

01-005-03-0016



Peel Zone

Minutes

26 November 2020

Peel Zone

Hosted by the Shire of Murray

1915 Pinjarra Road, Pinjarra 9531 7777

Thursday 26 November 2020 commenced at 2:08 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Shire of Boddington	Cr Earl Schreiber Cr Samreid Monez Mr Graham Stanley, Acting Chief Executive Officer non-voting delegate
City of Mandurah	Mayor Rhys Williams Cr Caroline Knight Ms Casey Mihnlovich
Shire of Murray	President David Bolt Cr Steve Lee
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 Cr Naomi Purcell
WALGA Representatives	Ms Vanessa Jackson, Policy Manager Planning & Improvement Ms Lyn Fogg, Governance Advisor
DLGSC Representative	Ms Darrelle Merritt Director Strategic Initiatives
Guest Speakers	Ms Diana Ting, Project Manager, Department Planning, Lands and Heritage Mr Cesar Rodriguez, Manager Heritage Projects, Department Planning, Lands and Heritage

APOLOGIES

Shire of Murray	Cr Douglas McLarty
City of Mandurah	Mr Mark Newman, Chief Executive Officer non-voting delegate
Shire of Boddington	Cr Garry Ventris

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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. Tennis West Correspondence
4. President's Report

1. 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.

2. DEPUTATIONS

2.1 Aboriginal Heritage Legislation for WA

Mr Cesar Rodrigues and Ms Diana Ting from Department Planning, Lands and Cultural Heritage presented to the Zone on the Aboriginal Cultural Heritage Bill.

The changes proposed by the new Bill were outlined, new consultations processes, protection of sites and sacred objects and the application processes outlining the types of activities that do and do not require approvals. Greenfield developments and Local Planning Strategies were discussed, the setup and referral to the Advisory Groups, the impact on local governments and access to more information on the DPLH website at <https://www.dplh.wa.gov.au/aha-review> (presentation attached with Minutes).

Noted

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Earl Schreiber
Seconded: President David Bolt

That the Minutes of the meeting of the Peel Zone held on 27 August 2020 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 was enclosed with the Agenda as an attachment.

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

The full State Council Agenda can be found via link: [State Council Agenda December 2020](#)

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.

5.5 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 Naomi Purcell
Seconded: Mayor Rhys Williams

That the Peel Country Zone

1. **Supports Items 5.1, 5.2, 5.5, 5.6 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

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.

RESOLUTION

Moved: Mayor Rhys Williams
Seconded: Cr Samreid Manez

That the Peel Country Zone supports Item 5.3 with a change to point 2.a, as follows: -

- a. **to work with Local Government in defining the role and responsibilities and expectations of Local Government in family and domestic violence.**

CARRIED

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).

RESOLUTION

Moved: Mayor Rhys Williams
Seconded: Cr Samreid Manez

That the Peel Country Zone supports Item 5.4 with the addition of a new point 5, as follows: -

5. **review of the Western Power/State Government contribution towards underground power where there is an identified service need to ensure this contribution is increased to reflect its responsibilities for maintaining a safe, reliable and capable electricity network.**

CARRIED

6. REPORTS FROM MEMBER COUNCILS

Nil

7. GENERAL BUSINESS

7.1 Alcoa in the Peel Region

As noted in the Minutes of 27 August Peel Country Zone meeting, this item was deferred to November 2020 Zone meeting. Discussion on the existing State Agreement and a possible audit of the existing operations, EPA process, and greater transparency is needed on the existing agreements, and discussion on the social, environmental and economic impact in the region.

A motion for the Peel Zone may be required on the review of the State Agreement Acts, therefore, a discussion paper will be circulated by the Shire of Serpentine-Jarrahdale to other Peel Members. This information may also assist each Local Government in preparing a submission during the EPA public submission period.

ACTIONS:

1. The CEO's of the Peel Zone to meet to discuss a coordinated submission during the EPA review.
2. Each Peel Zone Local Government is encouraged to prepare a submission during the EPA consultation process in early 2021.

7.2 2021 Proposed Schedule of Meetings

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the Peel Country Zone 2021 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

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.

The proposed meeting dates for the Peel Country Zone for 2021 require adoption by delegates.

As with previous years, the venue for each meeting has been rotated amongst Members.

