



# Pilbara Country Zone

## Minutes

28 June 2021

# Pilbara Country Zone

Held via MS Teams

Monday, 28 June 2021, commenced at 11:34 am

## Minutes

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Karratha	Mayor Peter Long - <b>Chair</b> Cr Daniel Scott Mr Chris Adams, Chief Executive Officer non-voting delegate
Shire of Ashburton	Cr Linton Rumble (Deputy)
Town of Port Hedland	Mayor Peter Carter Mr Carl Askew, Chief Executive Officer, non-voting delegate
Shire of East Pilbara	Cr Wendy McWhirter-Brooks Mr Steven Harding, Chief Executive Officer non-voting delegate
WALGA Secretariat	Mayor Tracey Roberts, President (left the meeting at 11.45am) Nick Sloan, Chief Executive Officer (left the meeting at 11.53am) Dale Chapman, Manager, Commercial Management Chantelle O'Brien, Governance Support Officer
DLGSC Representative	Simone Fountain, Regional Manager - Pilbara
Guests	Craig Waters, Deputy Commissioner, Department of Fire and Emergency Services Jonathan Seth, Chief Executive Officer, LGISWA Tony Simpson, RDA Pilbara Region

### APOLOGIES

Shire of Ashburton	President Cr Kerry White Mr Kenn Donohoe, Chief Executive Officer non-voting delegate
Town of Port Hedland	Deputy Mayor Renae Coles
Shire of East Pilbara	President Cr Anthony Middleton
Roadwise	Ms Engel Prendergast, Senior Road Safety Consultant

## CONTACTS

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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 attendance was confirmed 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 WITH THE AGENDA**

1. Previous Meeting Minutes
2. President's Report
3. Status 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.

Nil

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## **1.1 President's Report to the Zone**

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By request, the President's report was brought forward:

The WALGA President, Mayor Tracey Roberts's, presented her President's Report.

**Noted**

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## **2. ELECTIONS**

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### **2.1 Elections of Deputy Chairperson of the Pilbara Country Zone**

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Pursuant to the WALGA Constitution, the Secretariat, Nick Sloan assumed the Chair at 11.47am for conducting the election of office bearers.

Notification for elections were distributed to Member Councils via email dated 19 May 2021.

With the recent resignation from the Pilbara Country Zone, Deputy Chair, Cr Peter Foster, an election for the Deputy Chairperson shall be conducted and the term will be for the remainder of the current term and will commence from time of declaration and expiring in November 2021.

## **CONTACTS**

No written nominations were received for the position of Deputy Chairperson. Nominations for Deputy Chairperson were called from the floor.

#### **Nominations from the floor**

- **Mayor Peter Carter, Town of Port Hedland**

#### **DECLARATION**

**That Mayor Peter Carter be appointed as Deputy Chairperson of the Pilbara Country Zone for the remaining current term, expiring November 2021.**

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## **2.2 Elections of Deputy State Council Representative to the Pilbara Country Zone**

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Following the resignation from Cr Peter Foster, Deputy State Councillor for the Pilbara Country Zone, an election shall be conducted and the term will be for the remaining current term, commencing from the time of declaration and expiring in December 2021.

Notification for elections were distributed to Member Councils via email dated 19 May 2021.

WALGA incorporates a 24 members State Council with its members derived from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies.

No written nominations were received for the position of Deputy State Council Representative. Nominations for Deputy State Council Representative were called from the floor.

#### **Nominations from the floor**

- **Mayor Peter Carter, Town of Port Hedland**

#### **DECLARATION**

**That Mayor Peter Carter, Town of Port Hedland be appointed as Deputy State Council Representative of the Pilbara Country Zone to the State Council from the time of election, expiring in December 2021.**

Mayor Peter Long assumed the Chair at 11.52am

Nick Sloan left the meeting and did not return at 11.53am

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### **3. DEPUTATIONS**

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#### **3.1 Department of Fire and Emergency Services**

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Craig Waters, Deputy Commissioner, provided an update to the Zone on Emergency Management matters.

#### **3.2 Local Government Insurance Services WA**

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Jonathan Seth, Chief Executive Officer provided an update to the Zone on Insurance Matters.

