

01-005-03-0016



Peel Zone

Minutes

30 April 2020

Peel Zone

Held via BeingThere

Videoconference

Thursday 30 April commenced at 2:05 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Shire of Boddington

Cr Rod McSwain

City of Mandurah

Mayor Rhys Williams

Cr Caroline Knight

Mr Mark Newman, Chief Executive Officer non-voting delegate

Shire of Murray

President David Bolt

Cr Douglas McLarty

Mr Dean Unsworth, Chief Executive Officer non-voting delegate

Shire Serpentine Jarrahdale

President Michelle Rich - **Chair**

Cr Lauren Strange

Mr Paul Martin, Chief Executive Officer non-voting delegate

Shire of Waroona

President Michael Walmsley

Mr Dean Unsworth, Chief Executive Officer non-voting delegate

WALGA Representatives

Ms Vanessa Jackson, Policy Manager Planning & Improvement

Ms Gemma Cook, Policy Officer, Environment

DLGSC Representative

Mr Troy Jones Regional Manager South West (local update)

Ms Darrelle Merritt Principal Strategy Officer (LG Bill and regulations update)

Mr Gordon MacMile Director Strategic Coordination and Delivery (Redress update) – from 2.30pm

Ms Yvette Peterson A/Director Local Government Policy and Engagement (Observer)

Guest Speakers

Nil

APOLOGIES

Shire of Boddington

Cr Garry Ventris

Shire of Boddington

Mr Chris Littlemore, Chief Executive Officer

Shire of Waroona

Cr Naomi Purcell

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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 registered at 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

1. DEPUTATIONS

1.1 Tree Decline

Due to the April Zone meeting being held by videoconference, and presenter's availability, Professor G Hardy will present to the Peel Zone at the June 2020 Zone meeting.

Noted

2. DECLARATION OF INTEREST

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

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Rod McSwain
Seconded: Cr Douglas McLarty

That the Minutes of the meeting of the Peel Zone held on 27 February 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

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

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

Item 4.1, 4.2, 5.1 & 5.2 of the State Council Agenda

RESOLUTION

Moved: Mayor Rhys Williams
Seconded: Cr Caroline Knight

That Items 4.1, 4.2, 5.1 & 5.2 on the State Council agenda be moved EN BLOC.

CARRIED

6. REPORTS FROM MEMBER COUNCILS

6.1 Revaluation of Properties

Shire of Murray

Very concerned about the decision by the State Government on the revaluation of the properties, and the lack of understanding on how rates are calculated and the impact on the ratepayers, given Local Government has been asked for a freeze on rates. Comments in Hansard by the Treasurer and comments from the Local Government Minister are disappointing. Is it possible for the decision to be overturned? Mandurah rates were changed last year, with significant changes in the valuations, positive and negative, so provides an example of how the rates can fluctuate after a revaluation. A communications campaign may be an option, outlining in simple terms the GRV valuation and revaluation process, and that rates may not be frozen given the changes that the Valuer General will be sending through. Peel Zone agreed that WALGA still needs to advocate on this issue.

RESOLUTION

Moved: President David Bolt
Seconded: Cr Douglas McLarty

That WALGA:

- 1. Advises the State Government that this is a critical issue for the Local Government sector and it is contrary to the intent of the States Zero rates increase;**
- 2. Continues to advocate on behalf of all Local Governments that the revaluation process should be differed to the 2021/22 financial year, given the confusion that will occur for ratepayers following the direction from the State outlining a freeze on rates because of the COVID19 pandemic;**
- 3. Seeks a legal opinion on ratepayers rights to receive a zero rates rise, given most Local Governments have publicly stated that rates will not increase; and**
- 4. Undertakes a communications campaign on valuations and rates given the complexity of setting the rates.**

CARRIED

6.2 Other Member Councils

Mandurah and Boddington

Concerns with the Tourism industry and ability to rebound after the pandemic.

Waroona, Murray and Serpentine Jarrahdale - Nil

7. GENERAL BUSINESS

7.1 Rates on Subsidised Housing

By Dean Unsworth, CEO, Shire of Murray and Waroona

Background

Over recent years there has been a significant increase in the number applications from not-for-profit organisations, who provide subsidised housing, for an exemption to rates on properties either owned or leased by them.

