



Gascoyne Country Zone Minutes

10:30am

Friday, 27 November 2020

Gascoyne Country Zone

Meeting to be held in person at the Shire of Carnarvon
Council Chambers

Commenced at 11:10am, Friday, 27 November 2020

Minutes

ATTENDEES

Shire of Carnarvon	President Eddie Smith John Attwood – Acting Chief Executive Officer
Shire of Exmouth	President Cr Matthew Niikkula Cameron Woods – Chief Executive Officer
Shire of Upper Gascoyne	President Cr Don Hammarquist OAM John McCleary – Chief Executive Officer
Shire of Shark Bay	President Cr Cheryl Cowell – Chair Paul Anderson – Chief Executive Officer Brian Galvin – Works Supervisor (Observer)
WALGA	Mark Bondietti – Policy Manager Transport and Roads Sebastian Davies-Slate – Policy Officer, Transport and Roads
Roadwise	Engel Prendergast, Senior Road Safety Consultant

GUESTS

Department of Local Government, Sport and Cultural Industries	Benita Donda – Regional Officer
Gascoyne Development Commission	Simmone Van Brierle

APOLOGIES

Regional Development Australia Mid-West Gascoyne	Mark Holdsworth
Gascoyne Development Commission	Tym Duncanson – Chief Executive Officer

Attachments

The following were provided as attachments to the agenda:

1. Previous Meeting Minutes – 28 August 2020 Meeting
2. President's Report
3. Tennis West correspondence

1. 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

2. ANNOUNCEMENTS

Welcome Engel Prendergast and Sebastian Davies-Slate

3. DEPUTATIONS

3.1 Asset Preservation Model

Sebastian Davies-Slate, WALGA provided a presentation to the Zone on the review of the Asset Preservation Model.

RESOLUTION

Moved Cr Eddie Smith
Seconded Cr Matt Nikkula

1. WALGA write to the Grants Commission recommending that they resolve the various labelling, formatting, documentation and other legibility issues.
2. WALGA seek direction from the Infrastructure Policy Team to advocate to the Grants Commission for change to the Asset Preservation Model.
3. In the longer term, the Asset Preservation Model could be reviewed and rebuilt, with model using a much simpler method of estimating road maintenance need.

CARRIED

4. CONFIRMATION OF MINUTES

4.1 Minutes of the 28 August 2020 Meeting of the Gascoyne Country Zone

RESOLUTION

Moved Cr Eddie Smith
Seconded Cr Cheryl Cowell

That the Minutes of the meeting of the Gascoyne Country Zone held on 28 August 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

4.2 Business Arising

Nil

5. ZONE BUSINESS

5.1 Solar Eclipse 2023

Shire of Exmouth

The Shire has drafted a risk assessment report and a report identifying opportunities. The reports will be circulated to delegates and presented to State Government.

Noted

5.2 Department of Biodiversity Conservation and Attractions (DBCA)

BACKGROUND

Mark Webb, Director General met with the members prior to the Zone meeting.

Noted

5.3 Request to Present – Tennis West

By Chantelle O'Brien, Zone Executive Officer

Please refer to Agenda attachment (Attachment 3) in regards to correspondence received from Tennis West to attend a future Zone meeting and provide a presentation.

If deemed appropriate, the Zone may wish to consider having Tennis West attend a future meeting to present on the matters as mentioned in the attached letter.

RESOLUTION

Moved: Cr Eddie Smith
Seconded: Cr Don Hammarquist

Invite Tennis West to attend the next meeting by teleconference.

