Cosgrave; and Ms Sue Middleton.

The Committee is also conducting consultation sessions and as the dates for these are announced via their website Local Governments within the area being consulted are being advised via email of the upcoming process and encouraged to participate.

As part of the Review, the Committee will consider:

- the impact of Government policies and programs to improve regional connectivity and digital inclusion;
- insights from COVID-19 on the changing digital needs of regional, rural and remote areas;
- service reliability issues which impact regional communities and options for mitigating them;
- the role of emerging technologies in delivering telecommunications services in regional Australia;
- ways of encouraging further investment in regional telecommunications;
- the role of telecommunications in supporting broader regional development goals;
- ways to improve co-ordination between government and industry in telecommunications investment; and
- consumer awareness and education regarding telecommunications options in regional areas.

The full Terms of Reference for the Review are at Appendix B of the Issues Paper.

The Consultation Period runs from 6 July, 2021 09:00 to September 30, 2021 with WALGA receiving submissions until COB Thursday 16 September 2021.

**WALGA Engagement Process**

Local Governments were advised in mid-July, via Councillor Direct, of the appointment of the Committee and the release of the Issues Paper, and that WALGA would be developing a sector wide submission.

WALGA, in developing a submission to this important review is seeking the views of members to address the wide range of telecommunications issues outlined by the Committee in the Regional Telecommunications Review 2021 – Issues Paper (the Issues Paper).

<https://www.communications.gov.au>

Local Governments have been requested to provide their submissions or information to inform the sector wide submission to the Association to ensure all matters are addressed.

This agenda item provides a Zone level opportunity to provide feedback to the WALGA submission to assist in ensuring all Local Governments have had a chance for input.

## COMMENT

Zones are requested, however not limited to, consider the items outlined at the dot points and /or the individual questions outlined at the end of each section or at Appendix A of the Issues Paper or provide input on any related matter for inclusion in the submission.

By way of example the WALGA Submission will include, in part, commentary on Question 12 that asks:

*'How can different levels of Government, the telecommunications industry and regional communities better co-ordinate their efforts to improve telecommunications in regional Australia?'*

The Association response will include an example of the Regional Telecommunications Resilience Working Group established in May comprising key planning/technical staff from Telstra, Optus, Western Power, Horizon Power, WALGA, DFES and DPIRD. This working group will share data more openly to allow robust and coordinated planning which results in better overall service delivery and value for money for all concerned. The working group began its work in June 2021 and have scheduled monthly meetings that increase as Funding programs or issues emerge.

WALGA advocates on specific issues identified by its members at the Working Group, in particular to explore opportunities for sustainable solutions e.g. Stand Alone Power provision, utilising a combination of solar, batteries and generators.

The Association is keen to provide a comprehensive submission on this important matter and welcomes Zone input.

## RESOLUTION

**Moved:** Cr Caroline Knight  
**Seconded:** President Cr David Bolt

**That the Peel Country Zone note the Regional Telecommunication Review 2021.**

**CARRIED**

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## 6.4 Social Housing Economic Recovery Package Grant Funding

*By Kelly McManus, Principal Policy and Advocacy WALGA*

### BACKGROUND

The \$319 million [Social Housing Economic Recovery Package \(SHERP\)](#) is part of the State Government's COVID-19 Recovery Plan announced in June 2021.

The Program aims to provide safe and secure housing outcomes for vulnerable Western Australians by supporting the construction of new community housing properties and the refurbishment of existing properties to extend their useful life or increase their capacity. Grants are also available to fund maintenance works within remote Aboriginal communities.

Local Governments are eligible to apply for SHERP grants and partner with existing social housing providers and community groups within their communities.

The next round of SHERP funding opens on Monday 1 September 2021.

## COMMENT

Further information on the eligibility requirements and application process for the SHERP grants will be provided by the Department of Communities at a webinar to be hosted by WALGA on **Monday 1 September** from 1.30pm – 2.30pm.

Local Government officers wishing to attend the register for the Webinar [here](#) or through the [WALGA events page](#).

The Livestream presentation from the 11<sup>th</sup> August is available to view on the Department of Communities website and provides valuable information about the grant process.

In preparation for the session, we encourage local governments to: Visit the Department of Communities website on the 1<sup>st</sup> September to familiarise yourself with the grant guidelines, application process and frequently asked questions.

Submit any questions you have in advance through the registration form. There will also be the opportunity to ask additional questions on the day.

Further information on the SHERP program is available on the [Department of Communities website](#) or by contacting Kelly McManus, Principal Policy and Advocacy, WALGA on 0429 483 273 or [kmcmanus@walga.asn.au](mailto:kmcmanus@walga.asn.au).