As more of these properties are acquired by these organisations, the granting of these exemptions has systematically shifted the rate burden to the rest of the ratepaying community within each Local Government.

Comment

The Local Government Act 1995 does not provide clear guidance with regards to the exemption status around subsidised housing. Most applicants base their claim on the grounds of being a charitable organisation providing low cost housing for low to medium income earners. Local governments across the State have spent many hours and considerable funds obtaining legal advice and dealing with the State Administration Tribunal (SAT) when exemption applications are refused. Anecdotal evidence suggests that all such challenges in SAT are found in the applicants favour, due to the “charitable purpose” clause in Section 6.26(2)(g) of the Act and retrospective exemptions have been applied, resulting in further financial loss. This has led most local governments to now concede and grant the applications, albeit under a feeling of duress.

This application of the exemption status appears inconsistent when compared to state owned properties used to house low income earners. Many of the properties that are currently receiving exemption status in Western Australia are leased from the Department of Housing. Rental payments for public housing tenants of the Department are based on 25% of their weekly assessable household income, very similar to the rental charged by one of the not-for-profit organisations, Access Housing Australia Ltd. The Department of Housing however honours their moral commitment to the community in general and pay full rates on residential properties under their control. It is interesting to note that they also stipulate in their lease agreements with Access Housing that Access Housing are fully responsible for all outgoings on the property including the payment of local government rates.

One of the principles local governments are urged to observe when imposing rates is fairness and equity. Bearing this principle in mind all members of the community should be required to contribute to the upkeep and maintenance of the amenities supplied by local government.

There has been a fair amount of dialogue within the sector on this issue over the years but nothing of any merit has resulted. The Shire of Murray has informally canvassed other local governments any many have indicated they would like to see the issue addressed on a state-wide basis. We therefore request WALGA assist and support the sector in this matter.

Secretariat Comment

WALGA has a long-standing advocacy position on rate exemptions, reaffirmed by State Council in March 2019:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; and
2. Either:
 - (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or

- (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Lobbying of this position, where proposals (a) and (b) would alleviate the loss of income from former Department of Housing properties, is well advanced in terms of the Phase 2 Local Government Act Review process. The COVID-19 pandemic has understandably suspended this Review, however the Minister for Local Government's Expert Panel established in November 2019 is preparing its report on the direction of the new Local Government Act.

Discussion

Members discussed the agenda item, outlining examples in their region that are claiming the 'charitable organisations' rate, the history of Homes West's payment of rates, and queried where this item sits within the Act review. The DLGSC representative advised that the item will be considered in the next phase of the Act review. A working group would assist in collating ideas and information on the issue, in advance of the Departments review and to input into the review process.

RESOLUTION

Moved: President David Bolt
Seconded: Cr Lauren Strange

That WALGA facilitate a working party made up of interested local governments to liaise with the sector in general, prepare a report and to lobby the state government for:

- **An amendment to the Local Government Act 1995 to provide for a clearer definition around what constitutes a charitable purpose;**
- **Whether such definition should apply to residential properties that are leased for a financial consideration;**
- **To request the Department of Housing consider granting local government an ex-gratia payment of rates on properties they lease to third parties that subsequently successfully claim rates exemption; and**
- **Any other item pertinent to the matter**

CARRIED

7.2 Local Government Rate and Waste Collection Revenue

By Shire of Serpentine Jarrahdale

Background

The Council of the Shire of Serpentine Jarrahdale considered, at a Special Council meeting on 6 April 2020, three reports relating to the Shire's response to COVID19. One of these reports (copy attached) related to the financial impacts of COVID19 on the Shire. Council resolved the following:

SCM081/04/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council requests the Chief Executive Officer to:

1. *REQUEST WALGA to immediately begin lobbying the Federal Government to provide immediate support for the collective communities of Australia by funding the entire Local Government Rate and Waste Collection revenue for the 2020/21 budget year.*
2. *REQUEST the State Treasury to immediately suspend the Western Australian Treasury Corporation's borrowing guarantee fee.*
3. *REQUEST the State Treasury relax Local Government borrowing limits.*
4. *PREPARE a Shire budget for 2020/21 with consideration to providing a penalty interest rate concession on rates.*

5. *PREPARE a Shire budget for 2020/21 with consideration to providing instalment arrangements free of interest and fees.*
6. *PREPARE a Shire budget for 2020/21 with no increase in the rate burden on the community.*
7. *SUSPEND the debt collection provisions of Council Policy 3.2.11 – Rates Collection and General Debtors until 30 June 2020.*
8. *BRING a future report to Council detailing savings the 3rd quarter budget review process.*

CARRIED UNANIMOUSLY 9/0

Councillors Rich, Atwell, Byas, Coales, Dagostino, Denholm, McConkey, Strange and Strautins voted FOR the motion.