CARRIED

5.2 Zone Status Report – November 2020

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Gascoyne C	2019 June 20 Zone Agenda Item 5.2 Asset Preservation Model	That the Gascoyne Country Zone request WALGA to undertake a review of the Asset Preservation Model that informs the distribution of road funding to ensure equity, recognition of Local Government circumstances and the validity and accuracy of assumptions that inform the model.	Work has commenced to review and document the Asset Preservation Model in order to facilitate an informed discussion about how the model works, its sensitivity to inputs and assumptions and the implications of changes. This project will continue through 2020. The first output of this process will be a manual explaining the functioning of the model, including the procedure for updating it.	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Gascoyne C	2019 September 5 Zone Agenda Item 5.1 Restricted Access Vehicle Operating Condition	That the Gascoyne Zone request WALGA to establish a Working Group relating to the Restricted Access Vehicle Operating Condition issue as soon as possible, to allow the Working Group to develop possible options prior to meeting with Main Roads.	The RAV Access working group met by teleconference in early December 2019. Based on the resolution of this meeting a letter detailing Local Government expectations was sent to Main Roads WA. The Association discussed this matter with Main Roads WA in November 2020. They are engaging with the State Solicitors Office prior to a proposed consultation with Local Government concerning a proposed approach.	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Gascoyne C	2019 March 22 Zone Agenda Item 5.2 Restricted Access Vehicle Operating Condition	That the Gascoyne Zone request WALGA to: 1. Advocate for thorough consultation with the Local Government sector regarding alternative approaches to the CA07 operating condition; and, 2. Establish a Working Group consisting of representatives from MRWA, WALGA, LGIS, DoT and the Local Government sector incorporating at least one member from each affected WALGA Zone to consider alternative approaches.	The RAV Access working group met by teleconference in early December. Based on the resolution of this meeting a letter detailing Local Government expectations was sent to Main Roads WA. The Association discussed this matter with Main Roads WA in November 2020. They are engaging with the State Solicitors Office prior to a proposed consultation with Local Government concerning a proposed approach.	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Gascoyne C	2020 26 June Zone Agenda Item 5.2 Review of the State Roads to Local Government Agreement 2018/19 to 2022/23	1. Request that in accordance with the State Road Funds to Local Government Agreement 2018/19 to 2022/23, clause 6.2.1, WALGA through the State Advisory Council seek to review the 36% Metro / 64% Rural split in Road Project Grants. 2. Request that WALGA investigate and review the inclusion of the 25% population factor used in the methodology for allocating Road Project Grants.	1 & 2 The State Road Funds to Local Government Advisory Committee (SAC) considered a proposal to review the 36% / 64% metropolitan rural allocation of Road Project Grant funding on 13 August and called for a scope and delivery options to be presented for consideration.	November 2020	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031

		<p>3. Request that WALGA present findings from the review of the Asset Preservation Model to the Regional Road Group.</p> <p>4. Request that WALGA engage SAC to consider redistributing funds from Regional Road Groups that are forecast to be unspent in any given financial year to Regional Road Groups that can deliver and acquit projects using those funds in that particular financial year.</p>	<p>3. Findings from the review of the Asset Preservation Model will be presented to the Regional Road Group in November 2020.</p> <p>4. At its meeting on 13 August, the SAC requested additional reporting of forecast expenditure from Regional Road Groups by the end of January each year, and to review funding allocated to Regions by the end of February. This has been incorporated in the revised Procedures that will be considered by SAC in December 2020.</p>		
Gascoyne C	2020 February 28 Zone Agenda Item 5.2 Ningaloo Coast Regional Strategy	That WALGA advocate for the DBCA to undertake economic impact studies on state management plans.	<p>In response to correspondence and discussions with WALGA, correspondence from the Director General of DBCA has been received. This correspondence underpins a specific agenda item for the zone to consider the DBCA response and determine next steps. Awaiting further consideration of the DBCA correspondence by the zone.</p> <p>Ongoing.</p>	Ongoing	Joanne Burges A/Executive Manager, Strategy, Policy and Planning jborges@walga.asn.au 9213 2018
Gascoyne C	2019 September 5 Zone Agenda Item 5.1 Nyinggulu (Ningaloo) Coastal Reserves Draft Joint Management Plan	That the Gascoyne Zone request WALGA to follow up on the Ningaloo Coast Regional Strategy Carnarvon to Exmouth – Nyinggulu (Ningaloo) Coastal Reserves, Draft Joint Management Plan seeking a response before the November meeting.	<p>WALGA has commenced discussions with the Shire, the Department of Biodiversity Conservation and Attractions and the Gascoyne Development Commission on the development of the Regional Strategy, and the concerns raised by the Shire of Exmouth.</p> <p>Ongoing.</p>	Ongoing	Joanne Burges A/Executive Manager, Strategy, Policy and Planning jborges@walga.asn.au 9213 2018
Gascoyne C	2019 June 20 Zone Agenda Item 5.1 Regional Strategy Carnarvon to Exmouth – Nyinggulu (Ningaloo) Coastal Reserves, Draft Joint Management Plan	<p>That the Gascoyne Zone:</p> <p>1. Request WALGA continue to advocate to the State Government that an independent economic assessment of Wilderness Camping in the Shire of Exmouth and the broader Gascoyne Region be undertaken prior to any decisions being made; and,</p> <p>2. Note that the Shire of Exmouth will draft a statement to be sent to Gascoyne Local Government Chief Executive Officers outlining concerns with the current proposal.</p>	<p>WALGA has commenced discussions with the Shire, the Department of Biodiversity Conservation and Attractions and the Gascoyne Development Commission on the development of the Regional Strategy, and the concerns raised by the Shire of Exmouth.</p> <p>Ongoing.</p>	Ongoing	Joanne Burges A/Executive Manager, Strategy, Policy and Planning jborges@walga.asn.au 9213 2018
Gascoyne C	2019 March 22 Zone Agenda Item 5.4 Ningaloo Coast Regional Strategy Carnarvon to Exmouth – Nyinggulu	That the Gascoyne Zone requests WALGA to advocate to the State Government to undertake an independent economic assessment of Wilderness Camping in the Shire of Exmouth and the broader Gascoyne Region.	<p>WALGA has commenced discussions with the Shire, the Department of Biodiversity Conservation and Attractions and the Gascoyne Development Commission on the development of the Regional Strategy, and the concerns raised by the Shire of Exmouth.</p>	Ongoing	Joanne Burges A/Executive Manager, Strategy, Policy and Planning jborges@walga.asn.au