NOTICE OF MEETINGS PEEL ZONE 2021

Zone Meeting Dates	Time	HOST COUNCIL	State Council Meeting Dates 2021
18 February	Thursday 2pm	Shire of Serpentine Jarrahdale	Wednesday 3 March 2021
22 April	Thursday 2pm	Shire of Waroona	Regional Metro Wednesday 5 May 2021
24 June	Thursday 2pm	Shire of Boddington	Wednesday 7 July 2021
19 August	Thursday 2pm	City of Mandurah	Regional Meeting 2-3 September 2021
18 November	Thursday 2pm	Shire of Murray	Wednesday 1 December 2021

RESOLUTION

Moved: Cr Earl Schreiber
Seconded: Cr Samreid Manez

That the 2021 amended as below schedule of meetings for the Peel Country Zone be adopted.

NOTICE OF MEETINGS - PEEL ZONE 2021

Zone Meeting Dates	Time	HOST COUNCIL	State Council Meeting Dates 2021
25 February	Thursday 2pm	Shire of Serpentine Jarrahdale	Wednesday 3 March 2021
22 April	Thursday 2pm	Shire of Waroona	Regional Metro Wednesday 5 May 2021
24 June	Thursday 2pm	Shire of Boddington	Wednesday 7 July 2021
26 August	Thursday 2pm	City of Mandurah	Regional Meeting 2-3 September 2021
25 November	Thursday 2pm	Shire of Murray	Wednesday 1 December 2021

CARRIED

7.3 Request to Present – NBN Co.

By Chantelle O'Brien, Zone Executive Officer

Zone Executive Officer for the Peel Country Zone has received a request from Corrine Hawke, NBN Co, to see if there would be an opportunity to present to the Zone as well as all Metropolitan Zones and provide information on their services.

NBN Co is the company that is building and operating Australia's national broadband network (nbn), the digital platform upon which we are delivering digital connectivity to every home and business. Our new purpose is to 'lift the digital capability of Australia' and part of our approach is to support digital literacy in our communities, ensure a positive experience for our customers, and assist them to maximise the social and economic benefits of the nbn for themselves, their families, their business and communities.

They would like to present on the following topics, providing an overview on:

- The nbn business grade products and services available to local businesses to support innovation, productivity, jobs growth and local economic recovery in your communities
- How NBN Co is supporting residents, small business owners, seniors and vulnerable community members and groups with digital literacy to build their skills, knowledge and know-how and helping them to live, learn and work in a digital society.

Case studies and examples of our work will be provided to demonstrate how our Community Ambassadors and community engagement team is delivering value in digital literacy.

RESOLUTION

Moved: Cr Caroline Knight
Seconded: Cr Samreid Manez

1. That the Peel Country Zone declines the request for Corrine Hawke, from NBN Co to provide a presentation to the Zone at the February 2021 Zone meeting.

2. That Shire of Serpentine Jarrahdale would like to invite Corrine Hawke, from NBN Co to present to their Council.

CARRIED

7.4 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.

RESOLUTION

Moved: Cr Earl Schreiber
Seconded: Mayor Rhys Williams

That the Peel Country Zone declines the request for Tennis West to attend the April 2021 Zone meeting to provide a presentation, but suggests that they connect with the individual sport and recreation officers of each Shire through the Peel office of DLGSC.

CARRIED

7.5 Cat Management

By Councillor Caroline Knight (City of Mandurah)

BACKGROUND

The City of Mandurah considers that appropriate management of cats including feral, stray and domestic as being of the highest importance, given the ongoing environmental impact that is occurring. The destruction of local biodiversity was graphically highlighted with a single cat devastating a Fairy Tern colony within the Mandurah Ocean Marina. A research paper published with the journal "Animal" reviewing this incident, was provided in an attachment with the Agenda.

Following the incident at the Fairy Tern "sanctuary", Council approved the formation of a working group consisting of relevant City officers, Elected Members from the City of Mandurah as well as representatives from partner organisations including the Peel-Harvey Catchment Council, Peel Harvey Biosecurity Group and the Mandurah Environmental Advisory Group.

An objective of the working group was to explore legislative opportunities to improve cat management outcomes. Similar to a number of other local governments the City of Mandurah introduced cat local laws and reviewed existing legislation including the *Cat Act 2011* and subsidiary legislation.

The City has a contractor and public cat trapping program that has led to the impoundment of 380 cats in 2019- 20. The majority of these cats are unregistered, unsterilised and unmicrochipped. At present the City estimates that less than 25% of cats are appropriately identified.