Comment

The Federal and State Governments have provided a significant amount of financial assistance to the community and businesses as a result of COVID19.

Local Government as a sector is being encouraged to retain all staff and bring forward stimulus projects whilst not increasing rates in the coming financial year.

The Resolution of the Council of the Shire of Serpentine Jarrahdale is as follows:

REQUEST WALGA to immediately begin lobbying the Federal Government to provide immediate support for the collective communities of Australia by funding the entire Local Government Rate and Waste Collection revenue for the 2020/21 budget year.

RESOLUTION

Moved: President Michelle Rich

Seconded: President David Bolt

That WALGA immediately begin lobbying the Federal Government to provide immediate support for the collective communities of Australia by funding the entire Local Government Rate and Waste Collection revenue for the 2020/21 budget year.

CARRIED

7.3 Local Government Agricultural Freight Group - Comment sought on the Movement of Oversize Agricultural Machinery

The Local Government Agricultural Freight Group has circulated the Minutes of their meeting held on 3 April 2020. The Group has requested feedback and comment on the current requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 1 km between 'green zones' (see flow chart below).

The following is an excerpt from the minutes on this issue to provide background.

The Shire of Woodanilling has expressed concern at the distance limit placed on regional distributor roads for when a licensed heavy vehicle pilot is required. They have provided the following information which they submitted to the November 2019 meeting of the Great Southern Country Zone.

The Shire notes the changes to pilotage arrangements have allowed increases to vehicle size for specific pilot requirements and the November 2019 flowchart was implemented to address uncertainty in the May 2019 version.

In the attempt to provide a simpler approach, the Shire is concerned with the unintended consequences of treating all regional distributors the same as State roads from a risk perspective and is seeking review or clarification.

For example, Robinson Rd West has been specified within the Shire of Woodanilling as a regional distributor requiring licensed heavy vehicle pilots to move further than 1 km for specified vehicle types.

Local Government Agricultural Freight Group

The issues are:

- *Robinson Rd West has twelve (12) intersecting local roads along its length and only two (2) are crossroads.*
- *Of the remaining 10 intersecting roads on Robinson West Rd, only two are within 1 km of each other.*

Robinson Rd West is one of the safer Shire roads because of the pavement and shoulder width being designed to be the 'backbone' of the central part of the Shire for heavy vehicles, noting it is also the longest Shire road with the most farm frontage for agricultural freight tasks.

- *There are concerns that the 1 km limit along Robinson Rd West will force traffic onto adjacent roads that would create a higher risk, even with agricultural pilots, given the clearance widths. Councillors have been approached by farmers who operate on both sides of the Woodanilling regional distributor roads to highlight the impact on operations to cross the road. A suggested improvement is to consider raising the 1 km maximum on regional distributors to extend to the next local government through road intersection.*

The Great Southern Zone resolved –

That the Great Southern Zone of WALGA requests the review of the distance limit on regional distributor roads before a licensed heavy vehicle pilot is required to be expanded to the nearest local government 'through road' connection.

WA Local Government Association has requested feedback as to whether this issue has arisen elsewhere in order to build the case for change as Main Roads likely see that they have conceded significant controls in this area.

Comment

- This issue is widespread.
- Would the solution proposed address the issue?
- Main Roads has moved a significant degree in modifying the current requirements to meet industry concerns and they may not feel that they can further review the requirements.

Local Government Freight Group RESOLUTION

That the requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 1 km between 'green zones' be referred to Zones within the agricultural region for comment and feedback to the Group.

Discussion

This issue may not be as pertinent for the Peel Zone. Is it feasible for the agricultural sector to undertake the courses required for this? Provide support for farmers to be able to move small machinery around their locality. Possibly revert back to the old system of moving equipment around, classification of an agricultural pilot.

Feedback to be provided back to the Local Government Freight Group.

Noted.