	(Ningaloo) Coastal Reserves, Draft Joint Management Plan.		Ongoing.		9213 2018
Gascoyne C	2020 2 September State Council Agenda Item 5.5 Local Government Review Panel Final Report	<p>Point 1. Will table a limited response to item 5.5 at State Council, listing those items where the Zone disagrees with the WALGA recommendations; and</p> <p>Point 2. Requests that due to the complexity and importance of item 5.5, State Council grant an extension for the Zone to submit a detailed response within 3 weeks.</p>	<p>WALGA State Council considered all Zones positions on the Panel's report and resolved as follows;</p> <p>That WALGA:</p> <ol style="list-style-type: none"> 1. Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein; 2. Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and 3. Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020. <p>RESOLUTION 119.4/2020</p> <p>WALGA is preparing an advocacy document bringing together the outcomes of the 3 recent reports being;</p> <ul style="list-style-type: none"> • Panel report • Select Committee report • City of Perth report <p>The paper will look at considering advocacy positions on 13 key issues. This paper will be considered as part of the December State Council agenda.</p>	November 2020	<p>Tony Brown Executive Manager Governance and Organisational Services 9213 2051 tbrown@walga.asn.au</p>
Gascoyne C	2020 May 1 Zone Agenda Item 8.4 Local Law Process	That WALGA advocate for the Local Law making process to be streamlined as part of the Review of the Local Government Act.	Phase 2 of the Local Government Act Review will encompass Local Laws, albeit should be noted that this process cannot influence how State Parliament exercises its sovereignty over the validity of subsidiary legislation, including Local Laws, through the agency of Parliamentary Committees such as the Delegated Legislation Committee.	November 2020	<p>Tony Brown Executive Manager Governance and Organisational Services 9213 2051 tbrown@walga.asn.au</p>

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 November 2020](#)

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 Local Government Act Review Advocacy Paper – Key Issues From Recent Inquiries into Local Government

That:

1. Ongoing advocacy relating to the Review of the Local Government Act 1995 be noted; and,
2. The Advocacy Positions for a New Local Government Act: Key issues from recent Inquiries into Local Government – be endorsed.

5.2 Submission – Registration of Building Engineers in WA

That WALGA:

1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported.
2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool, Patio installers and Demolition contractors.
3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers.
4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement.

5.3 Family and Domestic Violence and the Role of Local Governments

That:

1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.
2. WALGA advocates to the State Government:
 - a. to define and communicate the role, responsibilities and expectations of Local Governments in family and domestic violence.
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.
 - c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.
3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.

5.4 Underground Power

That Local Government supports the:

1. continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.
2. development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.
3. development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.
4. opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).

5.5 CEO Recruitment and Selection, Performance Review and Termination Standards Regulations

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
 - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
 - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
 - c) The retention of Regulation 18C of the *Local Government (Administration) Regulations*;
 - d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO;
 - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and
 - f) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

5.6 Model Code of Conduct for Council Members, Committee Members and Candidates Regulations

That WALGA generally supports the *Local Government (Model Code of Conduct) Regulations 2020* with the following recommendations:

- a) Amend Division 2, Clause 4(d) to read '*identify and appropriately manage any conflict of interest*';
- b) Does not support the inclusion of local level complaints about alleged behavioural breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and

Supports an external oversight body to manage local level complaints involving council members as prefaced in the *Local Government Review Panel Report, City of Perth Inquiry Report* and *Select Committee into Local Government Report*, to be considered in a future Local Government Act.