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### **4. CONFIRMATION OF MINUTES**

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#### **RESOLUTION**

**Moved:** Mayor Peter Carter  
**Seconded:** Cr Linton Rumble

**That the Minutes of the meeting of the Pilbara Country Zone held on 27 April 2021 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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### **5. BUSINESS ARISING**

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#### **5.1**

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Nil

#### **5.2 Status Report**

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

**Noted**

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### **6. BUSINESS**

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Nil

## 7. 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 7 July 2021](#)

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

### **State Council Matters for Decision**

#### **5.1 Reviews of the *Cat Act 2011* and *Dog Act 1976***

That WALGA seek a commitment from the State Government:

1. for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*; and
2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

#### **5.2 Amendments to WALGA's Constitution**

That the WALGA Constitution be amended as follows:

1. INSERT Definition – “Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.
2. Clause 5 (10) – DELETE “and Associate Members”.
3. Clause 5 (11) – DELETE “Ordinary Member or”, REPLACE “State Council” with “Chief Executive Officer” in the first sentence, INSERT “or its delegate” after State Council in the second sentence.
4. Clause 6 (3) – REPLACE “31 May” with “30 June”.
5. Clause 7 (2) – REPLACE “30 June” with “31 July”.
6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.
7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”
8. DELETE Clause 11 (3)
9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”
10. DELETE Clause 12 (2)
11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”
12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”
13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the Local Government Act 1995 as amended (2) For the purposes of the election referred to in sub-section (1)” with “as follows”.
14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.
15. INSERT Clause 16A – Election Procedure – President and Deputy President
  - (1) An election to elect the President or Deputy President shall be conducted as follows:
    - (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
    - (b) representatives are to vote on the matter by secret ballot;
    - (c) votes are to be counted on the basis of “first-past-the-post”;
    - (d) the candidate who receives the greatest number of votes is elected;
    - (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;

- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
  - (g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);
  - (h) if two or more candidates receive the same number of votes so that sub-section 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.
16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.
  17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.
  18. Clause 22 (3) – DELETE “in person”
  19. DELETE Clause 22 (4) (b).
  20. Clause 23 (3) – DELETE “in person”
  21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”
  22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”
  23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”
  24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”
  25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”
  26. Clause 31 (4) (c) – DELETE “and Regional Development”.

### **State Council Matters for Noting**

- 6.1 Submission to Ministerial Expert Committee on Electoral Reform
- 6.2 Legal Response to the Coastal Hazard Planning Issues Paper
- 6.3 WALGA Submission: Child Safety Officer
- 6.4 State Planning Policy 3.1 Residential Design Codes Volume 1 – Medium Density Code
- 6.5 Report Municipal Waste Advisory Council (MWAC)
- 6.6 Local Government Performance Monitoring Project
- 6.7 Review of Fire Weather Districts
- 6.8 2021-22 State Budget Submission Approach
- 6.9 Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA

### **RESOLUTION**

**Moved:** Cr Linton Rumble  
**Seconded:** Cr Daniel Scott

#### **That the Pilbara Country Zone**

1. **Supports all Matters for Decision as listed above in the July 2021 State Council Agenda; and**
2. **Notes all Matters for Noting and Organisational Reports as listed in the July 2021 State Council Agenda.**

**CARRIED**



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## 8. OTHER BUSINESS

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### 8.1 Tropical Cyclone Design and Construction

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*By Peter Long, City of Karratha*

#### Background

When **Tropical Cyclone Seroja** crossed the coast between Kalbarri and Geraldton on April 11<sup>th</sup>, 2021 it brought wind gusts of up to 170km/hr near Kalbarri.

The design ultimate regional wind speed for Kalbarri is 205 km/hr, so the maximum actual wind load received was only 69% of the design figure.

However, a total of 170 homes and businesses were totally destroyed or severely damaged by the cyclone with the repair costs expected to reach up to \$200 million.

On the 8<sup>th</sup> of February 2020, the City of Karratha received a direct hit from **Tropical Cyclone Damien** with a maximum wind gust of 194 km/hr recorded at the airport. The design ultimate regional wind speed for Karratha is 316 km/hr, meaning the actual wind pressure was less than half the design figure.

Tens of millions of dollars damage occurred across Karratha as the strong winds blew in windows and doors, removed roof cladding, knocked over fences, destroyed minor structures and caused substantial water ingress, even to new buildings.

**Tropical Cyclone Veronica** approached the WA coast between Karratha and Port Hedland on March 24, 2019 with a maximum wind speed of 215 km/hr. While it did not actually cross the Pilbara coast it caused significant disruption to the mining and offshore oil and gas industry and damage to infrastructure, with total losses estimated at about \$2 billion.