Agricultural Pilot Requirements

Start
How big is your agricultural vehicle?
("vehicle" includes a machine, implement and combination)

Size

Any size, moving from one farm gate to another, within 1 km on the same local government road

≤ 3.8m wide & ≤ 25m long (outside the Red Zone)

> 3.8m but ≤ 4.5m wide & a length up to 40m

> 4.5m but ≤ 6.5m wide & a length up to 40m

> 6.5m but ≤ 8.5m wide & a length up to 40m

Are you in a Green Zone?

Are you in an Orange Zone?

Are you in a Red Zone?

Are you in a Green Zone?

Are you in an Orange Zone?

Are you in a Red Zone?

Are you in a Green Zone?

Are you in an Orange Zone?

Are you in a Red Zone?

Are you travelling less than 1km between Green Zones?

Are you travelling less than 1km between Green Zones?

Are you travelling less than 5km on an Orange Zone road?

Are you travelling less than 1km between Green Zones?

Are you travelling less than 5km on an Orange Zone road?

Required Pilots

No Pilot Required - Traffic Management Required

No Pilot Required

1 Agricultural Pilot

1 Licensed Pilot

Standard Heavy Vehicle Pilot Requirements Apply

1 Agricultural Pilot

1 Licensed Pilot

1 Licensed Pilot & 1 Agricultural Pilot

Standard Heavy Vehicle Pilot Requirements Apply

1 Agricultural Pilot

1 Licensed Pilot & 1 Agricultural Pilot

1 Licensed Pilot & 2 Agricultural Pilots

Standard Heavy Vehicle Pilot Requirements Apply

7.4 COVID-19 Regional Level Vulnerability Analysis

Background

To assist Local Governments as they look to provide the most appropriate response and recovery packages in light of the COVID-19 pandemic, WALGA have been assessing the extent to which each local community in WA will be impacted by COVID-19. As a way of doing this, WALGA analysed a range of demographic and social data that provide an indication of the COVID-19 health and economic vulnerability of each Local Government Area in WA. The indicators analysed for each Local Government Area include:

Health vulnerability

- Share of people aged over 70
- Share of lone person households
- Share of households with no motor vehicles
- Share of people who need assistance with core activities
- Population density

Economic Vulnerability

- Share of people who work in impacted industries
- Share of businesses in impacted industries
- Share of non-employing businesses
- Share of businesses with less than \$2m in annual turnover
- Share of households with no internet access

Over 60 individual Local Governments have been provided with an analysis pack specific to their district, and now WALGA have aggregated and reported on this data at the WALGA Zone level. Analysis was attached with the Agenda

Discussion

Is this a way to assist in future funding opportunities and grants funding? Will it be part of the Grants Commission new formula? The data will be excellent for seeking funding for the Peel Zone.

For the Peel Zone State Councillor to raise at the next State Council meeting.

1. Thank WALGA for the collated information
2. Can the information be verified?
3. The Peel Zone welcomes the opportunity to use the document in future grants processes.
4. Seek the Grants Commission advice on whether the information can be used in upcoming grant applications.

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

WALGA State Councillor, President Michelle Rich presented the President's Report. Report was distributed with the Agenda.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor, President Michelle Rich presented on the previous State Council meeting, held on 4th March, new President and Deputy President was elected and were congratulated.

Feedback was provided on the election process and the operation of the State Council. Cr Lynne Craigie was acknowledged for her four year term.

Noted

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

Representatives from the Department of Local Government, Sport and Cultural Industries, provided an update to the Zone on DLGSC issues, i.e. the recent Local Government Act changes, an update on the National Redress process and the recently announced sport and recreation funding that is available for community sporting groups and events. CSRFF grants funding has also been brought forward.

Please also see link: [DLGSC Zone Update](#)

Noted

8.4 Topics for next meeting update by the DLGSC

Due to the current situation of Covid-19, the Department of Local Government, Sport and Cultural Industries are currently experiencing difficulty in staff availability to ensure that a representative with the expertise on the relevant subject matter can attend Zone meetings.

Therefore it is with regret at this time, only the usual sector updates via a link (as per Item 8.3) from the Department will be provided, attendance will occur where possible and requested topics for future meetings will be placed on hold until further notice.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Peel Zone will be held on 25 June 2020 at the Shire of Boddington or Video conference (to be confirmed), commencing at 2pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 3.26pm.