Many local governments are trying to be proactive in utilising the existing legislative framework by introducing cat prohibited areas, nuisance provisions and use of cat control notices. Unfortunately, the *Cat Act 2011* and subsidiary legislation in its current form are not achieving effective outcomes and limiting local governments ability to protect local biodiversity.

One 12 May 2019, the Department of Local Government, Sports and Cultural Industries released the consultation paper: *Pause for Paws, Feedback on Dog and Cat Laws in WA* for a 12-week period providing a statutory review of state dog and cat legislation.

The City of Mandurah provided a submission relating to the *Cat Act 2011* requesting consideration of the following:

1. That cats are required to be confined to the cat owner's property. Many in the community advocate for the requirement for cats to be contained on their properties to improve environmental outcomes, reduce nuisance and also provide for the welfare of cats. The RSPCA advocate for legislation requiring the containment of cats and this requirement should be written directly into the *Cat Act 2011*.
2. That prohibited areas be able to be created without local law amendment (via Council resolution similar to the Dog Act). The current process of having to amend local laws to include areas where cats are prohibited is a significant administrative burden and out of step with the Dog Act 1976 that has successfully empowered local governments to make changes to dog exercise and prohibited areas via Council resolution.
3. That a consistent approach to the number of cats permitted at a property is prescribed within the state legislation. Currently individual local governments are able to set the permitted number of cats. While many local governments adopt a maximum of two cats, given that people do move into different areas it is logical to arrive at a number that is consistent.
4. Guidance is necessary to improve clarity around the differentiation of feral, stray and domesticated cats to allow timely and effective action to manage issues particularly in reserves of high environmental value.
5. That a comprehensive state-wide public education campaign be developed. It is clear that there remains a percentage of the community who are not aware of the requirements of the Cat Act 2011 to register, microchip and sterilise their cats. For any cat related laws to be effective, identification must be comprehensive and clear advice on the preferred requirement for containment as well as registration, micro-chipping and sterilisation requirements.
6. That financial assistance be provided for sterilisation and microchipping. There remains clear barriers to owners complying with cat identification requirements and it is essential that efforts are made to overcome this. Without effective identification any cat legislation will not be effective and lead to heavy burdens on trapping and rehoming programs.

A summary of the outcomes of the statutory review released in December 2019 was provided as an attachment with the Agenda. Core outcomes of this review align with the submission made by the City.

RESOLUTION

Moved: Cr Caroline Knight
Seconded: Cr Samreid Manez

1. That WALGA write to the Minister for Local Government requesting the urgent advancement of amendments to the *Cat Act 2011* and subsidiary legislation incorporating the following:
 - a) That cats are required to be confined to the cat owner's property.
 - b) That prohibited areas be able to be created via Council resolution without local law amendment (via Council resolution similar to the *Dog Act 1976*).
 - c) That there is a consistent approach to the number of cats permitted at a property and this is prescribed within the state legislation.
 - d) Clear definitions on differentiation of feral, stray and domesticated cats are incorporated and recognised as the high number of unowned stray cats that are not feral. Unidentified cats should be considered feral and be managed in shorter time periods given the low rate of owner collections from impoundment and high rate of informal "ownership".
2. That a comprehensive state-wide public education campaign be developed. It is clear that there remains a percentage of the community who are not aware of the requirements of the Cat Act 2011 to register, microchip and sterilise their cats. For any cat related laws to be effective identification must be comprehensive and clear advice on the preferred requirement for containment as well as registration, micro-chipping and sterilisation requirements.

3. That a state-wide financial assistance program be provided to pensioners for cat sterilisation and microchipping. There remains clear barriers to cat identification and it is essential that efforts are made to overcome this. Without effective identification any cat legislation will not be effective and lead to heavy burdens on trapping and rehoming programs.

CARRIED

7.6 Work Place Legislation

Shire of Boddington discussed the new Workplace Legislation and the impact on Local Government, which may need to be discussed further. A LGIS presentation is available to clarify some of the concerns being raised. <https://www.youtube.com/watch?v=h5pcRX00c5E&feature=youtu.be>

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The President's Report was acknowledged.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor, President Michelle Rich, advised of the recent State Council meetings, relating to the Local Government Act changes and recent reviews.

Noted

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

Darrelle Merritt, Department of Local Government, Sport and Cultural Industries representative, updated the Zone on DLGSC issues.

Please also see link below to the newsletter update

[Local Matters November 2020](#)

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Peel Country Zone will be held on 25 February 2021 at the Shire of Serpentine Jarrahdale, commencing at 2pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 4.08pm.