The amount of damage caused by cyclones which load buildings to only a fraction of their design capacity is a great concern. One day it is very likely loss of human life will occur.

Apart from the emotional distress, financial cost and inconvenience of the storm itself - insurance premiums increase after nearly every major event: the community as a whole pays for the repairs. In cyclone effected coastal areas, insurance premiums can be 5 or more times the cost elsewhere.

An analysis of insurance industry disaster payouts (2012), found that tropical cyclones cause economic losses to Western Australia due to direct damage of the order of \$40 million to \$100 million per year. Total community cost are estimated at between 3 and 5 times the insurance costs. A study of 258 U.S. weather disasters since 1980, showed tropical cyclones caused the most damage with an average cost in the USA of almost \$21.5 billion per event.

So why is this happening?

My conclusions for Australia's cyclone regions at least, are that the failure of so many properties during a moderate wind event is primarily caused by three issues:

- Inadequate engineering design and detailing
- Inadequate construction

## CONTACTS

- A lack of inspection during the building process.

In addition, the age of buildings is relevant when they are impacted by very high winds, so we also have issues due to the fact that:

- No inspection of key structural elements ever occurs after a structure is built
- Before April 1952, there was no Australian wind code for buildings

Proper inspection of coastal dwellings across the north of the country would make a huge difference to the situation, but since the Commonwealth's Model Building Act was introduced in 1991, things have gone downhill. This Act introduced a building approval process where there was no involvement of local government and private certifiers carry out the entirety of building approval functions. It was adopted by all Australian States so now local government rarely inspects construction, because that is to be done by private providers. Unfortunately private providers and their builders often do not do their job properly.

Buildings in cyclone areas therefore need to be appropriately designed, detailed and constructed to ensure they are adequately strong and waterproof so there is no risk to human life and property.

Unfortunately, in spite of building code requirements, even quite moderate cyclones may produce widespread damage to buildings through structural failures, impact from debris and water ingress, as occurred when Tropical Cyclone Damien struck Karratha.

This situation is unacceptable. It is dangerous – a death one day is inevitable - inefficient, results in a dramatic increase in costs to our community, acts as a disincentive to those considering a move to the region and makes it more difficult to establish and continue business operations in these areas.

In addition, no inspection of key structural elements ever occurs after a structure is built and occupancy approved. Metal corrosion and degradation of non-ferrous elements unfortunately is a major issue in coastal tropical regions and sometimes an otherwise perfectly satisfactory structure fails due to over-load or water ingress because some critical element had unknowingly degraded.

## **Comment**

In Queensland it is known that tropical cyclones cost the State over \$600M per annum. More than this, however, is the likelihood that people will be killed.

Engineer Australia realises the importance of this topic so has instigated a group entitled the Cyclone Safety Task Force to examine in detail the issues noted above.

I believe we have a responsibility to ensure that domestic dwellings in cyclone-prone areas – and all across Australia – are appropriately designed and constructed, and part of this process involves proper inspection by a reliable, responsible independent party.

This task was always the Local Government: I believe this system should be reinstated so that Local Government once again takes on board this work, but in any case I think it is worthy of serious attention.

## RESOLUTION

Moved: Cr Linton Rumble  
Seconded: Cr Daniel Scott

That the Pilbara Zone Recommends the issue of appropriate cyclone design and construction of housing be considered by WALGA, particularly with respect to the Local Government responsibilities of housing inspection during construction.

CARRIED

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## 9. EXECUTIVE REPORTS

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

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WALGA State Councillor Mayor Peter Long, presented on the previous State Council meeting.

Noted

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

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The Department of Local Government, Sport and Cultural Industries representative Simone Fountain, provided an update the Zone.

<http://mailchi.mp/dlgsc.wa.gov.au/local-matters-june-2021>

Noted

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### 9.4 Regional Development Association (RDA)

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The RDA Pilbara Chief Executive Officer, Tony Simpson provided an update on current projects.

Noted

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## 10. DATE, TIME AND PLACE OF NEXT MEETING

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That the next ordinary meeting of the Pilbara Country Zone be held on Monday, 23 August 2021, hosted by Town of Port Hedland, commencing at 11.30am.

Noted

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## 11. CLOSURE

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There being no further business the Chair declared the meeting closed at 12.45pm.

## CONTACTS