## RESOLUTION

**Moved:** Cr Naomi Purcell  
**Seconded:** President Cr Michael Walmsley

### That the Zone notes:

- **Local Governments are eligible for grants to support the construction, refurbishment and maintenance of community housing properties as part of the State Government's Social Housing Economic Recovery Package (SHERP) Program.**
- **The next round of SHERP grants open on Monday 1 September 2021.**
- **The Department of Communities will provide further information on the SHERP grants at a WALGA webinar to be held at 1:30pm on Monday 1 September.**

**CARRIED**

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## 6.5 2021 Local Government Elections – Zone Office Bearer Elections

*By Chantelle O'Brien, Zone Executive Officer*

### BACKGROUND

With the bi annual Local Government elections being held Saturday, 16 October 2021, Zones will also be required to hold an election process for State Council representatives.

A chronological overview of the process is detailed below:

- Local Government elections occur on Saturday, 16 October 2021.
- Member Councils to elect/appoint their Zone Delegates and to advise the Zone Executive Officer, as soon as possible but preferably by 5 November 2021.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, the zones are required to hold these elections at their November 2021 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2021 November Zone meeting.
- State Councillor Induction Session – morning of **1 December 2021**.
- New State Council will take office at the Ordinary Meeting of State Council on **1 December 2021**.
- The position of President and Deputy President of WALGA, will be elected at the March 2022 State Council Meeting.

In relation to the nominations and election process to be followed by each Zone in electing a representative and deputy representative to the WALGA State Council, the below process has been instituted by State Council:

1. *Zone Executive Officer to write to all Member Councils no later than 1 month prior to the Zone meeting at which the election is to be held calling for nominations from delegates to the Zone for the positions of representative and deputy representative to State Council. The correspondence is to state that all nominations are to be made in writing to the Zone Executive Officer, and only Elected Members who are a nominated Zone delegates are eligible to nominate. The time period for the receipt of nominations is to be **one week prior** to the Zone meeting at which the election will be held.*
2. *Zone Executive Officer to receive written nominations from Zone delegates for the positions of representative and deputy representative to State Council and then provide written confirmation to Member Councils of the nominations received.*
3. *Elections are to be held at the next Zone meeting as the first item of business. Where there is more than one nomination for each vacant position, an election will be conducted using a secret ballot, with the Zone Executive Officer to represent WALGA as the returning officer for the election. Prior to the ballot, nominees for each position are to be extended the opportunity to provide a 2 minute election bid to delegates.*
4. *All voting delegates to the Zone are entitled to cast one (1) vote in the ballot process. The candidate with the greater or greatest number of votes is elected to the office.*
5. **Tied vote** – *in the event of a tied vote, election will be determined by drawing names from a box. The Secretariat will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.*
6. *Zone Executive Officer to advise WALGA in writing immediately following the Zone meeting of the outcome of their elections.*

If you have any questions or require further information in relation to the above mentioned process, please contact Tony Brown, Executive Manager Governance and Organisational Services on 9213 2051 or email [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au).

## RESOLUTION

**Moved:** President Cr David Bolt  
**Seconded:** President Cr Michael Walmsley

**That the Peel Country Zone notes the process for election of Zone Representative and Deputy Representative to the WALGA State Council.**

**CARRIED**

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## 6.6 Office of the Auditor General

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The Office of the Auditor General has offered to present at a future Zone meeting, as follows:

*The Office of the Auditor General is now responsible for all WA Local Government and regional council financial audits. If your zone has any questions about our financial audit process or performance audit program/reports, we would be happy to provide a presentation at one of your future meetings.*

### RESOLUTION

**Moved:** Mayor Rhys Williams  
**Seconded:** Cr Douglas McLarty

**That the Peel Country Zone INVITES a representative from the Office of the Auditor General to present at a future meeting.**

**CARRIED**

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## 7. EXECUTIVE REPORTS

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### 7.1 WALGA President's Report

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The State Council representative or WALGA representative presented the President's Report.

**Noted**

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

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WALGA represented Kelly McManus presented briefly on the previous State Council meeting.

**Noted**

### 7.3 Roadwise Update

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Jacqui Sharp has recently joined the Roadwise team and provided a brief update on Roadwise matters to the Zone.

**Noted**

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

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Department of Local Government, Sport and Cultural Industries representative, was an apology for this meeting.

A representative from the Department will be invited to a future meeting to discuss the AOG report and actions the Department is currently taking to address issues raised from the report.

**Noted**

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

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**That the next ordinary meeting of the Peel Zone will be held on Thursday 18 November 2021 at the Shire of Murray, commencing at 2pm.**

**Noted**

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**9. CLOSURE**

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There being no further business the Chair declared the meeting closed at 2.41pm.