Matters for Noting

- 6.1 Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper
- 6.2 Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015
- 6.3 Interim Review – State Planning Policy 3.1 Residential Design Codes
- 6.4 State and Federal Budgets

- 6.5 Noongar Heritage Agreement for Local Government
- 6.6 Aboriginal Cultural Heritage Bill Consultation
- 6.7 Local Government Animal Welfare in Emergencies Grant Program
- 6.8 2020 Annual General Meeting
- 6.9 COVID-19 - Update

RESOLUTION

Moved: Cr Eddie Smith
Seconded: Cr Matt Nikkula

That the Gascoyne Country Zone

- 1. Supports all Matters for Decision as listed above in the 2 December 2020 State Council Agenda; and**
- 2. Notes all Matters for Noting and Organisational Reports as listed in the 2 December 2020 State Council Agenda.**

CARRIED

7. EXECUTIVE REPORTS

7.1 State Councillor's Report to the Zone

Cr Eddie Smith provided an update on the previous State Council meeting.

Noted

7.2 President's Report to the Zone

Mark Bondietti outlined the President's Report on behalf of Mayor Tracey Roberts JP.

Noted

7.3 Gascoyne Development Commission

Simone Van Buerle provided an update to the Zone.

Noted

7.4 Department of Local Government, Sport and Cultural Industries

Benita Donda provided updates to the Zone.

Noted

8. OTHER BUSINESS

8.1 Federal Minister of Local Government

RESOLUTION

Moved: Cr Eddie Smith
Seconded: Cr Matt Nikkula

The Zone Chair invite the Minister to attend a meeting with Regional delegates

CARRIED

8.2 Zone Meeting Dates – 2021

The following table lists State Council Meeting dates for 2021 and suggested Zone meeting dates:

2021 State Council Meeting Dates	Suggested Dates for Zone Meetings
Wednesday 3 March	Wednesday 17 February – Monday 22 February
Wednesday 5 May	Wednesday 21 April – Monday 26 April
Wednesday 7 July	Wednesday 23 June – Monday 28 June
Wednesday 2-3 September (Kimberley Zone)	Wednesday 18 August – Monday 23 August
Wednesday 1 December	Wednesday 17 November – Monday 22 November

Please note that the week of Zone meetings has been shifted back by one week. This change has been made to allow the secretariat to provide feedback from Zones to State Council members, with an appropriate time frame to consider the responses before State Council meeting.

Following the same format as previous years would mean having two teleconference meetings and three in-person meetings. Two in-person meetings per year are hosted by Carnarvon with the third rotating between Exmouth, Shark Bay and Upper Gascoyne.

The meetings have been rotated as follows:

- 2011 – Shark Bay
- 2012 – Exmouth
- 2013 – Upper Gascoyne
- 2014 – Shark Bay
- 2015 – Exmouth
- 2016 – Upper Gascoyne (Gascoyne Junction)
- 2017 – Shark Bay
- 2018 – Exmouth
- 2019 – Upper Gascoyne (Mt Augustus)
- 2019 – Regional State Council Meeting – Shark Bay
- 2020 - Exmouth

It is therefore proposed that the June 2021 Zone meeting be hosted by the Shire of Upper Gascoyne, with the February and November meetings to be hosted by the Shire of Carnarvon. It is proposed that the April and August Zone meetings be held via videoconference/teleconference.

RESOLUTION

Moved: Cr Eddie Smith
Seconded: Cr Matt Nikkula

That Zone meetings for 2021 be held as follows:

Zone Meeting	Type	Location
10:00am, Friday 19 February	In-Person	Carnarvon
10:00am, Friday 23 April	<i>Teleconference</i>	
10:00am, Friday 25 June	In-Person	Upper Gascoyne
10:00am, Friday 20 August	<i>Teleconference</i>	
10:00am, Friday 19 November	In-Person	Carnarvon

CARRIED

9. DATE, TIME AND PLACE OF NEXT MEETING

Next in-person meeting: 10:00am, Friday 19 February, hosted by the Shire of Carnarvon.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 12.20pm.